

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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HOUSE BILL 2349  
Committee Substitute Favorable 7/19/90

Short Title: Driving Class/Citation Dismissal/Study.

(Public)

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Sponsors:

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Referred to:

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June 6, 1990

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CREATE AN INTERAGENCY TASK FORCE TO REVIEW THE  
3       DESIRABILITY OF ESTABLISHING A STATEWIDE DEFENSIVE DRIVING-  
4       CITATION DISMISSAL PROGRAM.

5               Whereas, the practice of dismissing minor traffic citations upon completion  
6 of a "Defensive Driving Course" has been developed in at least six prosecutorial  
7 districts, but is not available to most citizens of this State who are charged with minor  
8 traffic offenses; and

9               Whereas, the effects of such a program if implemented statewide are  
10 significant, and include the loss of substantial amounts of State and local government  
11 revenue; a potentially devastating morale problem among law enforcement officers  
12 whose charges are dismissed without review by prosecutors; unequal treatment of  
13 citizens of North Carolina charged with traffic offenses due to the lack of any statewide,  
14 uniform guidelines for determining curriculum, fees or eligibility; and

15               Whereas, the effects on vehicle insurance premiums and drivers license  
16 enforcement efforts, as well as other unintended effects of such a program need to be  
17 reviewed before it is established as an option to disposing of minor traffic charges in the  
18 courts; and

19               Whereas, the study of such a program can be accomplished without the  
20 appropriation of any additional funds by using the expertise of the agencies potentially  
21 affected by such a program; Now, therefore,

22 The General Assembly of North Carolina enacts:

1           Section 1. There is created the Interagency Defensive Driving-Citation  
2 Dismissal Task Force to be composed of representatives of the following agencies: the  
3 State Highway Patrol, the Department of Crime Control and Public Safety, the  
4 Department of Justice, the Conference of District Attorneys, the Division of Motor  
5 Vehicles, the Governor's Highway Safety Program, the Department of Insurance, the  
6 Administrative Office of the Courts, the Department of Community Colleges, and the  
7 Injury Control Section of the Department of Environment, Health, and Natural  
8 Resources. Any agency's expenses as a result of participation in the Task Force shall be  
9 paid from funds appropriated to the agency. The North Carolina Safety and Health  
10 Council shall be invited to attend and participate in meetings of the Task Force, but any  
11 expenses incurred by the Council are the Council's responsibility.

12           Sec. 2. The Task Force shall review the legality, desirability and feasibility  
13 of the establishment on a statewide basis of a Defensive Driving-Citation Dismissal  
14 Program, and report its findings to the General Assembly by March 1, 1991. If the Task  
15 Force determines that such a program is lawful, desirable, and feasible, the Task Force  
16 shall include in its report proposed legislation to implement the program. The  
17 legislation shall address the issue of whether the program should be implemented on a  
18 statewide or district-by-district basis, as well as the issue of a standard curriculum, fees,  
19 eligibility, record keeping and any other matter that it deems desirable. If the Task  
20 Force determines that such a program is not lawful, or is undesirable or unfeasible, it  
21 shall report that finding, along with any recommended legislation needed to implement  
22 its recommendation to the General Assembly.

23           Sec. 3. Pending the completion of the Task Force's review, it is the intent of  
24 the General Assembly that no new program be established in any judicial district.

25           Sec. 4. This act is effective upon ratification.