

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 863  
PROPOSED COMMITTEE SUBSTITUTE H863-PCS40608-TMf-17

Short Title: Require Driver Retraining Course.

(Public)

Sponsors:

Referred to:

April 21, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND  
3 CONDUCT DRIVER RETRAINING COURSES FOR PERSONS WHO HAVE HAD  
4 THEIR DRIVERS LICENSE SUSPENDED PURSUANT TO CERTAIN LAWS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 20-16 reads as rewritten:

7 "§ 20-16. Authority of Division to suspend license.

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

11 ...

12 (6) Has made or permitted an unlawful or fraudulent use of ~~such~~the license or a  
13 learner's permit, or has displayed or represented as his or her own, a license  
14 or learner's permit not issued to ~~him~~him or her;

15 ...

16 (8b) Has violated on a military installation a regulation of that installation  
17 prohibiting conduct substantially similar to conduct that constitutes impaired  
18 driving under G.S. 20-138.1 and, as a result of that violation, has had his or  
19 her privilege to drive on that installation revoked or suspended after an  
20 administrative hearing authorized by the commanding officer of the  
21 installation and that commanding officer has general court martial  
22 jurisdiction;

23 ...

24 However, if the Division revokes without a preliminary hearing and the person whose license is  
25 being revoked requests a hearing before the effective date of the revocation, the licensee retains  
26 his or her license unless it is revoked under some other provision of the law, until the hearing is  
27 held, the person withdraws his or her request, or he or she fails to appear at a scheduled  
28 hearing.

29 (b) Pending an appeal from a conviction of any violation of the motor vehicle laws of  
30 this State, no driver's license shall be suspended by the Division of Motor Vehicles because of  
31 ~~such~~the conviction or because of evidence of the commission of the offense for which the  
32 conviction has been had.

33 (c) The Division shall maintain a record of convictions of every person licensed or  
34 required to be licensed under the provisions of this Article as an operator and shall enter therein  
35 records of all convictions of such persons for any violation of the motor vehicle laws of this  
36 State and shall assign to the record of ~~such~~the person, as of the date of commission of the



1 offense, a number of points for every such conviction in accordance with the following  
 2 schedule of convictions and points, except that points shall not be assessed for convictions  
 3 resulting in suspensions or revocations under other provisions of laws: Further, any points  
 4 heretofore charged for violation of the motor vehicle inspection laws shall not be considered by  
 5 the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

6 Schedule of Point Values

7 Passing stopped school bus ..... 5  
 8 Aggressive driving ..... 5  
 9 Reckless driving ..... 4  
 10 Hit and run, property damage only ..... 4  
 11 Following too close ..... 4  
 12 Driving on wrong side of road ..... 4  
 13 Illegal passing ..... 4  
 14 Failure to yield right-of-way to pedestrian  
 15 pursuant to G.S. 20-158(b)(2)b. .... 4  
 16 Failure to yield right-of-way to bicycle,  
 17 motor scooter, or motorcycle..... 4  
 18 Running through stop sign ..... 3  
 19 Speeding in excess of 55 miles per hour ..... 3  
 20 Failing to yield right-of-way ..... 3  
 21 Running through red light ..... 3  
 22 No driver's license or license expired more than one year ..... 3  
 23 Failure to stop for siren ..... 3  
 24 Driving through safety zone ..... 3  
 25 No liability insurance ..... 3  
 26 Failure to report accident where such report is required ..... 3  
 27 Speeding in a school zone in excess of the posted school  
 28 zone speed limit..... 3  
 29 Failure to properly restrain a child in a restraint or seat belt..... 2  
 30 All other moving violations..... 2  
 31 Littering pursuant to G.S. 14-399 when the littering  
 32 involves the use of a motor vehicle ..... 1

33  
 34 Schedule of Point Values for Violations While Operating a Commercial Motor  
 35 Vehicle

36 Passing stopped school bus ..... 8  
 37 Rail-highway crossing violation..... 6  
 38 Careless and reckless driving in violation of  
 39 G.S. 20-140(f)..... 6  
 40 Speeding in violation of G.S. 20-141(j3) ..... 6  
 41 Aggressive driving ..... 6  
 42 Reckless driving ..... 5  
 43 Hit and run, property damage only ..... 5  
 44 Following too close ..... 5  
 45 Driving on wrong side of road ..... 5  
 46 Illegal passing..... 5  
 47 Failure to yield right-of-way to pedestrian  
 48 pursuant to G.S. 20-158(b)(2)b. .... 5  
 49 Failure to yield right-of-way to bicycle,  
 50 motor scooter, or motorcycle..... 5  
 51 Running through stop sign ..... 4

1 Speeding in excess of 55 miles per hour ..... 4  
2 Failing to yield right-of-way ..... 4  
3 Running through red light ..... 4  
4 No driver's license or license expired more than one year ..... 4  
5 Failure to stop for siren ..... 4  
6 Driving through safety zone ..... 4  
7 No liability insurance ..... 4  
8 Failure to report accident where such report is required ..... 4  
9 Speeding in a school zone in excess of the posted school  
10 zone speed limit..... 4  
11 Possessing alcoholic beverages in the passenger area of  
12 a commercial motor vehicle ..... 4  
13 All other moving violations..... 3  
14 Littering pursuant to G.S. 14-399 when the littering  
15 involves the use of a motor vehicle ..... 1

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

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

- 25 Overloads
- 26 Over length
- 27 Over width
- 28 Over height
- 29 Illegal parking
- 30 Carrying concealed weapon
- 31 Improper plates
- 32 Improper registration
- 33 Improper muffler
- 34 Improper display of license plates or dealers' tags
- 35 Unlawful display of emblems and insignia
- 36 Failure to display current inspection certificate.

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

41 Upon the restoration of the license or driving privilege of ~~such~~the person whose license or  
42 driving privilege has been suspended or revoked because of conviction for a traffic offense, or  
43 upon completion of the driver retraining course established in accordance with subsection (d1)  
44 of this section within the 90-day presuspension notice period required under subsection (d) of  
45 this section, any points that might previously have been accumulated in the driver's record shall  
46 be cancelled.

47 Whenever any licensee accumulates as many as seven points or accumulates as many as  
48 four points during a three-year period immediately following reinstatement of his license after a  
49 period of suspension or revocation, the Division may request the licensee to attend a conference  
50 regarding ~~such~~the licensee's driving record. The Division may also afford any licensee who has  
51 accumulated as many as seven points or any licensee who has accumulated as many as four

1 points within a three-year period immediately following reinstatement of his license after a  
2 period of suspension or revocation an opportunity to attend a driver improvement clinic  
3 operated by the Division and, upon the successful completion of the course taken at the clinic,  
4 three 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 such~~  
7 ~~suspension shall be for not more than 60 days; the second such suspension shall not exceed six~~  
8 ~~months and any subsequent suspension shall not exceed one year.~~ A license suspended pursuant  
9 to subdivision (5), (9), (10), or (10a) of subsection (a) of this section shall be indefinite until the  
10 person completes the driver retraining course established in accordance with subsection (d1) of  
11 this section. If the licensee completes the driver retraining course within the 90-day  
12 presuspension notice period required under subsection (d) of this section and no other provision  
13 of law suspends or revokes the license, the Division shall cancel the suspension and the  
14 licensee may retain the license. If the licensee completes the driver retraining course after the  
15 90-day presuspension notice period required under subsection (d) of this section and no other  
16 provision of law suspends or revokes the license, the suspension shall be terminated and the  
17 licensee may apply for restoration of the licensee's driving privilege.

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

21 In the discretion of the Division, a period of probation not to exceed one year may be  
22 substituted for suspension or for any unexpired period of suspension under  
23 ~~subsections~~ subdivisions (a)(1) through (a)(10a) of this section. Any violation of probation  
24 during the probation period shall result in a suspension for the unexpired remainder of the  
25 suspension period. Any accumulation of three or more points under this subsection during a  
26 period of probation shall constitute a violation of the condition of probation. For a license  
27 suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the  
28 Division may not substitute a period of probation for suspension or for any unexpired period of  
29 suspension before the licensee completes the driver retraining course established in accordance  
30 with subsection (d1) of this section.

31 (d) Upon suspending the license of any person as authorized in this section, the  
32 Division shall immediately notify the licensee in ~~writing and upon his request~~ writing. For a  
33 license suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this  
34 section, the effective date of the suspension shall be 90 days from the date set forth on the  
35 notice required under this subsection. Upon a licensee's request, the Division shall afford  
36 ~~him~~ the licensee an opportunity for a hearing, not to exceed 60 days after receipt of the request,  
37 unless a preliminary hearing was held before ~~his~~ the licensee's license was suspended. Upon  
38 ~~such~~ the hearing the duly authorized agents of the Division may administer oaths and may issue  
39 subpoenas for the attendance of witnesses and the production of relevant books and papers and  
40 may require a reexamination of the licensee. Upon ~~such~~ the hearing the Division shall either  
41 rescind its order of suspension, or good cause appearing therefor, may extend the suspension of  
42 ~~such~~ the license. Provided further upon ~~such~~ the hearing, preliminary or otherwise, involving  
43 ~~subsections~~ subdivisions (a)(1) through (a)(10a) of this section, the Division may for good cause  
44 appearing in its discretion substitute a period of probation not to exceed one year for the  
45 suspension or for any unexpired period of suspension. For a license suspended pursuant to  
46 subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the Division may not  
47 substitute a period of probation for suspension or for any unexpired period of suspension before  
48 the licensee completes the driver retraining course established in accordance with subsection  
49 (d1) of this section. Probation shall mean any written agreement between the suspended driver  
50 and a duly authorized representative of the Division and ~~such~~ the period of probation shall not  
51 exceed one year, and any violation of the probation agreement during the probation period shall

1 result in a suspension for the unexpired remainder of the suspension period. The authorized  
2 agents of the Division shall have the same powers in connection with a preliminary hearing  
3 prior to suspension as this subsection provided in connection with hearings held after  
4 suspension. These agents shall also have the authority to take possession of a surrendered  
5 license on behalf of the Division if the suspension is upheld and the licensee requests that the  
6 suspension begin immediately.

7 (d1) The Division shall establish and conduct, or utilize a third-party vendor to establish  
8 and conduct, driver retraining courses for the benefit of persons who have had their licenses  
9 suspended or been placed on probation, pursuant to subdivision (5), (9), (10), or (10a) of  
10 subsection (a) of this section. If the Division utilizes a third-party vendor, the Division shall  
11 maintain oversight of the driver retraining course established and conducted by the third-party  
12 vendor. Each driver attending a driver retraining course shall pay a fee in an amount set by the  
13 Division, not to exceed one hundred seventy-five dollars (\$175.00) of which twenty-five  
14 dollars (\$25.00) shall be retained by the Division. Each driver attending a driver retraining  
15 course shall do so in person, and the course may not be completed remotely. The driver  
16 retraining course shall be at least eight hours in total duration and shall maintain a  
17 student-to-instructor ratio deemed appropriate by the Division. The driver retraining course  
18 shall be behavioral-based, interactive, and demonstrated scientifically to be associated with  
19 decreases in traffic violations. The driver retraining course shall teach the driver that poor  
20 behavioral choices made behind the wheel often result in unintended consequences and shall  
21 help the driver understand the responsibility placed upon each driver to conform his or her  
22 behavior and conduct for the benefit of the driver, other drivers, and pedestrians. The driver  
23 retraining course shall include all of the following:

- 24 (1) An examination of the driver's own behavior in various driving situations to  
25 help the driver understand the behavioral driving characteristics that have  
26 resulted in the driver's poor driving record.
- 27 (2) Psychology-based principles or methodologies, as they relate to  
28 behind-the-wheel driving behavior.
- 29 (3) An examination of why drivers do or do not choose to obey traffic laws,  
30 with the primary focus on behaviors rather than excuses.
- 31 (4) A review of the four components of human behavior, doing, thinking,  
32 feeling, and physiology, and the connection between the concepts of needs  
33 and wants to behaviors and the human ability to choose behaviors.
- 34 (5) A consideration of additional problem driver behaviors, including all of the  
35 following:
  - 36 a. Dangers associated with prescription and over-the-counter drugs.
  - 37 b. Dangers of driving at excessive speeds.
  - 38 c. Dangers of right-of-way violations.
  - 39 d. Dangers of distracted driving.
  - 40 e. Dangers of improper passing and following other vehicles too  
41 closely.
  - 42 f. Dangers of aggressive driving.
  - 43 g. Dangers of fatigued driving.

44 ...  
45 ~~(e1) Notwithstanding any other provision of this Chapter, if the Division suspends the~~  
46 ~~license of an operator pursuant to subdivisions (a)(9), (a)(10), or (a)(10a) of this section, upon~~  
47 ~~the first suspension only, a district court judge may allow the licensee a limited driving~~  
48 ~~privilege or license for a period not to exceed 12 months, provided he has not been convicted of~~  
49 ~~any other motor vehicle moving violation within the previous 12 months. The limited driving~~  
50 ~~privilege shall be issued in the same manner and under the terms and conditions prescribed in~~  
51 ~~G.S. 20-16.1(b)(1), (2), (3), (4), and (5).~~

1       ...."

2               **SECTION 1.(b)** G.S. 20-19 reads as rewritten:

3       "**§ 20-19. Period of suspension or revocation; conditions of restoration.**

4       (a)     When a license is suspended under subdivision (8) ~~or (9)~~ of G.S. 20-16(a), the  
5     period of suspension shall be in the discretion of the Division and for such time as it deems best  
6     for public safety but shall not exceed six months.

7       ~~(b)     When a license is suspended under subdivision (10) of G.S. 20-16(a), the period of~~  
8     ~~suspension shall be in the discretion of the Division and for such time as it deems best for~~  
9     ~~public safety but shall not exceed a period of 12 months.~~

10       ...."

11               **SECTION 2.** Section 1 of this act becomes effective July 1, 2018, and applies to  
12     licenses suspended on or after that date. The remainder of this act is effective when it becomes  
13     law.