

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE DRH45021-LK-144 (4/2)

Short Title: Aggressive Driving.

(Public)

Sponsors: Representative Hackney.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE DRIVING.

The General Assembly of North Carolina enacts:

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

"§ 20-141.6. Aggressive driving.

(a) A person commits the offense of aggressive driving if both of the following occur:

(1) During the course of conduct the person commits a violation of either G.S. 20-140 or G.S. 20-141 and at least two of the following offenses:

a. Running through a red light.

b. Running through a stop sign.

c. Illegal passing.

d. Following too closely.

e. Failing to yield right-of-way.

(2) The person's driving is an immediate hazard to another person or vehicle.

(b) A person convicted of aggressive driving is guilty of a Class 2 misdemeanor."

SECTION 2. G.S. 20-16(c) reads as rewritten:

(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle

1 inspection laws shall not be considered by the Division of Motor Vehicles as a basis for
2 suspension or revocation of driver's license:

3 Schedule of Point Values

4 Passing stopped school bus5
5 Aggressive driving.....4
6 Reckless driving4
7 Hit and run, property damage only4
8 Following too close4
9 Driving on wrong side of road4
10 Illegal passing4
11 Running through stop sign3
12 Speeding in excess of 55 miles per hour3
13 Failing to yield right-of-way3
14 Running through red light3
15 No driver's license or license expired more than one year3
16 Failure to stop for siren3
17 Driving through safety zone3
18 No liability insurance3
19 Failure to report accident where such report is required3
20 Speeding in a school zone in excess of the posted school
21 zone speed limit3
22 Failure to properly restrain a child in a restraint or seat belt2
23 All other moving violations2
24 Littering pursuant to G.S. 14-399 when the littering
25 involves the use of a motor vehicle1

26 Schedule of Point Values for Violations While Operating a Commercial
27 Motor Vehicle

28 Passing stopped school bus8
29 Rail-highway crossing violation6
30 Careless and reckless driving in violation of
31 G.S. 20-140(f)6
32 Speeding in violation of G.S. 20-141(j3)6
33 Reckless driving5
34 Hit and run, property damage only5
35 Following too close5
36 Driving on wrong side of road5
37 Illegal passing5
38 Running through stop sign4
39 Speeding in excess of 55 miles per hour4
40 Failing to yield right-of-way4
41 Running through red light4
42 No driver's license or license expired more than one year4
43 Failure to stop for siren4
44 Driving through safety zone4

1	No liability insurance	4
2	Failure to report accident where such report is required	4
3	Speeding in a school zone in excess of the posted school	
4	zone speed limit	4
5	Possessing alcoholic beverages in the passenger area of	
6	a commercial motor vehicle	4
7	All other moving violations	3
8	Littering pursuant to G.S. 14-399 when the littering	
9	involves the use of a motor vehicle	1

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

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

- 19 Overloads
- 20 Over length
- 21 Over width
- 22 Over height
- 23 Illegal parking
- 24 Carrying concealed weapon
- 25 Improper plates
- 26 Improper registration
- 27 Improper muffler
- 28 Improper display of license plates or dealers' tags
- 29 Unlawful display of emblems and insignia
- 30 Failure to display current inspection certificate.

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

35 Upon the restoration of the license or driving privilege of such person whose license
36 or driving privilege has been suspended or revoked because of conviction for a traffic
37 offense, any points that might previously have been accumulated in the driver's record
38 shall be cancelled.

39 Whenever any licensee accumulates as many as seven points or accumulates as
40 many as four points during a three-year period immediately following reinstatement of
41 his license after a period of suspension or revocation, the Division may request the
42 licensee to attend a conference regarding such licensee's driving record. The Division
43 may also afford any licensee who has accumulated as many as seven points or any
44 licensee who has accumulated as many as four points within a three-year period

1 immediately following reinstatement of his license after a period of suspension or
2 revocation an opportunity to attend a driver improvement clinic operated by the
3 Division and, upon the successful completion of the course taken at the clinic, three
4 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
7 such suspension shall be for not more than 60 days; the second such suspension shall
8 not exceed six months and any subsequent suspension shall not exceed one year.

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

12 In the discretion of the Division, a period of probation not to exceed one year may
13 be substituted for suspension or for any unexpired period of suspension under
14 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the
15 probation period shall result in a suspension for the unexpired remainder of the
16 suspension period. Any accumulation of three or more points under this subsection
17 during a period of probation shall constitute a violation of the condition of probation."

18 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
19 offenses committed on or after that date.