

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1046

Short Title: Aggressive Driving.

(Public)

Sponsors: Representatives Hackney; Bowie and Goodwin.

Referred to: Judiciary I.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE DRIVING.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 20 of the General Statutes is amended by adding a
5 new section to read:

6 "**§ 20-141.6. Aggressive driving.**

7 (a) A person commits the offense of aggressive driving if both of the following
8 occur:

9 (1) During the course of conduct the person commits a violation of either
10 G.S. 20-140 or G.S. 20-141 and at least two of the following offenses:

11 a. Running through a red light.

12 b. Running through a stop sign.

13 c. Illegal passing.

14 d. Following too closely.

15 e. Failing to yield right-of-way.

16 (2) The person's driving is an immediate hazard to another person or
17 vehicle.

18 (b) A person convicted of aggressive driving is guilty of a Class 2 misdemeanor."

19 **SECTION 2.** G.S. 20-16(c) reads as rewritten:

20 (c) The Division shall maintain a record of convictions of every person licensed
21 or required to be licensed under the provisions of this Article as an operator and shall
22 enter therein records of all convictions of such persons for any violation of the motor
23 vehicle laws of this State and shall assign to the record of such person, as of the date of
24 commission of the offense, a number of points for every such conviction in accordance
25 with the following schedule of convictions and points, except that points shall not be
26 assessed for convictions resulting in suspensions or revocations under other provisions
27 of laws: Further, any points heretofore charged for violation of the motor vehicle
28 inspection laws shall not be considered by the Division of Motor Vehicles as a basis for
29 suspension or revocation of driver's license:

1 Schedule of Point Values

2 Passing stopped school bus5

3 Aggressive driving.....4

4 Reckless driving4

5 Hit and run, property damage only4

6 Following too close4

7 Driving on wrong side of road4

8 Illegal passing4

9 Running through stop sign3

10 Speeding in excess of 55 miles per hour3

11 Failing to yield right-of-way3

12 Running through red light3

13 No driver's license or license expired more than one year3

14 Failure to stop for siren3

15 Driving through safety zone3

16 No liability insurance3

17 Failure to report accident where such report is required3

18 Speeding in a school zone in excess of the posted school

19 zone speed limit3

20 Failure to properly restrain a child in a restraint or seat belt2

21 All other moving violations2

22 Littering pursuant to G.S. 14-399 when the littering

23 involves the use of a motor vehicle1

24 Schedule of Point Values for Violations While Operating a Commercial

25 Motor Vehicle

26 Passing stopped school bus8

27 Rail-highway crossing violation6

28 Careless and reckless driving in violation of

29 G.S. 20-140(f)6

30 Speeding in violation of G.S. 20-141(j3)6

31 Reckless driving5

32 Hit and run, property damage only5

33 Following too close5

34 Driving on wrong side of road5

35 Illegal passing5

36 Running through stop sign4

37 Speeding in excess of 55 miles per hour4

38 Failing to yield right-of-way4

39 Running through red light4

40 No driver's license or license expired more than one year4

41 Failure to stop for siren4

42 Driving through safety zone4

43 No liability insurance4

44 Failure to report accident where such report is required4

1	Speeding in a school zone in excess of the posted school	
2	zone speed limit	4
3	Possessing alcoholic beverages in the passenger area of	
4	a commercial motor vehicle	4
5	All other moving violations	3
6	Littering pursuant to G.S. 14-399 when the littering	
7	involves the use of a motor vehicle	1

8 The above provisions of this subsection shall only apply to violations and
9 convictions which take place within the State of North Carolina. The Schedule of Point
10 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to
11 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm
12 and bucket station, and to any commercial motor vehicle known as a "line truck" having
13 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a
14 public utility, electric or telephone membership corporation or municipality and used in
15 connection with installation, restoration or maintenance of utility services.

16 No points shall be assessed for conviction of the following offenses:

- 17 Overloads
- 18 Over length
- 19 Over width
- 20 Over height
- 21 Illegal parking
- 22 Carrying concealed weapon
- 23 Improper plates
- 24 Improper registration
- 25 Improper muffler
- 26 Improper display of license plates or dealers' tags
- 27 Unlawful display of emblems and insignia
- 28 Failure to display current inspection certificate.

29 In case of the conviction of a licensee of two or more traffic offenses committed on a
30 single occasion, such licensee shall be assessed points for one offense only and if the
31 offenses involved have a different point value, such licensee shall be assessed for the
32 offense having the greater point value.

33 Upon the restoration of the license or driving privilege of such person whose license
34 or driving privilege has been suspended or revoked because of conviction for a traffic
35 offense, any points that might previously have been accumulated in the driver's record
36 shall be cancelled.

37 Whenever any licensee accumulates as many as seven points or accumulates as
38 many as four points during a three-year period immediately following reinstatement of
39 his license after a period of suspension or revocation, the Division may request the
40 licensee to attend a conference regarding such licensee's driving record. The Division
41 may also afford any licensee who has accumulated as many as seven points or any
42 licensee who has accumulated as many as four points within a three-year period
43 immediately following reinstatement of his license after a period of suspension or
44 revocation an opportunity to attend a driver improvement clinic operated by the

1 Division and, upon the successful completion of the course taken at the clinic, three
2 points shall be deducted from the licensee's conviction record; provided, that only one
3 deduction of points shall be made on behalf of any licensee within any five-year period.

4 When a license is suspended under the point system provided for herein, the first
5 such suspension shall be for not more than 60 days; the second such suspension shall
6 not exceed six months and any subsequent suspension shall not exceed one year.

7 Whenever the driver's license of any person is subject to suspension under this
8 subsection and at the same time also subject to suspension or revocation under other
9 provisions of laws, such suspensions or revocations shall run concurrently.

10 In the discretion of the Division, a period of probation not to exceed one year may
11 be substituted for suspension or for any unexpired period of suspension under
12 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the
13 probation period shall result in a suspension for the unexpired remainder of the
14 suspension period. Any accumulation of three or more points under this subsection
15 during a period of probation shall constitute a violation of the condition of probation."

16 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
17 offenses committed on or after that date.