

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 128

Short Title: No Ins. Points for Infractions.

(Public)

Sponsors: Senator Odom.

Referred to: Pensions & Retirement, and Insurance.

February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ELIMINATE INFRACTIONS FROM CONSIDERATION IN THE SAFE
2 DRIVER INCENTIVE PLAN, TO PROVIDE FOR A GRADUATED INSURANCE
3 POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN
4 AUTOMOBILE ACCIDENTS, AND TO PROHIBIT INSURANCE POINTS AND
5 SURCHARGES IF BODILY INJURY DOES NOT OCCUR.
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 58-36-65(b) reads as rewritten:

9 "(b) The Bureau shall file, subject to review, modification, and promulgation by the
10 Commissioner, a Safe Driver Incentive Plan ('Plan') that adequately and factually
11 distinguishes among various classes of drivers that have safe driving records and various
12 classes of drivers that have a record of at-fault accidents; a record of convictions of ~~major~~
13 moving traffic violations; ~~a record of convictions of minor moving traffic violations;~~ or a
14 combination thereof; and that provides for premium differentials among those classes of
15 drivers. Subsequently, the Commissioner may require the Bureau to file modifications of
16 the Plan. If the Bureau does not file the modifications within a reasonable time, the
17 Commissioner may promulgate the modifications. The Commissioner is authorized to
18 structure the Plan to provide for surcharges above and discounts below the rate otherwise
19 charged."

20 Section 2. G.S. 58-36-65(i) reads as rewritten:

1 "(i) As used in this section, 'conviction' ~~means a conviction as defined in G.S. 20-279.1~~
2 ~~and means does not include~~ an infraction as defined in G.S. 14-3.1."

3 Section 3. G.S. 58-36-75(a) reads as rewritten:

4 "(a) The subclassification plan promulgated pursuant to G.S. 58-36-65(b) may
5 provide for separate surcharges for major, intermediate, and minor accidents. A 'major
6 accident' is an at-fault accident that results in either (i) bodily injury or death or (ii) only
7 property damage of two thousand dollars (\$2,000) or more. An 'intermediate accident' is
8 an at-fault accident that results in only property damage of more than one thousand
9 dollars (\$1,000) but less than two thousand dollars (\$2,000). A 'minor accident' is an at-
10 fault accident that results in only property damage of one thousand dollars (\$1,000) or
11 less. The subclassification plan may also exempt certain minor accidents from the
12 Facility recoupment surcharge. The Bureau shall assign varying Safe Driver Incentive
13 Plan point values and surcharges for bodily injury in at-fault accidents that are
14 commensurate with the severity of the injury. There shall be no points or insurance
15 premium surcharge under the Safe Driver Incentive Plan or increase in insurance
16 premium on account of payment of medical costs associated with obtaining a diagnosis
17 when the diagnosis indicates that an accident did not result in bodily injury."

18 Section 4. G.S. 58-36-75(g) reads as rewritten:

19 "(g) As used in this section 'conviction' ~~means a conviction as defined in G.S. 20-279.1~~
20 ~~and means does not include~~ an infraction as defined in G.S. 14-3.1."

21 Section 5. The North Carolina Rate Bureau shall develop an amendment to the
22 subclassification plan consistent with the provisions of this act. The Bureau shall file the
23 amendment with the Commissioner no later than October 1, 1997, and the amendment
24 shall become effective January 1, 1998.

25 Section 6. Sections 5 and 6 of this act are effective when it becomes law. The
26 remainder of this act becomes effective January 1, 1998, and applies to accidents
27 occurring on or after January 1, 1998.