

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1318**

Short Title: New Felony Death by Motor Vehicle. (Public)

Sponsors: Representatives Randleman, Howard (Primary Sponsors); Barnhart, Burr, Burris-Floyd, Faison, Grady, Holloway, Justus, Lewis, Moore, Neumann, Starnes, Stevens, and Stiller.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Appropriations.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE A NEW DEATH BY MOTOR VEHICLE CHARGE WHEN THE DEATH IS THE RESULT OF THE OPERATION OF A COMMERCIAL MOTOR VEHICLE BY AN OWNER-OPERATOR WHO KNEW THE COMMERCIAL MOTOR VEHICLE WAS NOT SAFE FOR OPERATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-141.4(a1) reads as rewritten:

"(a1) Felony Death by Vehicle. – A person commits the offense of felony death by vehicle if:

- (1) The person unintentionally causes the death of another person,
- (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, or the person was the owner-operator of a commercial motor vehicle and knew, or should have known, that the commercial motor vehicle being operated at the time of the death was not in compliance with the Federal Motor Carrier Safety Regulations contained in Title 49, Subchapter B, of the Code of Federal Regulations, and
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death."

**SECTION 2.** This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

