

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 863

Short Title: Require Driver Retraining Course. (Public)

Sponsors: Representatives Shepard, Torbett, Rogers, and Hastings (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Finance

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. 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



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

7 Schedule of Point Values

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

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

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

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

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

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

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

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

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

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

1 accumulated as many as seven points or any licensee who has accumulated as many as four
2 points within a three-year period immediately following reinstatement of his license after a
3 period of suspension or revocation an opportunity to attend a driver improvement clinic
4 operated by the Division and, upon the successful completion of the course taken at the clinic,
5 three points shall be deducted from the licensee's conviction record; provided, that only one
6 deduction of points shall be made on behalf of any licensee within any five-year period.

7 When a license is suspended under the point system provided ~~for herein,~~in this subsection,
8 the first ~~such~~-suspension shall be for not more than 60 days; the second ~~such~~-suspension shall
9 not exceed six months and any subsequent suspension shall not exceed one year. In addition,
10 for a license suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this
11 section, the licensee shall be required to complete the driver retraining course established in
12 accordance with subsection (d1) of this section. If the licensee completes the driver retraining
13 course within the 90-day pre-suspension notice period required under subsection (d) of this
14 section, and only if the drivers license is not subject to suspension or revocation under another
15 provision of law, the Division shall cancel the suspension and the licensee may retain his or her
16 license. If the licensee completes the driver retraining course after the 90-day pre-suspension
17 notice period required under subsection (d) of this section, and only if the drivers license of the
18 licensee is not subject to suspension or revocation under another provision of law, the Division
19 shall cancel the unexpired term of the suspension and restore the suspended license.

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

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

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

1 and a duly authorized representative of the Division and ~~such~~the period of probation shall not
2 exceed one year, and any violation of the probation agreement during the probation period shall
3 result in a suspension for the unexpired remainder of the suspension period. The authorized
4 agents of the Division shall have the same powers in connection with a preliminary hearing
5 prior to suspension as this subsection provided in connection with hearings held after
6 suspension. These agents shall also have the authority to take possession of a surrendered
7 license on behalf of the Division if the suspension is upheld and the licensee requests that the
8 suspension begin immediately.

9 (d1) The Division shall establish and conduct, or utilize a third-party vendor to establish
10 and conduct, driver retraining courses for the benefit of persons who have had their license
11 suspended or been placed on probation, pursuant to subdivision (5), (9), (10), or (10a) of
12 subsection (a) of this section. If the Division utilizes a third-party vendor, the Division shall
13 maintain oversight of the driver retraining course established and conducted by the third-party
14 vendor. Each driver attending a driver retraining course shall pay a fee in an amount set by the
15 Division, not to exceed one hundred fifty dollars (\$150.00). Each driver attending a driver
16 retraining course shall do so in person, and the course may not be completed remotely. The
17 driver retraining course shall be at least eight hours in total duration and shall maintain a
18 student-to-instructor ratio deemed appropriate by the Division. The driver retraining course
19 shall be behavioral-based, interactive, and scientifically proven effective at changing driver
20 behavior. The driver retraining course shall teach the driver that poor behavioral choices made
21 behind the wheel often result in unintended consequences and shall help the driver understand
22 the responsibility placed upon each driver to conform his or her behavior and conduct for the
23 benefit of the driver, other drivers, and pedestrians. The driver retraining course shall include
24 all of the following:

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

45 ...
46 (e1) Notwithstanding any other provision of this Chapter, if the Division suspends the
47 license of an operator pursuant to subdivisions (a)(9), (a)(10), or (a)(10a) of this section, upon
48 the first suspension only, a district court judge may allow the licensee a limited driving
49 privilege or license for a period not to exceed 12 months, provided ~~het~~the driver has not been
50 convicted of any other motor vehicle moving violation within the previous 12 months. The

1 limited driving privilege shall be issued in the same manner and under the terms and conditions
2 prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), and (5).

3"

4 **SECTION 2.** By October 1, 2017, the Division of Motor Vehicles shall report to
5 the Joint Legislative Transportation Oversight Committee on its progress in establishing the
6 driver retraining courses required under G.S. 20-16(d1), as enacted by Section 1 of this act. If
7 the Division utilizes a third-party vendor, the Division shall specifically state who the vendor is
8 and provide any other details the Division deems relevant.

9 **SECTION 3.** Section 1 of this act becomes effective December 1, 2017, and
10 applies to licenses suspended on or after that date. The remainder of this act is effective when it
11 becomes law.