

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1046
Committee Substitute Favorable 4/23/03

Short Title: Aggressive Driving.

(Public)

Sponsors:

Referred to:

April 10, 2003

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 a course of conduct the person commits a violation of either G.S. 20-141 or G.S. 20-141.1 and at least two of the following offenses:

a. Running through a red light in violation of G.S. 20-158(b)(2) or (b)(3), or G.S. 20-158(c)(2) or G.S. (c)(3).

b. Running through a stop sign in violation of G.S. 20-158(b)(1) or (c)(1).

c. Illegal passing in violation of G.S. 20-149 or G.S. 20-150.

d. Following too closely in violation of G.S. 20-152.

e. Failing to yield right-of-way in violation of G.S. 20-155, 20-156, 20-158(b)(4) or (c)(4), or 20-158.1.

(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.

(c) For purposes of this section, 'course of conduct' means a series of acts committed during a single continuous period of driving."

SECTION 2. G.S. 20-16(a)(9) reads as rewritten:

"(a) The Division shall have authority to suspend the license of any operator with or without a preliminary hearing upon a showing by its records or other satisfactory evidence that the licensee:

...

(9) Has, within a period of 12 months, been convicted of (i) two or more charges of speeding in excess of 55 and not more than 80 miles per hour, or of hour, (ii) one or more charges of reckless driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour; hour, or (iii) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour;

..."

SECTION 3. 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 inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Table listing violations and point values: Passing stopped school bus (5), Aggressive driving (4), Reckless driving (4), Hit and run, property damage only (4), Following too close (4), Driving on wrong side of road (4), Illegal passing (4), Running through stop sign (3), Speeding in excess of 55 miles per hour (3), Failing to yield right-of-way (3), Running through red light (3), No driver's license or license expired more than one year (3), Failure to stop for siren (3), Driving through safety zone (3), No liability insurance (3), Failure to report accident where such report is required (3), Speeding in a school zone in excess of the posted school zone speed limit (3), Failure to properly restrain a child in a restraint or seat belt (2), All other moving violations (2), Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle (1).

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

1 Passing stopped school bus8
 2 Rail-highway crossing violation6
 3 Careless and reckless driving in violation of
 4 G.S. 20-140(f)6
 5 Speeding in violation of G.S. 20-141(j3)6
 6 Aggressive driving.....5
 7 Reckless driving5
 8 Hit and run, property damage only5
 9 Following too close5
 10 Driving on wrong side of road5
 11 Illegal passing5
 12 Running through stop sign4
 13 Speeding in excess of 55 miles per hour4
 14 Failing to yield right-of-way4
 15 Running through red light4
 16 No driver's license or license expired more than one year4
 17 Failure to stop for siren4
 18 Driving through safety zone4
 19 No liability insurance4
 20 Failure to report accident where such report is required4
 21 Speeding in a school zone in excess of the posted school
 22 zone speed limit4
 23 Possessing alcoholic beverages in the passenger area of
 24 a commercial motor vehicle4
 25 All other moving violations3
 26 Littering pursuant to G.S. 14-399 when the littering
 27 involves the use of a motor vehicle1
 28 The above provisions of this subsection shall only apply to violations and
 29 convictions which take place within the State of North Carolina. The Schedule of Point
 30 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to
 31 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm
 32 and bucket station, and to any commercial motor vehicle known as a "line truck" having
 33 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a
 34 public utility, electric or telephone membership corporation or municipality and used in
 35 connection with installation, restoration or maintenance of utility services.
 36 No points shall be assessed for conviction of the following offenses:
 37 Overloads
 38 Over length
 39 Over width
 40 Over height
 41 Illegal parking
 42 Carrying concealed weapon
 43 Improper plates
 44 Improper registration

1 Improper muffler
2 Improper display of license plates or dealers' tags
3 Unlawful display of emblems and insignia
4 Failure to display current inspection certificate.

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

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

13 Whenever any licensee accumulates as many as seven points or accumulates as
14 many as four points during a three-year period immediately following reinstatement of
15 his license after a period of suspension or revocation, the Division may request the
16 licensee to attend a conference regarding such licensee's driving record. The Division
17 may also afford any licensee who has accumulated as many as seven points or any
18 licensee who has accumulated as many as four points within a three-year period
19 immediately following reinstatement of his license after a period of suspension or
20 revocation an opportunity to attend a driver improvement clinic operated by the
21 Division and, upon the successful completion of the course taken at the clinic, three
22 points shall be deducted from the licensee's conviction record; provided, that only one
23 deduction of points shall be made on behalf of any licensee within any five-year period.

24 When a license is suspended under the point system provided for herein, the first
25 such suspension shall be for not more than 60 days; the second such suspension shall
26 not exceed six months and any subsequent suspension shall not exceed one year.

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

30 In the discretion of the Division, a period of probation not to exceed one year may
31 be substituted for suspension or for any unexpired period of suspension under
32 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the
33 probation period shall result in a suspension for the unexpired remainder of the
34 suspension period. Any accumulation of three or more points under this subsection
35 during a period of probation shall constitute a violation of the condition of probation."

36 **SECTION 4.** G.S. 20-17(a)(6) reads as rewritten:

37 "(a) The Division shall forthwith revoke the license of any driver upon receiving a
38 record of the driver's conviction for any of the following offenses:

39 ...

40 (6) ~~Conviction upon~~ Conviction, within a period of 12 months, of (i) two
41 charges of reckless driving committed within a period of 12
42 months driving, (ii) two charges of aggressive driving, or (iii) one or
43 more charges of reckless driving and one or more charges of
44 aggressive driving.

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SECTION 5. G.S. 20-17(a)(7) reads as rewritten:

"(a) The Division shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction for any of the following offenses:

...

(7) Conviction upon one charge of reckless driving or one charge of aggressive driving while engaged in the illegal transportation of intoxicants for the purpose of sale.

..."

SECTION 6. This act becomes effective December 1, 2003, and applies to offenses committed on or after that date.