

ADDITIONAL INFO

Due to the volume of cases, the District Attorneys in Buncombe, Madison and Henderson County, to avoid a trial, are usually interested in a plea agreement reducing your charge to a lesser offense. This is not unusual and the DA's are friendly and fair. However, they have a bright line: In Buncombe and Henderson if your speed is 90mph or over the speed limit you either enter a plea "straight up" to the original charge or you can request a trial. In Madison County this cutoff is 34mph over the limit. No exceptions are allowed - no matter the facts. In these cases you are eligible for an NC Limited Driving Privilege.

In **North Carolina** speeding conviction result in both DMV "driving points" and Safe Driver Incentive Plan "insurance points". For DMV purposes, if you are convicted of speeding 16mph or greater over the posted speed limit, you will lose your license for 60 days. If you are convicted an speeding 25mph or greater over the posted speed, you will lose your license for 1 year. So a plea agreement reducing your speed to under 16mph will usually help saving your license. For Insurance purposes, if you have not had a "moving violation" in the past four (4) years, a reduction to a speed of 10mph or less over the original charge will not result in insurance points being assessed against you. This insurance statute is listed below.

Safe Driver Incentive Plan - N.C.G.S. §58-36-75(f) - The subclassification plan shall provide that with respect to a conviction for a "violation of speeding 10 miles per hour or less over the speed limit" there shall be no premium surcharge nor any assessment of points unless there is a driving record consisting of a conviction or convictions for a moving traffic violation or violations, except for a **prayer for judgment continued** for any moving traffic violation, during the three years immediately preceding the date of application or the preparation of the renewal. The subclassification plan shall also provide that with respect to a **prayer for judgment continued** for any moving traffic violation, there shall be no premium surcharge nor any assessment of points unless the vehicle owner, principal operator, or any licensed operator in the **owner's household** has a driving record consisting of a prayer or prayers for judgment continued for any moving traffic violation or violations during the three years immediately preceding the date of application or the preparation of the renewal. For the purpose of this subsection, a **"prayer for judgment continued"** means a determination of guilt by a jury or a court though no sentence has been imposed. For the purpose of this subsection, a "violation of speeding 10 miles per hour or less over the speed limit" does not include the offense of speeding in a **school zone** in excess of the posted school zone speed limit."

Let's break this down: "during the three years immediately preceding the date of application or the preparation of the renewal" is not the same as the conviction date for a ticket in the past three (3) years. If you have had a ticket in the past three years that ticket starts on your record, for insurance purposes, at the time of application or at the time of renewal. So there is "no surcharge" unless there is a "conviction for a moving traffic violation or violations...during the three years immediately preceding the date of application or the preparation of the renewal". So what is important here? Answer: "moving violation" and "application or the preparation of the renewal". As a general rule, a "moving violation" is something which appears on your driving history. And a "renewal" refers to when you auto insurance is renewed. When is your renewal date? I don't have clue. But I bet your insurance agent can answer this in 30 seconds. So call this person. To be safe, I tell my clients "four (4) years" from the last moving violation on the theory you would have renewed your policy at some point between the 3rd and 4th years.

So what are yor options?

Below are summaries of various remedies available. But not all of the counties offer the same remedies.

9mph Over the Posted Limit. NC Drivers: Provided your offense is not in a school zone, if you have not had a moving violation in the past 4 years, reducing your speed to 9mph over the limit eliminates the 45% per year (for 3 years) insurance increase associated with speeding. In North Carolina speeding convictions result in both DMV "driving points" and Safe Driver Incentive Plan "insurance points". For DMV purposes, if you are convicted of speeding 16mph or greater over the posted speed limit, you will lose your license for 60 days. If you are convicted an speeding 25mph or greater over the posted speed, you will lose your license for 1 year. So a plea agreement reducing your speed to under

16mph will usually help saving your license. For Insurance purposes, if you have not had a "moving violation" in the past four (4) years, a reduction to a speed of 10mph or less over the original charge will not result in insurance points being assessed against you. Non-NC Drivers: Call your Insurance Agent or DMV: Your insurance point system is probably similar to the one in North Carolina.

Prayer for Judgment Continued ("PJC"). This is North Carolina's version of Deferred Adjudication (used in most states). A "judgment" is not entered, but the PJC is reported to NCDMV (and your state if an out-of-state driver). For NC DMV purposes: they see it; they just do not act on it and do not assess points for the violation unless you have a CDL license or were driving a commercial vehicle or you've had more than two (2) PJC's in the past five (5) years. DMV points may be important if you have lots of driving points within a three (3) year period. But DMV points are different from insurance points. For Insurance Purposes: a PJC is not a conviction so it will not add driving points or increase your insurance rates. For insurance purposes you are allowed one (1) PJC every three (3) years per insurance POLICY (sometimes this is for the entire family) without your rates being increased regardless of whether you have a CDL or were driving a commercial vehicle. Out of State Drivers? The PJC seems to work in some states but not others. We've heard from clients a PJC works in FL, NJ & OH, but not in SC, GA, TN or VA. So if you reside out of state we do not recommend a PJC because we are not sure what happens in your state. You should check with your own DMV, but a reduction is probably safer. Eligibility: A PJC is completely up to the presiding judge. But generally you are eligible if your speed is less than 20mph over the posted limit and you've not received any: (1) 4pt violations or revocations in past 5yrs; (2) DWI in past 10 yrs; and (3) more than 6pts total in past 3 yrs. Reducing a future ticket to 9mph does not "activate" a prior PJC.

Improper Equipment. In NC Improper Equipment is not a moving violation and thus always more beneficial than a speeding conviction. It is actually a lesser included offense of speeding. If you are eligible it is clearly your best option. But this remedy is not always available. In Madison County you must produce a driving history showing you have not benefitted from an IE in the past five (5) years. In Henderson County you must attend (internet classes are not accepted) a 4-8 hour NSC sponsored Defensive Driving Course. And in all cases your speed must be less than 25mph over the speed limit. Improper Equipment is not available in Buncombe County for any reason.

Unsafe Movement. If within the past four (4) years you have already had a PJC and a "moving violation" a reduction to 9mph over the limit or a PJC will help you avoid an insurance increase (although a PJC might help you avoid DMV points when you have a points problem). So if the goal at this point is to minimize your insurance increase, unsafe movement has less of an impact than speeding. A conviction for a highway ticket (speed zone greater than 45mph) creates a 45% insurance increase. Unsafe movement creates a 25% increase. In both cases the increase lasts for three (3) years.

Exceeding a Safe Speed. This is an "other" remedy with the same result as unsafe movement. But find that some states do not know what to do with "unsafe movement". In these cases check to see if your state DMV recognizes "exceeding a safe speed".

North Carolina Safe Driver Incentive Plan

To reward safe drivers with the lowest possible insurance rates, the General Assembly enacted the North Carolina Safe Driver Incentive Plan (SDIP). Drivers who are convicted of moving traffic violations and/or who cause accidents will be charged higher premiums in accordance with their driving records. SDIP points are charged as follows for convictions and at-fault accidents occurring during the Experience Period.*

SDIP Points	Convictions and At-Fault Accidents
12	Manslaughter or negligent homicide Prearranged highway racing or lending a car for prearranged highway racing Hit-and-run resulting in bodily injury or death Driving with a blood-alcohol level of .08 or more Driving commercial vehicle with a blood-alcohol level of .04 or more Driving while impaired Transporting illegal intoxicating liquor for sale
10	Highway racing or lending a car for highway racing Speeding to elude arrest
8	Driving during revocation or suspension of license or registration
4	Reckless driving Hit-and-run resulting in property damage only Passing a stopped school bus Speeding in excess of 75 mph when the speed limit is less than 70 mph Speeding in excess of 80 mph when the speed limit is 70 mph or greater Driving by a person less than age 21 after consuming alcohol or drugs
3	At-fault accident that occurs before January 1, 2004, resulting in death, or bodily injury* in excess of \$1,500 or property damage of \$2,500 or more** At-fault accident that occurs on or after January 1, 2004, resulting in death, or bodily injury* in excess of \$1,800 or property damage of \$3,000 or more**
2	Illegal passing Following too closely Driving on wrong side of the road At-fault accident that occurs before January 1, 2004, resulting in property damage in excess of \$1,500, but less than \$2,500** At-fault accident that occurs on or after January 1, 2004, resulting in property damage in excess of \$1,800, but less than \$3,000** Speeding more than 10 mph over the speed limit provided the total speed is in excess of 55 mph, but less than 76 mph Speeding 10 mph or less in excess of speed zone of 55 mph or greater
1	All other moving violations At-fault accident that occurs before January 1, 2004, resulting in bodily injury* of \$1,500** or less, or property damage of \$1,500 or less** At-fault accident that occurs on or after January 1, 2004, resulting in bodily injury* of \$1,800** or less, or property damage of \$1,800 or less** Speeding 10 mph or less in excess of speed limit of less than 55 mph

* No SDIP points will apply for Bodily Injury if the insured furnishes proof that costs were solely for diagnostic purposes.
** The greatest number of points will be applied for at-fault accidents resulting in Property Damage and Death or Bodily Injury.

Special Exemptions

No SDIP points will be charged for:

An accident provided all of the following are true:

- There is property damage only;
- The amount of damage is \$1,500 or less (\$1,800 or less if accident occurs on or after January 1, 2004);
- There is no conviction for a moving violation in connection with the accident; and
- No licensed operators in the household have convictions or at-fault accidents during the experience period. (An insurance company may require that the insured be covered by that company for six continuous months.)

Speeding 10 mph or less over the posted speed limit; provided all of the following are true:

- The violation did not occur in a **school zone**; and
- There is not another moving traffic violation for the **experience period** [an isolated Prayer for Judgment Continued (**PJC**) will not count as a prior conviction for the purpose of this exception].

*One **PJC** for each household every three years; however:*

- A second PJC may cause points to be charged according to the underlying convictions.

Insurance Points Will Cost You Money					
Point	% of Rate Increase	Cost if Basic Rate is \$300	Points	% of Rate Increase	Cost if Basic Rate is \$300
1	25%	\$375	7	180%	\$840
2	45%	\$435	8	220%	\$960
3	65%	\$495	9	260%	\$1,080
4	90%	\$570	10	300%	\$1,200
5	120%	\$660	11	350%	\$1,350
6	150%	\$750	12	400%	\$1,500

***Experience Period** — The three years immediately preceding the date of application or the preparation of the renewal.



Search results

Defensive Driving 4-hour

Defensive Driving 4-hour is taught by the following training centers or instructors, according to their information. Please contact them directly for course schedules.

Click on the training center name to see other courses taught at the same training center.

Training Center or Instructor Name (click name for more detail)	Location	E-mail	Phone
<u>NORTH CAROLINA</u>			
<u>Bladen Community College</u>	Dublin	scott@bladen.cc.nc.us	910-862-2164 ext. 264
<u>Brunswick Community College</u>	Supply	stoutd@brunswick.cc.nc.us	910-755-7380
<u>Caldwell Community College</u>	Hudson	ballen@cccti.edu	828-726-2453
<u>Cape Fear Community College</u>	Wilmington (various locations)	dfauson@capefear.cc.nc.us	910-362-7175
<u>Catawba Valley Community College</u>	Hickory	lgarriso@cvccedu	828-327-7037
<u>Cleveland Community College</u>	Shelby	martin@cleveland.cc.nc.us	704-484-4085
<u>Coastal Carolina Community College</u>	Jacksonville	gwaslicki@cc.rr.com	910-938-6340
<u>College of Albemarle</u>	Elizabeth City		252-449-4603
<u>Gaston College</u>	Dallas	high.lora@gaston.cc.nc.us	704-922-6251
<u>Isothermal Community College</u>	Columbus	cbartol@isothermal.cc.nc.us	828-894-3092
<u>Lenior Community College</u>	Trenton	mdp704@email.lenoir.cc.nc.us	252-527-6223, ext. 704
<u>Mayland Community College</u>	Spruce Pine	lherbst@mayland.edu	828-733-5883
<u>Safety & Health Council of North Carolina</u>	Charlotte (various locations)	training@safetync.org	800-868-8777 or 704-334-7242, ext. 113

<u>Sampson Community College</u>	Clinton	<u>gparker@sampson.cc.nc.us</u>	910-592-7176, ext. 4001 or 4005
<u>Southeastern Community College</u>	Whiteville	<u>adorman@mail.southeast.cc.nc.us</u>	910-642-7141, ext. 296
<u>Wayne Community College</u>	Goldsboro	<u>cwalston@waynecc.edu</u>	919-735-5152, ext. 277

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National Safety Council
1121 Spring Lake Drive, Itasca, IL, 60143-3201
Tel: (630) 285-1121; Fax (630) 285-1315

§ 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:

(1) through (4) Repealed by Session Laws 1979, c. 36;

(5) Has, under the provisions of subsection (c) of this section, within a three-year period, accumulated 12 or more points, or eight or more points in the three-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for one or more traffic offenses;

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

(7) Has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

(8) Has been convicted of illegal transportation of alcoholic beverages;

(8a) Has been convicted of impaired instruction under G.S. [20-12.1](#);

(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 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;

(9) Has, within a period of 12 months, been convicted of (i) two or more charges of speeding in excess of 55 and not more than 80 miles per hour, (ii) one or more charges of reckless driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour, or (iii) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour;

(10) Has been convicted of operating a motor vehicle at a speed in excess of 75 miles per hour on a public road or highway where the maximum speed is less than 70 miles per hour;

(10a) Has been convicted of operating a motor vehicle at a speed in excess of 80 miles per hour on a public highway where the maximum speed is 70 miles per hour; or

(11) Has been sentenced by a court of record and all or a part of the sentence has been suspended and a condition of suspension of the sentence is that the operator not operate a motor vehicle for a period of time.

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 license unless it is revoked under some other provision of the law, until the hearing is held, the person withdraws his request, or he 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 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 and shall assign to the record of such person, as of the date of commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Passing stopped school bus	5
Aggressive driving	5
Reckless driving	4
Hit and run, property damage only	4
Following too close	4
Driving on wrong side of road	4
Illegal passing	4
Failure to yield right-of-way to pedestrian pursuant to G.S. 20-158(b)(2)b	4
Failure to yield right-of-way to bicycle, motor scooter, or motorcycle	4
Running through stop sign	3
Speeding in excess of 55 miles per hour	3
Failing to yield right-of-way	3
Running through red light	3
No driver's license or license expired more than one year	3
Failure to stop for siren	3
Driving through safety zone	3
No liability insurance	3

Failure to report accident where such report is required	3
Speeding in a school zone in excess of the posted school zone speed limit	3
Failure to properly restrain a child in a restraint or seat belt	2
All other moving violations	2
Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle	1

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

Passing stopped school bus	8
Rail-highway crossing violation	6
Careless and reckless driving in violation of G.S. 20-140 (f)	6
Speeding in violation of G.S. 20-141 (j3)	6
Aggressive driving	6
Reckless driving	5
Hit and run, property damage only	5
Following too close	5
Driving on wrong side of road	5
Illegal passing	5
Failure to yield right-of-way to pedestrian pursuant to G.S. 20-158(b)(2)b	5
Failure to yield right-of-way to bicycle, motor scooter, or motorcycle	5
Running through stop sign	4
Speeding in excess of 55 miles per hour	4
Failing to yield right-of-way	4
Running through red light	4
No driver's license or license expired more than one year	4
Failure to stop for siren	4
Driving through safety zone	4
No liability insurance	4
Failure to report accident where such report is required	4
Speeding in a school zone in excess of the posted school zone speed limit	4

Possessing alcoholic beverages in the passenger area of a commercial motor vehicle	4
All other moving violations	3
Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle	1

The above provisions of this subsection shall only apply to violations and convictions which take place within the State of North Carolina. The Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle shall not apply to any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm and bucket station, and to any commercial motor vehicle known as a "line truck" having a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and used in connection with installation, restoration or maintenance of utility services. No points shall be assessed for conviction of the following offenses:

- Overloads
- Over length
- Over width
- Over height
- Illegal parking
- Carrying concealed weapon
- Improper plates
- Improper registration
- Improper muffler
- Improper display of license plates or dealers' tags
- Unlawful display of emblems and insignia
- Failure to display current inspection certificate.

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

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

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

suspension or revocation an opportunity to attend a driver improvement clinic operated by the Division and, upon the successful completion of the course taken at the clinic, three points shall be deducted from the licensee's conviction record; provided, that only one deduction of points shall be made on behalf of any licensee within any five-year period.

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

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

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

(d) Upon suspending the license of any person as authorized in this section, the Division shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing, not to exceed 60 days after receipt of the request, unless a preliminary hearing was held before his license was suspended. Upon such hearing the duly authorized agents of the Division may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the Division shall either rescind its order of suspension, or good cause appearing therefor, may extend the suspension of such license. Provided further upon such hearing, preliminary or otherwise, involving subsections (a) (1) through (a) (10a) of this section, the Division may for good cause appearing in its discretion substitute a period of probation not to exceed one year for the suspension or for any unexpired period of suspension. Probation shall mean any written agreement between the suspended driver and a duly authorized representative of the Division and such period of probation shall not exceed one year, and any violation of the probation agreement during the probation period shall result in a suspension for the unexpired remainder of the suspension period. The authorized agents of the Division shall have the same powers in connection with a preliminary hearing prior to suspension as this subsection provided in connection with hearings held after suspension. These agents shall also have the authority to take possession of a surrendered license on behalf of the Division if the suspension is upheld and the licensee requests that the suspension begin immediately.

(e) The Division may conduct driver improvement clinics for the benefit of those who have been convicted of one or more violations of this Chapter. Each driver attending a driver improvement clinic shall pay a fee of fifty dollars (\$50.00).

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

previous 12 months. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S.

[20-16.1](#) (b) (1), (2), (3), (4), and (5).

(e2) If the Division revokes a person's drivers license pursuant to G.S. [20-17](#) (a) (16), a judge may allow the licensee a limited driving privilege for a period not to exceed the period of revocation. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. [20-16.1](#) (b) (1), (2), (3), (4), (5), and (g).

§ 20-141. Speed restrictions.

(a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

(1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.

(2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except for school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe-speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

(1) Forty miles per hour in a speed zone of 55 miles per hour.

(2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

(d)(1) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality), the Department of Transportation shall determine and declare a reasonable and safe speed limit.

(2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize

by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

(e) Local authorities within their respective jurisdictions may authorize, by ordinance, lower speed limits than those set in subsection (b) of this section on school property. If the lower speed limit is being set on the grounds of a public school, the local school administrative unit must request or consent to the lower speed limit. If the lower speed limit is being set on the grounds of a private school, the governing body of the school must request or consent to the lower speed limit. Speed limits established pursuant to this subsection shall become effective when appropriate signs giving notice of the speed limit are erected upon affected property. A person who drives a motor vehicle on school property at a speed greater than the speed limit set and posted under this subsection is responsible for an infraction and is required to pay a penalty of not less than twenty-five dollars (\$25.00).

(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. [20-141](#)(d)(1) and G.S. [20-141](#)(d)(2) for changing the speed limits outside of municipalities, without action of the municipality.

(g) Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Department of Transportation or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Department of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic

except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Department of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) Repealed by Session Laws 1997, c. [443](#), s. 19.26(b).

(j1) A person who drives a vehicle on a highway at a speed that is either more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or over 80 miles per hour is guilty of a Class 2 misdemeanor.

(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted at the beginning of the highway work zone states the penalty for speeding in the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the work zone. Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles.

(j3) A person is guilty of a Class 2 misdemeanor if the person drives a commercial motor vehicle carrying a load that is subject to the permit requirements of G.S. [20-119](#) upon a highway or any public vehicular area at a speed of 15 miles per hour or more above either:

(1) The posted speed; or

(2) The restricted speed, if any, of the permit, or if no permit was obtained, the speed that would be applicable to the load if a permit had been obtained.

(k) Repealed by Session Laws 1995 (Regular Session, 1996), c. [652](#), s. 1.

(l) Notwithstanding any other provision contained in G.S. [20-141](#) or any other statute or law of this State, including municipal charters, any speed limit on any portion of the public highways within the jurisdiction of this State shall be uniformly applicable to all types of motor vehicles using such portion of the highway, if on November 1, 1973, such portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. Provided, however, that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. The requirement for a uniform speed limit hereunder shall not apply to any portion of the highway during such time as the condition of the highway, weather, an accident, or other condition creates a

temporary hazard to the safety of traffic on such portion of the highway.

(m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

(n) Notwithstanding any other provision contained in G.S. [20-141](#) or any other statute or law of this State, the failure of a motorist to stop his vehicle within the radius of its headlights or the range of his vision shall not be held negligence per se or contributory negligence per se.

(o) A violation of G.S. [20-123.2](#) shall be a lesser included offense in any violation of this section, and shall be subject to the following limitations and conditions:

(1) A violation of G.S. [20-123.2](#) shall be recorded in the driver's official record as "Improper equipment - Speedometer."

(2) The lesser included offense under this subsection shall not apply to charges of speeding in excess of 25 miles per hour or more over the posted speed limit.

No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection.

(p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued.

§ 20-16.1. Mandatory suspension of driver's license upon conviction of excessive speeding; limited driving permits for first offenders.

(a) Notwithstanding any other provisions of this Article, the Division shall suspend for a period of 30 days the license of any driver without preliminary hearing on receiving a record of the driver's conviction of either (i) exceeding by more than 15 miles per hour the speed limit, either within or outside the corporate limits of a municipality, if the person was also driving at a speed in excess of 55 miles per hour at the time of the offense, or (ii) driving at a speed in excess of 80 miles per hour at the time of the offense.

(b)(1) Upon a first conviction only of violating subsection (a), the trial judge may when feasible allow a limited driving privilege or license to the person convicted for proper purposes reasonably connected with the health, education and welfare of the person convicted and his family.

For purposes of determining whether conviction is a first conviction, no prior offense occurring more than seven years before the date of the current offense shall be considered. The judge may impose upon such limited driving privilege any restrictions as in his discretion are deemed advisable including, but not limited to, conditions of days, hours, types of vehicles, routes, geographical boundaries and specific purposes for which limited driving privilege is allowed. Any such limited driving privilege allowed and restrictions imposed thereon shall be specifically recorded in a written judgment which shall be as near as practical to that hereinafter set forth and shall be signed by the trial judge and shall be affixed with the seal of the court and shall be made a part of the records of the said court. A copy of said judgment shall be transmitted to the Division of Motor Vehicles along with any driver's license in the possession of the person convicted and a notice of the conviction. Such permit issued hereunder shall be valid for 30 days from the date of issuance by trial court. Such permit shall constitute a valid license to operate motor vehicles of the class or type that would be allowed by the person's license if it were not currently revoked upon the streets and highways of this or any other state in accordance with the restrictions noted thereon and shall be subject to all provisions of law relating to driver's license, not by their nature, rendered inapplicable.

(2) The judgment issued by the trial judge as herein permitted shall as near as practical be in form and content as follows:

STATE OF NORTH	IN THE GENERAL COURT
CAROLINA	OF JUSTICE
COUNTY OF	RESTRICTED DRIVING
	PRIVILEGES

This cause coming on to be heard and being heard before the Honorable _____, Judge presiding, and it appearing to the court that the defendant, _____, has been convicted of the offense of excessive speeding in violation of G.S. [20-16.1](#)(a), and it further appearing to the court that

the defendant should be issued a restrictive driving license and is entitled to the issuance of a restrictive driving privilege under and by the authority of G.S. [20-16.1](#)(b);

Now, therefore, it is ordered, adjudged and decreed that the defendant be allowed to operate a motor vehicle under the following conditions and under no other circumstances.

Name: _____

Race: _____ Sex: _____

Height: _____ Weight: _____

Color of Hair: _____ Color of Eyes: _____

Birth Date: _____

Driver's License Number: _____

Signature of Licensee: _____

Conditions of Restriction: _____

Type of Vehicle: _____

Geographic Restrictions: _____

Hours of Restriction: _____

Other Restrictions: _____

This limited license shall be effective from _____ to _____ subject to further orders as the court in its discretion may deem necessary and proper.

This the _____ day of _____, _____

(Judge Presiding)

(3) Upon conviction of such offense outside the jurisdiction of this State the person so convicted may apply to a district court judge of the district or set of districts as defined in G.S. [7A-41.1](#)(a) in which he resides for limited driving privileges hereinbefore defined. Upon such application the judge shall have the authority to issue such limited driving privileges in the same manner as if he were the trial judge.

(4) Any violation of the restrictive driving privileges as set forth in the judgment of the trial judge allowing such privileges shall constitute the offense of driving while license has been suspended as set forth in G.S. [20-28](#). Whenever a person is charged with operating a motor vehicle in violation of the restrictions, the limited driving privilege shall be suspended pending the final disposition of the charge.

(5) This section is supplemental and in addition to existing law and shall not be construed so as to repeal any existing provision contained in the General Statutes of North Carolina.

(c) Upon conviction of a similar second or subsequent offense which offense occurs within one year of the first or prior offense, the license of such operator shall be suspended for 60 days, provided such first or

prior offense occurs subsequent to July 1, 1953.

(d) Notwithstanding any other provisions of this Article, the Division shall suspend for a period of 60 days the license of any driver without preliminary hearing on receiving a record of such driver's conviction of having violated the laws against speeding described in subsection (a) and of having violated the laws against reckless driving on the same occasion as the speeding offense occurred.

(e) The provisions of this section shall not prevent the suspension or revocation of a license for a longer period of time where the same may be authorized by other provisions of law.

(f) Repealed by Session Laws 1987, c. 869, s. 14.

(g) Any judge granting limited driving privileges under this section shall, prior to granting such privileges, be furnished proof and be satisfied that the person being granted such privileges is financially responsible. Proof of financial responsibility shall be in one of the following forms:

(1) A written certificate or electronically-transmitted facsimile thereof from any insurance carrier duly authorized to do business in this State certifying that there is in effect a nonfleet private passenger motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate or facsimile shall state the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy and shall state the date that the certificate or facsimile is issued. The certificate or facsimile shall remain effective proof of financial responsibility for a period of 30 consecutive days following the date the certificate or facsimile is issued but shall not in and of itself constitute a binder or policy of insurance or

(2) A binder for or policy of nonfleet private passenger motor vehicle liability insurance under which the applicant is insured, provided that the binder or policy states the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy.

The preceding provisions of this subsection do not apply to applicants who do not own currently registered motor vehicles and who do not operate nonfleet private passenger motor vehicles that are owned by other persons and that are not insured under commercial motor vehicle liability insurance policies. In such cases, the applicant shall sign a written certificate to that effect. Such certificate shall be furnished by the Division. Any material misrepresentation made by such person on such certificate shall be grounds for suspension of that person's license for a period of 90 days.

For the purpose of this subsection "nonfleet private passenger motor vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58. The Commissioner may require that certificates required by this subsection be on a form approved by the Commissioner. Such granting of limited driving privileges shall be conditioned upon the maintenance of such financial responsibility during the period of the limited driving privilege. Nothing in this subsection precludes any person from showing proof of financial responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.

§ 20-17. Mandatory revocation of license by Division.

(a) The Division shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction for any of the following offenses:

(1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle.

(2) Either of the following impaired driving offenses:

a. Impaired driving under G.S. [20-138.1](#).

b. Impaired driving under G.S. [20-138.2](#), if the driver's alcohol concentration level was .06 or higher. For the purposes of this sub-subdivision, the driver's alcohol concentration level result, obtained by chemical analysis, shall be conclusive and is not subject to modification by any party, with or without approval by the court.

(3) Any felony in the commission of which a motor vehicle is used.

(4) Failure to stop and render aid in violation of G.S. [20-166](#) (a) or (b).

(5) Perjury or the making of a false affidavit or statement under oath to the Division under this Article or under any other law relating to the ownership of motor vehicles.

(6) Conviction, within a period of 12 months, of (i) two charges of reckless driving, (ii) two charges of aggressive driving, or (iii) one or more charges of reckless driving and one or more charges of aggressive driving.

(7) Conviction upon one charge of aggressive driving or reckless driving while engaged in the illegal transportation of intoxicants for the purpose of sale.

(8) Conviction of using a false or fictitious name or giving a false or fictitious address in any application for a drivers license, or learner's permit, or any renewal or duplicate thereof, or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any such application or procuring or knowingly permitting or allowing another to commit any of the foregoing acts.

(9) Any offense set forth under G.S. [20-141.4](#).

(10) Repealed by Session Laws [1997-443](#), s. 19.26(b).

(11) Conviction of assault with a motor vehicle.

(12) A second or subsequent conviction of transporting an open container of alcoholic beverage under G.S. [20-138.7](#).

(13) A second or subsequent conviction, as defined in G.S. [20-138.2A](#) (d),

of driving a commercial motor vehicle after consuming alcohol under G.S. [20-138.2A](#).

(14) A conviction of driving a school bus, school activity bus, or child care vehicle after consuming alcohol under G.S. [20-138.2B](#).

(15) A conviction of malicious use of an explosive or incendiary device to damage property (G.S. [14-49](#)(b) and (b1)); making a false report concerning a destructive device in a public building (G.S. [14-69.1](#)(c)); perpetrating a hoax concerning a destructive device in a public building (G.S. [14-69.2](#)(c)); possessing or carrying a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property (G.S. [14-269.2](#)(b1)); or causing, encouraging, or aiding a minor to possess or carry a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property (G.S. [14-269.2](#)(c1)).

(16) A second or subsequent conviction of larceny of motor fuel under G.S. [14-72.5](#). A conviction for violating G.S. [14-72.5](#) is a second or subsequent conviction if at the time of the current offense the person has a previous conviction under G.S. [14-72.5](#) that occurred in the seven years immediately preceding the date of the current offense.

(b) On the basis of information provided by the child support enforcement agency or the clerk of court, the Division shall:

(1) Ensure that no license or right to operate a motor vehicle under this Chapter is renewed or issued to an obligor who is delinquent in making child support payments when a court of record has issued a revocation order pursuant to G.S. [110-142.2](#) or G.S. [50-13.12](#). The obligor shall not be entitled to any other hearing before the Division as a result of the revocation of his license pursuant to G.S. [110-142.2](#) or G.S. [50-13.12](#); or

(2) Revoke the drivers license of any person who has willfully failed to complete court-ordered community service and a court has issued a revocation order. This revocation shall continue until the Division receives certification from the clerk of court that the person has completed the court-ordered community service. No person whose drivers license is revoked pursuant to this subdivision shall be entitled to any other hearing before the Division as a result of this revocation.

§ 58-36-75. At-fault accidents and certain moving traffic violations under the Safe Driver Incentive Plan.

(a) The subclassification plan promulgated pursuant to G.S. [58-36-65](#) (b) may provide for separate surcharges for major, intermediate, and minor accidents. A "major accident" is an at-fault accident that results in either (i) bodily injury or death or (ii) only property damage of three thousand dollars (\$3,000) or more. An "intermediate accident" is an at-fault accident that results in only property damage of more than one thousand eight hundred dollars (\$1,800) but less than three thousand dollars (\$3,000). A "minor accident" is an at-fault accident that results in only property damage of one thousand eight hundred dollars (\$1,800) or less. The subclassification plan may also exempt certain minor accidents from the Facility recoupment surcharge. The Bureau shall assign varying Safe Driver Incentive Plan point values and surcharges for bodily injury in at-fault accidents that are commensurate with the severity of the injury, provided that the point value and surcharge assigned for the most severe bodily injury shall not exceed the point value and surcharge assigned to a major accident involving only property damage.

(a1) The subclassification plan shall provide that there shall be no premium surcharge, increase in premium on account of cession to the Reinsurance Facility, or assessment of points against an insured where: (i) the insured is involved and is at fault in a "minor accident," as defined in subsection (a) of this section; (ii) the insured is not convicted of a moving traffic violation in connection with the accident; (iii) neither the vehicle owner, principal operator, nor any licensed operator in the owner's household has a driving record consisting of one or more convictions for a moving traffic violation or one or more at-fault accidents during the three-year period immediately preceding the date of the application for a policy or the date of the preparation of the renewal of a policy; and (iv) the insured has been covered by liability insurance with the same company or company group continuously for at least the six months immediately preceding the accident. Notwithstanding (iv) of this subsection, if the insured has been covered by liability insurance with the same company or company group for at least six continuous months, some or all of which were after the accident, the insurance company shall remove any premium surcharge or assessment of points against the insured if requirements (i), (ii), and (iii) of this subsection are met. Also notwithstanding (iv) of this subsection, an insurance company may choose not to assess a premium surcharge or points against an insured who has been covered by liability insurance with that company or with the company's group for less than six months immediately preceding the accident, if requirements (i), (ii), and (iii) are met.

(a2) The subclassification plan shall provide that there shall be no premium surcharge or assessment of points against an insured where (i) the insured's driver's license has been revoked under G.S. [20-16.5](#); and (ii) the insured is subsequently acquitted of the offense involving impaired driving, as defined in G.S. [20-4.01](#) (24a), that is related to the revocation, or the charge for that offense is dismissed. In addition, no insurer shall use, for rating, underwriting, or classification purposes, including ceding any risk to the Facility or writing any kind of coverage

subject to this Article, any license revocation under G.S. [20-16.5](#) if the insured is acquitted or the charge is dismissed as described in this subsection.

(b) Repealed by Session Laws [1999-294](#), s. 12(a), effective July 14, 1999.

(c) Repealed by Session Laws [1999-132](#), s. 8.1, effective June 4, 1999.

(d) There shall be no Safe Driver Incentive Plan surcharges under G.S. [58-36-65](#) for accidents occurring when only operating a firefighting, rescue squad, or law enforcement vehicle in accordance with G.S. [20-125](#) (b) and in response to an emergency if the operator of the vehicle at the time of the accident was a paid or volunteer member of any fire department, rescue squad, or any law enforcement agency. This exception does not include an accident occurring after the vehicle ceases to be used in response to the emergency and the emergency ceases to exist.

(e) Repealed by Session Laws [1999-294](#), s. 12(a), effective July 14, 1999.

(f) The subclassification plan shall provide that with respect to a conviction for a "violation of speeding 10 miles per hour or less over the speed limit" there shall be no premium surcharge nor any assessment of points unless there is a driving record consisting of a conviction or convictions for a moving traffic violation or violations, except for a prayer for judgment continued for any moving traffic violation, during the three years immediately preceding the date of application or the preparation of the renewal. The subclassification plan shall also provide that with respect to a prayer for judgment continued for any moving traffic violation, there shall be no premium surcharge nor any assessment of points unless the vehicle owner, principal operator, or any licensed operator in the owner's household has a driving record consisting of a prayer or prayers for judgment continued for any moving traffic violation or violations during the three years immediately preceding the date of application or the preparation of the renewal. For the purpose of this subsection, a "prayer for judgment continued" means a determination of guilt by a jury or a court though no sentence has been imposed. For the purpose of this subsection, a "violation of speeding 10 miles per hour or less over the speed limit" does not include the offense of speeding in a school zone in excess of the posted school zone speed limit.

(f1) The subclassification plan shall provide that in the event an insured is at fault in an accident and is convicted of a moving traffic violation in connection with the accident, only the higher plan premium surcharge between the accident and the conviction shall be assessed on the policy.

(g) As used in this section "conviction" means a conviction as defined in G.S. [20-279.1](#) and means an infraction as defined in G.S. [14-3.1](#).

(h) The North Carolina Rate Bureau shall assign one insurance point under the Safe Driver Incentive Plan for persons who fail to yield to a pedestrian under G.S. 20-158(b)(2)b.