

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40031-ML-37

Short Title: Kimberly's Law/Death by Vehicle/DWLR. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF FELONY DEATH BY VEHICLE FOR REVOKED
3 IMPAIRED DRIVING AND TO REVOKE THE REGISTRATION OF ALL MOTOR
4 VEHICLES REGISTERED TO A PERSON CONVICTED OF FELONY DEATH BY
5 VEHICLE FOR REVOKED IMPAIRED DRIVING.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-141.4 reads as rewritten:

8 "**§ 20-141.4. Felony and misdemeanor death by motor vehicle; felony serious injury by**
9 **vehicle; aggravated offenses; repeat felony death by ~~vehicle~~vehicle; revoked**
10 **driving felony death by vehicle.**

11 ...

12 (a7) Revoked Driving Felony Death by Vehicle. – A person commits the offense of
13 revoked driving felony death by vehicle if:

14 (1) The person unintentionally causes the death of another person,

15 (2) The person was engaged in the violation of any State law or local ordinance
16 applying to the operation or use of a motor vehicle or to the regulation of
17 traffic, other than impaired driving under G.S. 20-138.1,

18 (3) The commission of the offense in subdivision (2) of this subsection is the
19 proximate cause of the death, and

20 (4) At the time of the commission of the offense in subdivision (2) of this
21 subsection, the person's drivers license was revoked for an impaired driving
22 license revocation as defined in G.S. 20-28.2(a).

23 (b) Punishments. – Unless the conduct is covered under some other provision of law
24 providing greater punishment, the following classifications apply to the offenses set forth in this
25 section:

26 ...

27 (6) Revoked driving felony death by vehicle is a Class F felony. Notwithstanding
28 the provisions of G.S. 15A-1340.17, a person convicted of violating this
29 offense shall be sentenced to a minimum active term of not less than 12
30 months of imprisonment, which shall not be suspended.

31 (c) No Double Prosecutions. – No person who has been placed in jeopardy upon a charge
32 of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same
33 death; and no person who has been placed in jeopardy upon a charge of manslaughter may be
34 prosecuted for death by vehicle arising out of the same death."

35 **SECTION 2.** G.S. 20-19(e) reads as rewritten:



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1 "(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has two
2 or more previous offenses involving impaired driving for which the person has been convicted,
3 and the most recent offense occurred within the five years immediately preceding the date of the
4 offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and the person was
5 sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the revocation, or (iii)
6 G.S. 20-17(a)(9) due to a violation of ~~G.S. 20-141.4(a4)~~, G.S. 20-141.4(a4) or (a7), the
7 revocation is permanent."

8 **SECTION 3.** G.S. 20-54.1 reads as rewritten:

9 "**§ 20-54.1. Forfeiture of right of registration.**

10 ...

11 (a2) Upon receipt of notice of conviction of a revoked driving felony death by vehicle
12 offense under G.S. 20-141.4(a7), the Division shall revoke the registration of all motor vehicles
13 registered in the convicted person's name and shall not register a motor vehicle in the convicted
14 person's name until the convicted person's license is restored. Upon receipt of notice of revocation
15 of registration from the Division, the convicted person shall surrender the registration of all motor
16 vehicles registered in the convicted person's name to the Division within 10 days of the date of
17 the notice.

18 (b) Upon receipt of a notice of conviction under subsection ~~(a) or (a1)-(a)~~, (a1), or (a2) of
19 this section, the Division shall revoke the registration of the motor vehicle seized, and the owner
20 shall not be allowed to register the motor vehicle seized until the convicted operator's drivers
21 license has been restored. The Division shall not revoke the registration of the owner of the seized
22 motor vehicle if the owner is determined to be an innocent owner. The Division shall revoke the
23 owner's registration only after the owner is given an opportunity for a hearing to demonstrate that
24 the owner is an innocent owner as defined in G.S. 20-28.2. Upon receipt of notice of revocation
25 of registration from the Division, the owner shall surrender the registration on the motor vehicle
26 seized to the Division within 10 days of the date of the notice."

27 **SECTION 4.** This act becomes effective December 1, 2021, and applies to offenses
28 committed on or after that date.