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Short Title: Aggressive Driving.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING.

The General Assembly of North Carolina enacts:

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

"§ 20-141.6. Aggressive Driving.

(a) Any person who operates a motor vehicle on a street, highway, or public vehicular area is guilty of aggressive driving if the person:

(1) Violates either G.S. 20-141 or G.S. 20-141.1, and

(2) Drives carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

(b) For the purposes of this section only, in order to prove a violation of subsection (a)(2), the State must show that the person committed two or more of the below specified offenses while in violation of subsection (a)(1):

(1) Running through a red light in violation of G.S. 20-158(b)(2) or (b)(3), or G.S. 20-158(c)(2) or (c)(3).

(2) Running through a stop sign in violation of G.S. 20-158(b)(1) or (c)(1).

(3) Illegal passing in violation of G.S. 20-149 or G.S. 20-150.

(4) Failing to yield right-of-way in violation of G.S. 20-155, 20-156, 20-158(b)(4) or (c)(4), or 20-158.1.

(5) Following too closely in violation of G.S. 20-152.

(c) A person convicted of aggressive driving is guilty of a Class 1 misdemeanor.

(d) The offense of reckless driving under G.S. 20-140 is a lesser-included offense of the offense set forth in this section."

SECTION 2. G.S. 20-16(a)(9) reads as rewritten:

"(a) The Division shall have authority to suspend the license of any operator with or without a preliminary hearing upon a showing by its records or other satisfactory evidence that the licensee:

- ...
(9) Has, within a period of 12 months, been convicted of (i) two or more charges of speeding in excess of 55 and not more than 80 miles per hour, or of hour, (ii) one or more charges of reckless driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour; or (iii) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour;

..."

SECTION 3. G.S. 20-16(c) reads as rewritten:

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

Schedule of Point Values

Table listing violations and their corresponding point values: Passing stopped school bus (5), Aggressive driving (5), Reckless driving (4), Hit and run, property damage only (4), Following too close (4), Driving on wrong side of road (4), Illegal passing (4), Running through stop sign (3), Speeding in excess of 55 miles per hour (3), Failing to yield right-of-way (3), Running through red light (3), No driver's license or license expired more than one year (3), Failure to stop for siren (3), Driving through safety zone (3), No liability insurance (3), Failure to report accident where such report is required (3), Speeding in a school zone in excess of the posted school zone speed limit (3), Failure to properly restrain a child in a restraint or seat belt (2), All other moving violations (2).

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28 a commercial motor vehicle4
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30 Littering pursuant to G.S. 14-399 when the littering
31 involves the use of a motor vehicle1

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

- 40 No points shall be assessed for conviction of the following offenses:
41 Overloads
42 Over length
43 Over width
44 Over height

1 Illegal parking
2 Carrying concealed weapon
3 Improper plates
4 Improper registration
5 Improper muffler
6 Improper display of license plates or dealers' tags
7 Unlawful display of emblems and insignia
8 Failure to display current inspection certificate.

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

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

17 Whenever any licensee accumulates as many as seven points or accumulates as
18 many as four points during a three-year period immediately following reinstatement of
19 his license after a period of suspension or revocation, the Division may request the
20 licensee to attend a conference regarding such licensee's driving record. The Division
21 may also afford any licensee who has accumulated as many as seven points or any
22 licensee who has accumulated as many as four points within a three-year period
23 immediately following reinstatement of his license after a period of suspension or
24 revocation an opportunity to attend a driver improvement clinic operated by the
25 Division and, upon the successful completion of the course taken at the clinic, three
26 points shall be deducted from the licensee's conviction record; provided, that only one
27 deduction of points shall be made on behalf of any licensee within any five-year period.

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

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

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

40 **SECTION 4.** G.S. 20-17(a)(6) reads as rewritten:

41 "(a) The Division shall forthwith revoke the license of any driver upon receiving a
42 record of the driver's conviction for any of the following offenses:

43 ...

1 (6) ~~Conviction upon~~Conviction, within a period of 12 months, of (i) two
2 charges of reckless driving committed within a period of 12
3 ~~months.~~driving, (ii) two charges of aggressive driving, or (iii) one or
4 more charges of reckless driving and one or more charges of
5 aggressive driving.

6 ..."

7 **SECTION 5.** G.S. 20-17(a)(7) reads as rewritten:

8 "(a) The Division shall forthwith revoke the license of any driver upon receiving a
9 record of the driver's conviction for any of the following offenses:

10 ...

11 (7) Conviction upon one charge of aggressive driving or reckless driving
12 while engaged in the illegal transportation of intoxicants for the
13 purpose of sale.

14 ..."

15 **SECTION 6.** This act becomes effective December 1, 2004, and applies to
16 offenses committed on or after that date.