

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH70189-MA-336 (3/17)

Short Title: DMV Hearing Schedules.

(Public)

Sponsors: Representative Carney.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE TIME PERIOD FOR WHICH AN AGGRIEVED PARTY MAY
3 REQUEST AN ADMINISTRATIVE HEARING BEFORE THE DIVISION OF MOTOR
4 VEHICLES FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION
5 PROGRAM STATUTES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-183.8G(b) reads as rewritten:

8 "(b) Hearing After Statement of Charges. – When a license holder receives a statement
9 of charges of a violation that could result in the suspension or revocation of the person's
10 license, the person can obtain a hearing by making a request for a hearing. The person must
11 make the request to the Division within 10 days after receiving the statement of the charges. A
12 person who does not request a hearing within this time limit waives the right to a hearing.

13 The Division must hold a hearing requested under this subsection within ~~three business~~15
14 days after receiving the ~~request unless the person requesting the hearing asks for additional~~
15 ~~time to prepare for the hearing request.~~ A person may ask for no more than seven additional
16 business days to prepare. If the additional time requested is within this limit, the Division must
17 grant a person the additional time requested. The hearing must be held at the location
18 designated by the Division. Suspension or revocation of the license is stayed until a decision is
19 made following the hearing.

20 If a person does not request a hearing within the time allowed for making the request, the
21 proposed suspension or revocation becomes effective the day after the time for making the
22 request ends. If a person requests a hearing but does not attend the hearing, the proposed
23 suspension or revocation becomes effective the day after the date set for the hearing."

24 **SECTION 2.** This act is effective when it becomes law.

