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HOUSE BILL 965
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Short Title: Increase Penalties for Failure to Yield.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

The General Assembly of North Carolina enacts:

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

"§ 20-160.1. Failure to yield causing serious bodily injury; penalties.

(a) Unless the conduct is covered under some other law providing greater punishment, a person who commits the offense of failure to yield while approaching or entering an intersection, turning at a stop or yield sign, entering a roadway, upon the approach of an emergency vehicle, or at highway construction or maintenance shall be punished under this section. When there is serious bodily injury but no death resulting from the violation, the violator shall be fined five hundred dollars (\$500.00) and the violator's drivers license or commercial drivers license shall be suspended for 90 days.

(b) As used in this section, 'serious bodily injury' means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

1 **SECTION 2.** G.S. 20-158(b) reads as rewritten:

2 "(b) Control of Vehicles at Intersections. –

3 (1) When a stop sign has been erected or installed at an intersection, it
4 shall be unlawful for the driver of any vehicle to fail to stop in
5 obedience thereto and yield the right-of-way to vehicles operating on
6 the designated main-traveled or through highway. When stop signs
7 have been erected at three or more entrances to an intersection, the
8 driver, after stopping in obedience thereto, may proceed with caution.

9 (2) ~~Vehicles facing a red light controlling traffic passing straight through~~
10 ~~an intersection from a steady or strobe beam stoplight shall not enter~~
11 ~~the intersection while the steady or strobe beam stoplight is emitting a~~
12 ~~red light controlling traffic passing straight through an intersection;~~
13 ~~provided that, except where prohibited by an appropriate sign,~~
14 ~~vehicular traffic facing a red light controlling traffic passing straight~~
15 ~~through an intersection, after coming to a complete stop at the~~
16 ~~intersection, may enter the intersection to make a right turn but such~~
17 ~~vehicle shall yield the right of way to pedestrians and to other traffic~~
18 ~~using the intersection.~~

19 a. When a steady or strobe beam stoplight is emitting a red light
20 controlling traffic passing through an intersection, an
21 approaching vehicle facing the red light shall come to a stop
22 and shall not enter the intersection. After coming to a complete
23 stop and unless prohibited by an appropriate sign, that
24 approaching vehicle may make a right turn.

25 b. Any vehicle that turns right under this subdivision shall yield
26 the right-of-way to:

- 27 1. Other traffic and pedestrians using the intersection; and
28 2. Pedestrians who are moving towards the intersection,
29 who are in reasonably close proximity to the intersection,
30 and who are preparing to cross in front of the traffic that
31 is required to stop at the red light.

32 c. Failure to yield to a pedestrian under this subdivision shall be
33 an infraction, and the court may assess a penalty of not more
34 than five hundred dollars (\$500.00) and not less than one
35 hundred dollars (\$100.00).

36 (2a) When ~~the a~~ stoplight is emitting a steady yellow circular light on a
37 traffic signal controlling traffic passing straight through an intersection
38 or a steady yellow arrow light on a traffic signal controlling traffic
39 turning at an intersection, vehicles facing the yellow light are warned
40 that the related green light is being terminated or a red light will be
41 immediately forthcoming. When the stoplight is emitting a steady
42 green light, vehicles may proceed with due care through the
43 intersection subject to the rights of pedestrians and other vehicles as
44 may otherwise be provided by law.

- 1 (3) When a flashing red light has been erected or installed at an
- 2 intersection, approaching vehicles facing the red light shall stop and
- 3 yield the right-of-way to vehicles in or approaching the intersection.
- 4 The right to proceed shall be subject to the rules applicable to making
- 5 a stop at a stop sign.
- 6 (4) When a flashing yellow light has been erected or installed at an
- 7 intersection, approaching vehicles facing the yellow flashing light may
- 8 proceed through the intersection with caution, yielding the
- 9 right-of-way to vehicles in or approaching the intersection.
- 10 (5) When a stop sign, stoplight, flashing light, or other traffic-control
- 11 device authorized by subsection (a) of this section requires a vehicle to
- 12 stop at an intersection, the driver shall stop (i) at an appropriately
- 13 marked stop line, or if none, (ii) before entering a marked crosswalk,
- 14 or if none, (iii) before entering the intersection at the point nearest the
- 15 intersecting street where the driver has a view of approaching traffic
- 16 on the intersecting street."

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

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

28 Schedule of Point Values

29	Passing stopped school bus	5
30	Reckless driving	4
31	Hit and run, property damage only	4
32	Following too close	4
33	Driving on wrong side of road	4
34	Illegal passing	4
35	<u>Failure to yield right-of-way to pedestrian</u>	
36	<u>pursuant to G.S. 20-158(b)(2)b.</u>	4
37	<u>Failure to yield right-of-way to bicycle,</u>	
38	<u>motor scooter, or motorcycle.</u>	4
39	Running through stop sign	3
40	Speeding in excess of 55 miles per hour	3
41	Failing to yield right-of-way	3
42	Running through red light	3
43	No driver's license or license expired more than one year	3
44	Failure to stop for siren	3

1 Driving through safety zone3

2 No liability insurance3

3 Failure to report accident where such report is required3

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

5 zone speed limit3

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

7 All other moving violations2

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

9 involves the use of a motor vehicle1

10 Schedule of Point Values for Violations While Operating a Commercial

11 Motor Vehicle

12 Passing stopped school bus8

13 Rail-highway crossing violation6

14 Careless and reckless driving in violation of

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

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

17 Reckless driving5

18 Hit and run, property damage only5

19 Following too close5

20 Driving on wrong side of road5

21 Illegal passing5

22 Failure to yield right-of-way to pedestrian

23 pursuant to G.S. 20-158(b)(2)b.5

24 Failure to yield right-of-way to bicycle,

25 motor scooter, or motorcycle.....5

26 Running through stop sign4

27 Speeding in excess of 55 miles per hour4

28 Failing to yield right-of-way4

29 Running through red light4

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

31 Failure to stop for siren4

32 Driving through safety zone4

33 No liability insurance4

34 Failure to report accident where such report is required4

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

36 zone speed limit4

37 Possessing alcoholic beverages in the passenger area of

38 a commercial motor vehicle4

39 All other moving violations3

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

41 involves the use of a motor vehicle1

42 The above provisions of this subsection shall only apply to violations and

43 convictions which take place within the State of North Carolina. The Schedule of Point

44 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to

1 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm
2 and bucket station, and to any commercial motor vehicle known as a "line truck" having
3 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a
4 public utility, electric or telephone membership corporation or municipality and used in
5 connection with installation, restoration or maintenance of utility services.

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

7 Overloads

8 Over length

9 Over width

10 Over height

11 Illegal parking

12 Carrying concealed weapon

13 Improper plates

14 Improper registration

15 Improper muffler

16 Improper display of license plates or dealers' tags

17 Unlawful display of emblems and insignia

18 Failure to display current inspection certificate.

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

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

27 Whenever any licensee accumulates as many as seven points or accumulates as
28 many as four points during a three-year period immediately following reinstatement of
29 his license after a period of suspension or revocation, the Division may request the
30 licensee to attend a conference regarding such licensee's driving record. The Division
31 may also afford any licensee who has accumulated as many as seven points or any
32 licensee who has accumulated as many as four points within a three-year period
33 immediately following reinstatement of his license after a period of suspension or
34 revocation an opportunity to attend a driver improvement clinic operated by the
35 Division and, upon the successful completion of the course taken at the clinic, three
36 points shall be deducted from the licensee's conviction record; provided, that only one
37 deduction of points shall be made on behalf of any licensee within any five-year period.

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

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

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

7 **SECTION 4.** The North Carolina Rate Bureau shall assign one insurance
8 point under the Safe Driver Incentive Plan for persons who fail to yield to a pedestrian
9 under G.S. 20-158(b)(2)b.

10 **SECTION 5.** The Department of Transportation shall collect data regarding
11 the number of individuals who are found responsible for violations of
12 G.S. 20-158(b)(2)b. and the number of pedestrians who are involved in accidents at
13 intersections because of a driver's failure to yield the right-of-way while turning right at
14 a red light. The data shall include information regarding the number of disabled
15 pedestrians, including individuals with visual or mobility-related disabilities, who are
16 involved in right turn on red accidents. The Department shall report the data annually to
17 the Joint Legislative Transportation Oversight Committee beginning January 1, 2006.

18 **SECTION 6.** The Department of Transportation, as part of any regularly
19 scheduled updates, shall revise the written portion of the drivers license examination
20 and any publications related to obtaining a drivers license to reflect the changes in
21 Sections 1, 2, and 3 of this act.

22 **SECTION 7.** The Department of Transportation, counties, and
23 municipalities are encouraged to provide public service announcements on television
24 and radio informing the public of the provisions of this act. The public service
25 announcements should be scheduled to occur during times most likely to reach a broad
26 audience.

27 **SECTION 8.** This act becomes effective December 1, 2004, and applies to
28 violations committed on or after that date.