

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Apr 5, 2023
S.B. 629
PRINCIPAL CLERK

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SENATE BILL DRS45288-NE-55B

Short Title: Driver Improvement Clinics/Motorcycles. (Public)

Sponsors: Senators Alexander, Galey, and Jarvis (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO CONTRACT WITH THIRD-PARTY VENDORS TO ESTABLISH AND CONDUCT DRIVER IMPROVEMENT CLINICS, TO MAKE OTHER TECHNICAL CHANGES, AND TO MAKE VARIOUS CHANGES TO THE LAWS RELATING TO MOTORCYCLES.

The General Assembly of North Carolina enacts:

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

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

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

...

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

...

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

...

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

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

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



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

7 ...

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

12 Upon the restoration of the license or driving privilege of ~~such~~the person whose license or
13 driving privilege has been suspended or revoked because of conviction for a traffic offense, any
14 points that might previously have been accumulated in the driver's record shall be cancelled.

15 Whenever any licensee accumulates as many as seven points or accumulates as many as four
16 points during a three-year period immediately following reinstatement of his license after a
17 period of suspension or revocation, the Division may request the licensee to attend a conference
18 regarding ~~such~~the licensee's driving record. The Division may also afford any licensee who has
19 accumulated as many as seven points or any licensee who has accumulated as many as four points
20 within a three-year period immediately following reinstatement of his license after a period of
21 suspension or revocation an opportunity to attend a driver improvement clinic operated by the
22 Division or a third-party vendor contracting with the Division and, upon the successful
23 completion of the course taken at the clinic, three points shall be deducted from the licensee's
24 conviction record; provided, that only one deduction of points shall be made on behalf of any
25 licensee within any five-year period.

26 When a license is suspended under the point system provided ~~for herein, in this subsection,~~
27 the first such suspension shall be for not more than 60 days; the second such suspension shall not
28 exceed six months and any subsequent suspension shall not exceed one year.

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

32 In the discretion of the Division, a period of probation not to exceed one year may be
33 substituted for suspension or for any unexpired period of suspension under ~~subsections~~
34 subdivisions (a)(1) through (a)(10a) of this section. Any violation of probation during the
35 probation period shall result in a suspension for the unexpired remainder of the suspension
36 period. Any accumulation of three or more points under this subsection during a period of
37 probation shall constitute a violation of the condition of probation.

38 (d) Upon suspending the license of any person as authorized in this section, the Division
39 shall immediately notify the licensee ~~in writing and upon his request shall and, upon the licensee's~~
40 request, afford ~~him~~the licensee an opportunity for a hearing, not to exceed 60 days after receipt
41 of the request, unless a preliminary hearing was held before ~~his~~the licensee's license was
42 suspended. Upon ~~such~~the hearing the duly authorized agents of the Division may administer
43 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
44 books and papers and may require a reexamination of the licensee. Upon ~~such~~the hearing the
45 Division shall either rescind its order of suspension, or good cause appearing therefor, may
46 extend the suspension of ~~such~~the license. Provided further upon such hearing, preliminary or
47 otherwise, involving ~~subsections~~subdivisions (a)(1) through (a)(10a) of this section, the Division
48 may for good cause appearing in its discretion substitute a period of probation not to exceed one
49 year for the suspension or for any unexpired period of suspension. Probation shall mean any
50 written agreement between the suspended driver and a duly authorized representative of the
51 Division and ~~such~~the period of probation shall not exceed one year, and any violation of the

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

7 (e) The Division may conduct driver improvement clinics for the benefit of those who
8 have been convicted of one or more violations of this Chapter. Each driver attending a driver
9 improvement clinic conducted by the Division shall pay a fee of seventy dollars (\$70.00). The
10 Division may alternatively utilize a third-party vendor to establish and conduct any driver
11 improvement clinic authorized by this section. All driver improvement clinics shall include
12 training on the dangers of a lack of motorcycle safety awareness.

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

20"

21 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to
22 driver improvement clinics conducted on or after that date.

23 **SECTION 2.(a)** G.S. 20-146.1 reads as rewritten:

24 "**§ 20-146.1. Operation of motorcycles.**

25 ...

26 (c) Notwithstanding any other provision of law, a motorcycle may overtake and pass
27 another vehicle that is stopped in the same direction of travel in the same lane, if all of the
28 following apply:

29 (1) The motorcycle is being operated on a public road or highway divided into
30 two or more adjacent traffic lanes in the same direction of travel.

31 (2) The motorcycle is being operated on a public road or highway with a speed
32 limit of 55 miles per hour or less.

33 (3) The vehicle being overtaken in the same lane is stopped.

34 (4) The motorcycle is traveling at a speed of 15 miles per hour or less.

35 (5) The movement may be made safely."

36 **SECTION 2.(b)** This section becomes effective December 1, 2023.

37 **SECTION 3.** G.S. 20-157.1 reads as rewritten:

38 "**§ 20-157.1. Funeral processions.**

39 (a) As used in this section, a "funeral procession" means two or more ~~vehicles~~ vehicles,
40 including motorcycles, accompanying the remains of a deceased person, or traveling to the
41 church, chapel, or other location at which the funeral services are to be held, in which the lead
42 vehicle is either a State or local law enforcement vehicle, other vehicle designated by a law
43 enforcement officer or the funeral director, or the lead vehicle displays a flashing amber or purple
44 light, sign, pennant, flag, or other insignia furnished by a funeral home indicating a funeral
45 procession.

46"

47 **SECTION 4.(a)** Article 2 of Chapter 136 of the General Statutes is amended by
48 adding a new section to read:

49 "**§ 136-18.08. Restricting access of motorcyclists prohibited.**

50 (a) Definitions. – The following definitions apply in this section:

- 1 (1) Action. – Formulating transportation policy, adopting rules, allocating funds,
2 and planning, designing, constructing, equipping, operating, and maintaining
3 transportation facilities.
- 4 (2) Motorcyclist. – A person operating or riding a motorcycle.
- 5 (b) Restricting Access Prohibited. – The Department of Transportation is prohibited from
6 taking any action that prohibits or imposes a requirement that applies only to a motorcyclist and
7 the principal purpose of the action is to restrict or inhibit the access of a motorcyclist to any
8 highway, bridge, tunnel, or other transportation facility.
- 9 (c) Parking. – The Department, and any other owner or operator of a transportation
10 facility funded in whole or in part by State or local funds, shall make reasonable accommodations
11 for motorcycle parking at transportation facilities. The term "reasonable accommodations"
12 includes sectioning portions of an existing parking space where the size configuration of the
13 parking space does not meet building code requirements for full-size motor vehicles. Nothing in
14 this subsection shall be construed as requiring the structural or technological modification of
15 parking structures constructed or substantially completed on or before July 1, 2023.
- 16 (d) Construction. – Nothing in this section shall be construed as altering or superseding
17 any State or federal law that prohibits or imposes a requirement that applies only to a
18 motorcyclist."
- 19 **SECTION 4.(b)** This section becomes effective July 1, 2023.
- 20 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
21 law.