

April 8, 2009

H 1259. CIVIL PENALTIES FOR DEATH BY VEHICLE CASES. Filed 4/8/09. *TO CREATE A CIVIL DRIVERS LICENSE REVOCATION PROCESS FOR A PERSON CHARGED WITH DEATH BY MOTOR VEHICLE, TO REQUIRE A TOXICOLOGY REPORT IN ALL CASES WHERE A DEATH BY MOTOR VEHICLE OCCURS, AND TO REQUIRE MANDATORY TRAUMA COUNSELING IN ALL CASES INVOLVING DEATH BY MOTOR VEHICLE.*

Adds new section GS 20-141.4A setting out a procedure for revoking the driver's license of a person charged with death by motor vehicle under GS 20-141.4. Provides that a person is subject to revocation under the new section if a district attorney has reasonable grounds to believe the person committed a death by motor vehicle offense and the person is charged with that offense. Requires district attorneys to execute a revocation report and file it with either the judicial official conducting the initial appearance on the underlying charge, the judicial official conducting any other proceeding relating to the underlying charge, or, if the provisions relating to judicial officials are inapplicable, the clerk of superior court in the county in which the underlying charge was brought. Sets out the procedure a judicial official should follow when ordering a revocation for a person who is present before the official, and the procedure a clerk should follow when ordering revocation for a person not present before the clerk. Provides that revocations are for 30 days, or for longer if the person has one or more pending offenses for which his or her license has previously been or is revoked under this section or in other enumerated circumstances. Establishes a hearing, civil in nature, before a magistrate or district court judge at which a person whose license is revoked may contest the validity of the revocation, and includes provisions on the return of a license after the period of revocation has passed or after a magistrate or judge has ordered the revocation rescinded. Notes that revocations under this section are independent of and run concurrently with other revocations; they may not count for credit toward an impaired driving revocation. Provides that persons whose licenses are revoked must pay \$100 as a cost of license restoration and specifies how the fee is to be distributed among the General Fund, a chemical alcohol testing program, and the county for jail expenses. Also includes reporting requirements. Adds new subsections to GS 20-141.4 to require the district attorney to order a toxicology report and the presiding judge to order trauma counseling for any defendant charged with a death by vehicle offense. Effective for death by motor vehicle offenses charged on or after December 1, 2009.

Intro. by Allen.

GS 20