

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 1198
SENATE BILL 735

AN ACT TO AMEND G.S. 20-16 TO PROVIDE DISCRETIONARY PROBATION IN LIEU
OF SUSPENSION FOR CERTAIN VIOLATIONS OF THE MOTOR VEHICLE LAW.

The General Assembly of North Carolina enacts:

Section 1. Subsection (c) of G.S. 20-16, as the same appears in the 1969 Cumulative Supplement to the 1965 Replacement Volume 1C of the General Statutes, is amended by rewriting the last paragraph thereof to read:

"In the discretion of the Department, a one-year period of probation may be substituted for suspension for any unexpired period of suspension under G.S. 20-16(a)(1) through G.S. 20-16(a)(10) inclusive. Any violation of probation during the probation period shall result in a suspension for the unexpired remainder of the probation period. Any accumulation of three or more points under this subsection during a period of probation shall constitute a violation of the condition of probation."

Sec. 2. Subsection (d) of G.S. 20-16, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by rewriting the same to read:

"(d) Upon suspending the license of any person as hereinbefore in this section authorized, the Department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing, unless a preliminary hearing was held before his license was suspended, as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the Department and the licensee agree that such hearing may be held in some other county, and such notice shall contain the provisions of this section printed thereon. Upon such hearing the duly authorized agents of the Department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the Department shall either rescind its order of suspension, or good cause appearing therefor, may extend the suspension of such license. Provided further upon such a hearing, preliminary or otherwise, involving G.S. 20-16(a)(1) through G.S. 20-16(a)(10) inclusive, the Department may for good cause appearing in its discretion substitute a one-year period of probation for suspension or for any unexpired period of suspension. Probation shall mean any written agreement between the suspended driver and a duly authorized representative of the Department of Motor Vehicles and such period of probation shall be for one (1) year, and any violation of the probation agreement during the probation period shall result in a suspension for the unexpired remainder of the probation period. The authorized agents of the Department shall have the same powers in connection with a preliminary hearing prior to suspension as this subsection provided in connection with hearings held after suspension."

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall become effective July 1, 1971.

In the General Assembly read three times and ratified, this the 21st day of July, 1971.