

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 863
Committee Substitute Favorable 6/15/17

Short Title: Require Driver Retraining Course.

(Public)

Sponsors:

Referred to:

April 21, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND
3 CONDUCT DRIVER RETRAINING COURSES FOR PERSONS WHO HAVE HAD
4 THEIR DRIVERS LICENSE SUSPENDED PURSUANT TO CERTAIN LAWS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 20-16 reads as rewritten:

7 "§ 20-16. Authority of Division to suspend license.

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

11 ...

12 (6) Has made or permitted an unlawful or fraudulent use of ~~such~~the license or a
13 learner's permit, or has displayed or represented as his or her own, a license
14 or learner's permit not issued to ~~him~~him or her;

15 ...

16 (8b) Has violated on a military installation a regulation of that installation
17 prohibiting conduct substantially similar to conduct that constitutes impaired
18 driving under G.S. 20-138.1 and, as a result of that violation, has had his or
19 her privilege to drive on that installation revoked or suspended after an
20 administrative hearing authorized by the commanding officer of the
21 installation and that commanding officer has general court martial
22 jurisdiction;

23 ...

24 However, if the Division revokes without a preliminary hearing and the person whose license is
25 being revoked requests a hearing before the effective date of the revocation, the licensee retains
26 his or her license unless it is revoked under some other provision of the law, until the hearing is
27 held, the person withdraws his or her request, or he or she fails to appear at a scheduled
28 hearing.

29 (b) Pending an appeal from a conviction of any violation of the motor vehicle laws of
30 this State, no driver's license shall be suspended by the Division of Motor Vehicles because of
31 ~~such~~the conviction or because of evidence of the commission of the offense for which the
32 conviction has been had.

33 (c) The Division shall maintain a record of convictions of every person licensed or
34 required to be licensed under the provisions of this Article as an operator and shall enter therein
35 records of all convictions of such persons for any violation of the motor vehicle laws of this
36 State and shall assign to the record of ~~such~~the person, as of the date of commission of the



1 offense, a number of points for every such conviction in accordance with the following
 2 schedule of convictions and points, except that points shall not be assessed for convictions
 3 resulting in suspensions or revocations under other provisions of laws: Further, any points
 4 heretofore charged for violation of the motor vehicle inspection laws shall not be considered by
 5 the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

6 Schedule of Point Values

7 Passing stopped school bus 5
 8 Aggressive driving 5
 9 Reckless driving 4
 10 Hit and run, property damage only 4
 11 Following too close 4
 12 Driving on wrong side of road 4
 13 Illegal passing 4
 14 Failure to yield right-of-way to pedestrian
 15 pursuant to G.S. 20-158(b)(2)b. 4
 16 Failure to yield right-of-way to bicycle,
 17 motor scooter, or motorcycle..... 4
 18 Running through stop sign 3
 19 Speeding in excess of 55 miles per hour 3
 20 Failing to yield right-of-way 3
 21 Running through red light 3
 22 No driver's license or license expired more than one year 3
 23 Failure to stop for siren 3
 24 Driving through safety zone 3
 25 No liability insurance 3
 26 Failure to report accident where such report is required 3
 27 Speeding in a school zone in excess of the posted school
 28 zone speed limit..... 3
 29 Failure to properly restrain a child in a restraint or seat belt..... 2
 30 All other moving violations..... 2
 31 Littering pursuant to G.S. 14-399 when the littering
 32 involves the use of a motor vehicle 1

33
 34 Schedule of Point Values for Violations While Operating a Commercial Motor
 35 Vehicle

36 Passing stopped school bus 8
 37 Rail-highway crossing violation..... 6
 38 Careless and reckless driving in violation of
 39 G.S. 20-140(f)..... 6
 40 Speeding in violation of G.S. 20-141(j3) 6
 41 Aggressive driving 6
 42 Reckless driving 5
 43 Hit and run, property damage only 5
 44 Following too close 5
 45 Driving on wrong side of road 5
 46 Illegal passing..... 5
 47 Failure to yield right-of-way to pedestrian
 48 pursuant to G.S. 20-158(b)(2)b. 5
 49 Failure to yield right-of-way to bicycle,
 50 motor scooter, or motorcycle..... 5
 51 Running through stop sign 4

1 Speeding in excess of 55 miles per hour 4
 2 Failing to yield right-of-way 4
 3 Running through red light 4
 4 No driver's license or license expired more than one year 4
 5 Failure to stop for siren 4
 6 Driving through safety zone 4
 7 No liability insurance 4
 8 Failure to report accident where such report is required 4
 9 Speeding in a school zone in excess of the posted school
 10 zone speed limit..... 4
 11 Possessing alcoholic beverages in the passenger area of
 12 a commercial motor vehicle 4
 13 All other moving violations..... 3
 14 Littering pursuant to G.S. 14-399 when the littering
 15 involves the use of a motor vehicle 1

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

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

- 25 Overloads
- 26 Over length
- 27 Over width
- 28 Over height
- 29 Illegal parking
- 30 Carrying concealed weapon
- 31 Improper plates
- 32 Improper registration
- 33 Improper muffler
- 34 Improper display of license plates or dealers' tags
- 35 Unlawful display of emblems and insignia
- 36 Failure to display current inspection certificate.

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

41 Upon the restoration of the license or driving privilege of ~~such~~the person whose license or
 42 driving privilege has been suspended or revoked because of conviction for a traffic offense, or
 43 upon completion of the driver retraining course established in accordance with subsection (d1)
 44 of this section within the 90-day presuspension notice period required under subsection (d) of
 45 this section, any points that might previously have been accumulated in the driver's record shall
 46 be cancelled.

47 Whenever any licensee accumulates as many as seven points or accumulates as many as
 48 four points during a three-year period immediately following reinstatement of his license after a
 49 period of suspension or revocation, the Division may request the licensee to attend a conference
 50 regarding ~~such~~the licensee's driving record. The Division may also afford any licensee who has
 51 accumulated as many as seven points or any licensee who has accumulated as many as four

1 points within a three-year period immediately following reinstatement of his license after
2 period of suspension or revocation an opportunity to attend a driver improvement clinic
3 operated by the Division and, upon the successful completion of the course taken at the clinic,
4 three points shall be deducted from the licensee's conviction record; provided, that only one
5 deduction of points shall be made on behalf of any licensee within any five-year period.

6 ~~When a license is suspended under the point system provided for herein, the first such~~
7 ~~suspension shall be for not more than 60 days; the second such suspension shall not exceed six~~
8 ~~months and any subsequent suspension shall not exceed one year.~~ A license suspended pursuant
9 to subdivision (5), (9), (10), or (10a) of subsection (a) of this section shall be indefinite until the
10 person completes the driver retraining course established in accordance with subsection (d1) of
11 this section. If the licensee completes the driver retraining course within the 90-day
12 presuspension notice period required under subsection (d) of this section and no other provision
13 of law suspends or revokes the license, the Division shall cancel the suspension and the
14 licensee may retain the license. If the licensee completes the driver retraining course after the
15 90-day presuspension notice period required under subsection (d) of this section and no other
16 provision of law suspends or revokes the license, the suspension shall be terminated and the
17 licensee may apply for restoration of the licensee's driving privilege.

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

21 In the discretion of the Division, a period of probation not to exceed one year may be
22 substituted for suspension or for any unexpired period of suspension under
23 ~~subsections~~ subdivisions (a)(1) through (a)(10a) of this section. Any violation of probation
24 during the probation period shall result in a suspension for the unexpired remainder of the
25 suspension period. Any accumulation of three or more points under this subsection during a
26 period of probation shall constitute a violation of the condition of probation. For a license
27 suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the
28 Division may not substitute a period of probation for suspension or for any unexpired period of
29 suspension before the licensee completes the driver retraining course established in accordance
30 with subsection (d1) of this section.

31 (d) Upon suspending the license of any person as authorized in this section, the
32 Division shall immediately notify the licensee in ~~writing and upon his request~~ writing. For a
33 license suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this
34 section, the effective date of the suspension shall be 90 days from the date set forth on the
35 notice required under this subsection. Upon a licensee's request, the Division shall afford
36 ~~him~~ the licensee an opportunity for a hearing, not to exceed 60 days after receipt of the request,
37 unless a preliminary hearing was held before ~~his~~ the licensee's license was suspended. Upon
38 ~~such~~ the hearing the duly authorized agents of the Division may administer oaths and may issue
39 subpoenas for the attendance of witnesses and the production of relevant books and papers and
40 may require a reexamination of the licensee. Upon ~~such~~ the hearing the Division shall either
41 rescind its order of suspension, or good cause appearing therefor, may extend the suspension of
42 ~~such~~ the license. Provided further upon ~~such~~ the hearing, preliminary or otherwise, involving
43 ~~subsections~~ subdivisions (a)(1) through (a)(10a) of this section, the Division may for good cause
44 appearing in its discretion substitute a period of probation not to exceed one year for the
45 suspension or for any unexpired period of suspension. For a license suspended pursuant to
46 subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the Division may not
47 substitute a period of probation for suspension or for any unexpired period of suspension before
48 the licensee completes the driver retraining course established in accordance with subsection
49 (d1) of this section. Probation shall mean any written agreement between the suspended driver
50 and a duly authorized representative of the Division and ~~such~~ the period of probation shall not
51 exceed one year, and any violation of the probation agreement during the probation period shall

1 result in a suspension for the unexpired remainder of the suspension period. The authorized
2 agents of the Division shall have the same powers in connection with a preliminary hearing
3 prior to suspension as this subsection provided in connection with hearings held after
4 suspension. These agents shall also have the authority to take possession of a surrendered
5 license on behalf of the Division if the suspension is upheld and the licensee requests that the
6 suspension begin immediately.

7 (d1) The Division shall establish and conduct, or utilize a third-party vendor to establish
8 and conduct, driver retraining courses for the benefit of persons who have had their licenses
9 suspended or been placed on probation, pursuant to subdivision (5), (9), (10), or (10a) of
10 subsection (a) of this section. If the Division utilizes a third-party vendor, the Division shall
11 maintain oversight of the driver retraining course established and conducted by the third-party
12 vendor. Each driver attending a driver retraining course shall pay a fee in an amount set by the
13 Division, not to exceed one hundred seventy-five dollars (\$175.00) of which twenty-five
14 dollars (\$25.00) shall be retained by the Division. Each driver attending a driver retraining
15 course shall do so in person, and the course may not be completed remotely. The driver
16 retraining course shall be at least eight hours in total duration and shall maintain a
17 student-to-instructor ratio deemed appropriate by the Division. The driver retraining course
18 shall be behavioral-based, interactive, and demonstrated scientifically to be associated with
19 decreases in traffic violations. The driver retraining course shall teach the driver that poor
20 behavioral choices made behind the wheel often result in unintended consequences and shall
21 help the driver understand the responsibility placed upon each driver to conform his or her
22 behavior and conduct for the benefit of the driver, other drivers, and pedestrians. The driver
23 retraining course shall include all of the following:

- 24 (1) An examination of the driver's own behavior in various driving situations to
25 help the driver understand the behavioral driving characteristics that have
26 resulted in the driver's poor driving record.
27 (2) Psychology-based principles or methodologies, as they relate to
28 behind-the-wheel driving behavior.
29 (3) An examination of why drivers do or do not choose to obey traffic laws,
30 with the primary focus on behaviors rather than excuses.
31 (4) A review of the four components of human behavior, doing, thinking,
32 feeling, and physiology, and the connection between the concepts of needs
33 and wants to behaviors and the human ability to choose behaviors.
34 (5) A consideration of additional problem driver behaviors, including all of the
35 following:
36 a. Dangers associated with prescription and over-the-counter drugs.
37 b. Dangers of driving at excessive speeds.
38 c. Dangers of right-of-way violations.
39 d. Dangers of distracted driving.
40 e. Dangers of improper passing and following other vehicles too
41 closely.
42 f. Dangers of aggressive driving.
43 g. Dangers of fatigued driving.

44 ...
45 ~~(e1) Notwithstanding any other provision of this Chapter, if the Division suspends the~~
46 ~~license of an operator pursuant to subdivisions (a)(9), (a)(10), or (a)(10a) of this section, upon~~
47 ~~the first suspension only, a district court judge may allow the licensee a limited driving~~
48 ~~privilege or license for a period not to exceed 12 months, provided he has not been convicted of~~
49 ~~any other motor vehicle moving violation within the previous 12 months. The limited driving~~
50 ~~privilege shall be issued in the same manner and under the terms and conditions prescribed in~~
51 ~~G.S. 20-16.1(b)(1), (2), (3), (4), and (5).~~

1 "

2 **SECTION 1.(b)** G.S. 20-19 reads as rewritten:

3 "**§ 20-19. Period of suspension or revocation; conditions of restoration.**

4 (a) When a license is suspended under subdivision (8) ~~or (9)~~ of G.S. 20-16(a), the
5 period of suspension shall be in the discretion of the Division and for such time as it deems best
6 for public safety but shall not exceed six months.

7 ~~(b) When a license is suspended under subdivision (10) of G.S. 20-16(a), the period of~~
8 ~~suspension shall be in the discretion of the Division and for such time as it deems best for~~
9 ~~public safety but shall not exceed a period of 12 months.~~

10 "

11 **SECTION 2.** Section 1 of this act becomes effective July 1, 2018, and applies to
12 licenses suspended on or after that date. The remainder of this act is effective when it becomes
13 law.