

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 682
SENATE BILL 384

AN ACT TO CHANGE THE PROCEDURE FOR ISSUING NONRESIDENT
NONCOMPLIANCE REPORTS AND TO MAKE CHANGES REGARDING
SUSPENSION AND REVOCATION OF DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.19(c) reads as rewritten:

"(c) Upon the failure of the nonresident to comply with the citation, the ~~law-enforcement officer-clerk of court shall obtain a warrant for his arrest and~~ shall report the noncompliance to the Division. The report of noncompliance shall clearly identify the nonresident; describe the violation, specifying the section of the statute, code, or ordinance violated; indicate the location and date of offense; and identify the vehicle involved; ~~involved. bear the signature of the law enforcement officer; and contain a copy of the personal recognizance signed by the nonresident."~~

Sec. 2. G.S. 20-14 reads as rewritten:

"§ 20-14. Duplicate licenses.

A licensee may obtain a duplicate license, upon payment of a fee of five dollars (\$5.00), if he furnishes to the Division satisfactory proof that:

- (1) He has lost or destroyed his license; or
- (2) It is necessary to change the name or address on the license; or
- (3) He has reached the age wherein he is entitled to a license with a different color photographic ~~background.~~ background; or
- (4) He has become eligible for reinstatement of his North Carolina driving privilege following a period of suspension or revocation and the last license issued has not yet expired."

Sec. 3. G.S. 20-16(d) reads as rewritten:

"(d) Upon suspending the license of any person as ~~hereinbefore authorized~~ in this section authorized, ~~section,~~ the Division 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 30 days after receipt of such request. The hearing shall be conducted in the district court district as defined in G.S. 7A-133 wherein the licensee resides. Hearings shall be rotated among all the counties within that district if the district contains more than one county unless the Division and the licensee agree that such hearing may be held in some other district, and such notice shall contain the provisions of this section printed thereon. Upon such hearing the duly authorized agents of the Division 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 Division shall either rescind its order of suspension, or good cause appearing therefor, may extend the suspension of such license. Provided further upon such hearing, preliminary or otherwise, involving subsections (a)(1) through (a)(10a) of this section, the Division may for good cause appearing in its discretion substitute a period of probation not to exceed one year for the 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 Division and such period of probation shall not exceed one year, and any violation of the probation agreement during the probation period shall result in a suspension for the unexpired remainder of the suspension period. The authorized agents of the Division 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. These agents shall also have the authority to take possession of a surrendered license on behalf of the Division if the suspension is upheld and the licensee requests that the suspension begin immediately."

Sec. 4. G.S. 20-24.1(c) reads as rewritten:

"(c) If the person satisfies the conditions of subsection(b) that are applicable to his case before the effective date of the revocation order, the revocation order ~~must be rescinded~~ and any entries on his driving record relating to it shall be deleted and the person does not have to pay a restoration fee. For all other revocation orders issued pursuant to this section, the person must pay the restoration fee required by G.S. 20-7(i1) and satisfy any other applicable requirements of this Article before he may be relicensed."

Sec. 5. G.S. 20-24.2(b) reads as rewritten:

"(b) The reporting requirement of this section and the revocation mandated by G.S. 20-24.1 do not apply to offenses in which an order of forfeiture of a cash bond is entered and reported to the Division pursuant to G.S. 20-24. If an order is sent to the Division by the clerk through clerical mistake or other inadvertence, the clerk's office that sent the report of noncompliance must withdraw the report and send notice to the Division which shall correct its records accordingly."

Sec. 6. G.S. 20-28.1(a) reads as rewritten:

"§ 20-28.1. Conviction of moving offense committed while driving during period of suspension or revocation of license.

(a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense, except a conviction punishable under G.S. 20-28(a1), such offense having been committed while such person's driving privilege was in a state of suspension or revocation, the Division shall revoke such person's driving privilege for an additional period of time as set forth in subsection (b) hereof."

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives