

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 763
HOUSE BILL 56

AN ACT TO AMEND THE SAFE DRIVER INSURANCE PLAN PROVISIONS BY
INCREASING THE PROPERTY DAMAGE THRESHOLD FOR CHARGEABLE
ACCIDENTS AND ELIMINATING SURCHARGES FOR CERTAIN SPEEDING
TRAFFIC VIOLATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-30.5. Major and minor chargeable accidents and certain speeding traffic violations under the Safe Driver Insurance Plan.—(a) The subclassification plan promulgated pursuant to G.S. 58-30.4 shall provide for separate surcharges for major chargeable accidents and minor chargeable accidents. 'Major chargeable accident' means a chargeable accident that results in (a) bodily injury or death or (b) damage in excess of five hundred dollars (\$500.00) to any combination of (i) property not owned by the applicant nor by any current resident operator and (ii) his motor vehicle. 'Minor chargeable accident' means a chargeable accident that results in damage of five hundred dollars (\$500.00) or less to any combination of (i) property not owned by the applicant nor by any current resident operator and (ii) his motor vehicle.

(b) 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 during the three years immediately preceding the date of application or the preparation of the renewal.

(c) The North Carolina Rate Bureau shall promulgate a revised subclassification plan to reflect the provisions of this section. Such plan shall be subject to the filing, hearing, disapproval, review, and appeal procedures before the Commissioner and the courts as provided for rates and classification plans in G.S. 58- 124.20, 58-124.21, and 58-124.22. The Bureau shall make a filing no later than September 1, 1983, and such plan so promulgated shall become effective January 1, 1984. Such plan shall apply only to chargeable accidents and violations of speeding 10 miles per hour or less over the speed limit that occur on or after January 1, 1984. With respect to any chargeable accidents or violations of speeding 10 miles per hour or less over the speed limit occurring prior to January 1, 1984, the surcharge and period for which such surcharge is applied and collected shall be determined by the subclassification plan in effect at the

time such chargeable accident or violation of speeding 10 miles per hour or less over the speed limit occurs.

(d) For the purposes of subsections (b) and (c) of this section, 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.

(e) Any adjustments in rates for nonfleet passenger motor vehicle insurance to offset any reduction in premium level due to the implementation of the provisions of this section shall be made through adjustments to the base rates for the affected coverages. Such adjustments shall be filed by the Bureau with the Commissioner in accordance with the standards and procedures of Articles 12B and 25A of this Chapter. In no event shall such adjustments be deemed to be changes in the total combined general rate level within the meaning of G.S. 58-124.26."

Sec. 2. The catch line of G.S. 58-30.4 is amended by changing the period to a semicolon and by adding the following:
"Safe Driver Insurance Plan."

Sec. 3. G.S. 58-30.4 is amended by rewriting the sentence that begins on line 17 with the word "The" to read: "The subclassification plan to be effective January 1, 1984, shall provide that in a policy insuring more than one motor vehicle, driving record premium surcharges for chargeable accidents and moving traffic violations shall be distributed equally among the motor vehicles so insured."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1983.