

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 925

Short Title: Attempting to Elude.

(Public)

Sponsors: Senator Ballance.

Referred to: Judiciary I.

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO LIMIT POLICE PURSUITS BY ESTABLISHING A PRIMA FACIE
RULE OF EVIDENCE CONCERNING THE OPERATOR OF A VEHICLE
SPEEDING IN EXCESS OF FIFTEEN MILES AN HOUR OVER THE LEGAL
LIMIT TO ELUDE ARREST, INCREASING THE PENALTY, AND TO
PROVIDE FOR FORFEITURE OF THE VEHICLE.

The General Assembly of North Carolina enacts:

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

"§ 20-141.5. Speeding to elude arrest; forfeiture of vehicle.

(a) It shall be unlawful for any person to operate a vehicle on a street or highway or public vehicular area in excess of 15 miles per hour over the legal speed limit while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties. Any person violating this subsection shall be guilty of a Class H felony.

(b) It shall be unlawful for any person to knowingly authorize or permit a vehicle owned by him, or under his control, to be operated on a street or highway or public vehicular area in excess of 15 miles per hour over the legal speed limit while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties. Any person violating this subsection shall be guilty of a Class H felony.

(c) Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was used in violation of subsection (a) or (b) of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the

1 vehicle was registered, according to Division of Motor Vehicles' records, at the time of
2 the violation.

3 (d) The Commissioner of Motor Vehicles shall revoke the drivers license of
4 every person convicted of violating subsection (a) or (b) of this section and that
5 revocation shall be effective for three years from the date of conviction. In the case of a
6 first conviction only, the licensee may apply to the sentencing court for conditional
7 driving privileges after a period of nonoperation of 18 months. The limited driving
8 privilege shall be issued in the same manner and under the terms and conditions
9 prescribed in G.S. 20-16.2(b).

10 (e) When any law enforcement officer, in the lawful performance of his duties,
11 has probable cause to believe that a person is operating or has operated a vehicle in
12 excess of 15 miles per hour over the legal speed limit while fleeing or attempting to
13 elude the officer, the officer shall seize or cause to be seized the vehicle and deliver it to
14 the sheriff of the county where the violation was first observed, or the vehicle shall be
15 placed under the sheriff's constructive possession if delivery or actual possession is
16 impractical, and the vehicle shall be held by the sheriff pending the hearing on the
17 violation of subsection (a) or (b) of this section on which the seizure is based.
18 Thereafter, the provisions for bond, petition by lienholder, sale and forfeiture found in
19 G.S. 20-141.3(g) shall apply."

20 Sec. 2. G.S. 20-141(j) is repealed.

21 Sec. 3. This act becomes effective October 1, 1993, and applies to offenses
22 committed on or after that date.