

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 709

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S709-ARW-56 [v.2]

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Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date _____, 2013

Representative Jordan

1
2 moves to amend the bill on page 1, line 26, by rewriting that line to read:

3 **"SECTION 2.** G.S. 20-141(j1) reads as rewritten:

4 "(j1) A person who drives a vehicle on a highway at a speed that is either more than 15
5 miles per hour more than the speed limit established by law for the highway where the offense
6 occurred or over ~~80~~ 85 miles per hour is guilty of a Class 2 misdemeanor."

7 **SECTION 3.** G.S. 20-16(a) reads as rewritten:

8 **"§ 20-16. Authority of Division to suspend license.**

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

- 12 (1) through (4) Repealed by Session Laws 1979, c. 36;
- 13 (5) Has, under the provisions of subsection (c) of this section, within a
14 three-year period, accumulated 12 or more points, or eight or more points in
15 the three-year period immediately following the reinstatement of a license
16 which has been suspended or revoked because of a conviction for one or
17 more traffic offenses;
- 18 (6) Has made or permitted an unlawful or fraudulent use of such license or a
19 learner's permit, or has displayed or represented as his own, a license or
20 learner's permit not issued to him;
- 21 (7) Has committed an offense in another state, which if committed in this State
22 would be grounds for suspension or revocation;
- 23 (8) Has been convicted of illegal transportation of alcoholic beverages;
- 24 (8a) Has been convicted of impaired instruction under G.S. 20-12.1;
- 25 (8b) Has violated on a military installation a regulation of that installation
26 prohibiting conduct substantially similar to conduct that constitutes impaired
27 driving under G.S. 20-138.1 and, as a result of that violation, has had his
28 privilege to drive on that installation revoked or suspended after an
29 administrative hearing authorized by the commanding officer of the
30 installation and that commanding officer has general court martial
31 jurisdiction;



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- 1 (9) Has, within a period of 12 months, been convicted of (i) two or more charges
2 of speeding in excess of 55 and not more than ~~80~~ 85 miles per hour, (ii) one
3 or more charges of reckless driving and one or more charges of speeding in
4 excess of 55 and not more than ~~80~~ 85 miles per hour, or (iii) one or more
5 charges of aggressive driving and one or more charges of speeding in excess
6 of 55 and not more than ~~80~~ 85 miles per hour;
- 7 (10) Has been convicted of operating a motor vehicle at a speed in excess of 75
8 miles per hour on a public road or highway where the maximum speed is
9 less than 70 miles per hour;
- 10 (10a) Has been convicted of operating a motor vehicle at a speed in excess of ~~80~~
11 85 miles per hour on a public highway where the maximum speed is 70
12 miles per hour; or
- 13 (11) Has been sentenced by a court of record and all or a part of the sentence has
14 been suspended and a condition of suspension of the sentence is that the
15 operator not operate a motor vehicle for a period of time.

16 However, if the Division revokes without a preliminary hearing and the person whose license is
17 being revoked requests a hearing before the effective date of the revocation, the licensee retains
18 his license unless it is revoked under some other provision of the law, until the hearing is held,
19 the person withdraws his request, or he fails to appear at a scheduled hearing."

20 **SECTION 4.** G.S. 20-16.1 reads as rewritten:

21 "**§ 20-16.1. Mandatory suspension of driver's license upon conviction of excessive**
22 **speeding; limited driving permits for first offenders.**

23 (a) Notwithstanding any other provisions of this Article, the Division shall suspend for
24 a period of 30 days the license of any driver without preliminary hearing on receiving a record
25 of the driver's conviction of either (i) exceeding by more than 15 miles per hour the speed limit,
26 either within or outside the corporate limits of a municipality, if the person was also driving at a
27 speed in excess of 55 miles per hour at the time of the offense, or (ii) driving at a speed in
28 excess of ~~80~~ 85 miles per hour at the time of the offense."

29 **SECTION 5.** This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**