

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 863

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

H863-ATM-20 [v.2]

Page 1 of 2

Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2017

Representative Morey

1 moves to amend the bill on page 1, lines 2-4, by rewriting the lines to read:  
2 "AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND  
3 CONDUCT OPTIONAL DRIVER RETRAINING COURSES FOR PERSONS WHO  
4 HAVE HAD THEIR DRIVERS LICENSE SUSPENDED PURSUANT TO CERTAIN  
5 LAWS.";

6  
7 on page 4, line 6, through page 5, line 6, by rewriting the lines to read:  
8 "When a license is suspended under the point system provided for herein, the first such  
9 suspension shall be for not more than 60 days; the second such suspension shall not exceed six  
10 months and any subsequent suspension shall not exceed one year. A licensee with a license  
11 suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this section has  
12 the option to complete the driver retraining course established in accordance with subsection  
13 (d1) of this section. If the licensee with a license suspended pursuant to subdivision (5), (9),  
14 (10), or (10a) of subsection (a) of this section completes the driver retraining course within 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 Division shall cancel the suspension and  
17 the licensee may retain the license. If the licensee with a license suspended pursuant to  
18 subdivision (5), (9), (10), or (10a) of subsection (a) of this section completes the driver  
19 retraining course after the 90-day presuspension notice period required under subsection (d) of  
20 this section and no other provision of law suspends or revokes the license, the suspension shall  
21 be terminated and the licensee may apply for restoration of the licensee's driving privilege.

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

25 In the discretion of the Division, a period of probation not to exceed one year may be  
26 substituted for suspension or for any unexpired period of suspension under  
27 ~~subsection~~ subdivisions (a)(1) through (a)(10a) of this section. Any violation of probation  
28 during the probation period shall result in a suspension for the unexpired remainder of the  
29 suspension period. Any accumulation of three or more points under this subsection during a  
30 period of probation shall constitute a violation of the condition of probation.

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~~ the licensee's request



\* H 8 6 3 - A T M - 2 0 - V - 2 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 863

**FAILED**

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

H863-ATM-20 [v.2]

Page 2 of 2

1 shall afford ~~him~~the licensee an opportunity for a hearing, not to exceed 60 days after receipt of  
2 the request, unless a preliminary hearing was held before ~~his~~the licensee's license was  
3 suspended. Upon ~~such~~the hearing the duly authorized agents of the Division may administer  
4 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant  
5 books and papers and may require a reexamination of the licensee. Upon ~~such~~the hearing the  
6 Division shall either rescind its order of suspension, or good cause appearing therefor, may  
7 extend the suspension of ~~such~~the license. Provided further upon ~~such~~the hearing, preliminary or  
8 otherwise, involving ~~subsections~~subdivisions (a)(1) through (a)(10a) of this section, the  
9 Division may for good cause appearing in its discretion substitute a period of probation not to  
10 exceed one year for the suspension or for any unexpired period of suspension. Probation shall  
11 mean any written agreement between the suspended driver and a duly authorized representative  
12 of the Division and ~~such~~the period of probation shall not exceed one year, and any violation of  
13 the probation agreement during the probation period shall result in a suspension for the  
14 unexpired remainder of the suspension period. The authorized agents of the Division shall have  
15 the same powers in connection with a preliminary hearing prior to suspension as this subsection  
16 provided in connection with hearings held after suspension. These agents shall also have the  
17 authority to take possession of a surrendered license on behalf of the Division if the suspension  
18 is upheld and the licensee requests that the suspension begin immediately.";

19  
20 on page 5, lines 45-51, by rewriting the lines to read:

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

28  
29 and on page 6, lines 2-10, by deleting the lines.

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_

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