

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1532
Committee Substitute Favorable 6/12/00

Short Title: Drivers Points - No Child Restraint.

(Public)

Sponsors:

Referred to:

May 15, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO MANDATE THE ASSESSMENT OF DRIVERS LICENSE POINTS FOR
3 FAILURE TO RESTRAIN A CHILD IN A MOTOR VEHICLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-137.1 reads as rewritten:

6 **"§ 20-137.1. Child restraint systems required.**

7 (a) Every driver who is transporting one or more passengers of less than 16 years
8 of age shall have all such passengers properly secured in a child passenger restraint
9 system or seat belt which meets federal standards applicable at the time of its
10 manufacture.

11 (a1) A child less than five years of age and less than 40 pounds in weight shall be
12 properly secured in a weight-appropriate child passenger restraint system. In vehicles
13 equipped with an active passenger-side front air bag, if the vehicle has a rear seat, a child
14 less than five years of age and less than 40 pounds in weight shall be properly secured in
15 a rear seat, unless the child restraint system is designed for use with air bags.

16 (b) The provisions of this section shall not apply: (i) to ambulances or other
17 emergency vehicles; (ii) when the child's personal needs are being attended to; (iii) if all
18 seating positions equipped with child passenger restraint systems or seat belts are

1 occupied; or (iv) to vehicles which are not required by federal law or regulation to be
2 equipped with seat belts.

3 (c) Any driver found responsible for a violation of this section may be punished by
4 a penalty not to exceed twenty-five dollars (\$25.00), even when more than one child less
5 than 16 years of age was not properly secured in a restraint system. ~~Conviction of an~~
6 ~~infraction under this section has no consequence other than payment of a penalty.~~ No driver
7 charged under this section for failure to have a child under five years of age properly
8 secured in a restraint system shall be convicted if he produces at the time of his trial proof
9 satisfactory to the court that he has subsequently acquired an approved child passenger
10 restraint system.

11 (d) ~~No driver license points or insurance points shall be assessed for a violation of~~
12 ~~this section; nor shall a violation constitute negligence per se or contributory negligence~~
13 ~~per se nor shall it be evidence of negligence or contributory negligence.~~

14 A violation of this section shall have all of the following consequences:

- 15 (1) Two drivers license points shall be assessed pursuant to G.S. 20-16.
- 16 (2) No insurance points shall be assessed.
- 17 (3) The violation shall not constitute negligence per se or contributory
18 negligence per se.
- 19 (4) The violation shall not be evidence of negligence or contributory
20 negligence."

21 Section 2. G.S. 20-16(c) reads as rewritten:

22 "(c) The Division shall maintain a record of convictions of every person licensed or
23 required to be licensed under the provisions of this Article as an operator and shall enter
24 therein records of all convictions of such persons for any violation of the motor vehicle
25 laws of this State and shall assign to the record of such person, as of the date of
26 commission of the offense, a number of points for every such conviction in accordance
27 with the following schedule of convictions and points, except that points shall not be
28 assessed for convictions resulting in suspensions or revocations under other provisions of
29 laws: Further, any points heretofore charged for violation of the motor vehicle inspection
30 laws shall not be considered by the Division of Motor Vehicles as a basis for suspension
31 or revocation of driver's license:
32

33 **SCHEDULE OF POINT VALUES**

| | | |
|----|---|---|
| 34 | Passing stopped school bus | 5 |
| 35 | Reckless driving | 4 |
| 36 | Hit and run, property damage only | 4 |
| 37 | Following too close | 4 |
| 38 | Driving on wrong side of road | 4 |
| 39 | Illegal passing | 4 |
| 40 | Running through stop sign | 3 |
| 41 | Speeding in excess of 55 miles per hour | 3 |
| 42 | Failing to yield right-of-way | 3 |
| 43 | Running through red light | 3 |

1 No driver's license or license expired more than one year..... 3
 2 Failure to stop for siren 3
 3 Driving through safety zone..... 3
 4 No liability insurance 3
 5 Failure to report accident where such report is required..... 3
 6 Speeding in a school zone in excess of the posted school
 7 zone speed limit..... 3
 8 Failure to properly restrain a child in a restraint or
 9 seat belt..... 2
 10 All other moving violations 2
 11 Littering pursuant to G.S. 14-399 when the littering
 12 involves the use of a motor vehicle..... 1
 13

14 **SCHEDULE OF POINT VALUES FOR VIOLATIONS WHILE**
 15 **OPERATING A COMMERCIAL MOTOR VEHICLE**
 16

17 Passing stopped school bus 8
 18 Rail-highway crossing violation 6
 19 Reckless driving 5
 20 Hit and run, property damage only 5
 21 Following too close 5
 22 Driving on wrong side of road 5
 23 Illegal passing 5
 24 Running through stop sign 4
 25 Speeding in excess of 55 miles per hour..... 4
 26 Failing to yield right-of-way 4
 27 Running through red light 4
 28 No driver's license or license expired more than one year..... 4
 29 Failure to stop for siren 4
 30 Driving through safety zone..... 4
 31 No liability insurance 4
 32 Failure to report accident where such report is required..... 4
 33 Speeding in a school zone in excess of the posted school
 34 zone speed limit..... 4
 35 Possessing alcoholic beverages in the passenger area of
 36 a commercial motor vehicle 4
 37 All other moving violations 3
 38 Littering pursuant to G.S. 14-399 when the littering
 39 involves the use of a motor vehicle 1
 40

41 The above provisions of this subsection shall only apply to violations and convictions
 42 which take place within the State of North Carolina. The Schedule of Point Values for
 43 Violations While Operating a Commercial Motor Vehicle shall not apply to any

1 commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm and
2 bucket station, and to any commercial motor vehicle known as a "line truck" having a
3 hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a public
4 utility, electric or telephone membership corporation or municipality and used in
5 connection with installation, restoration or maintenance of utility services.

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

7 Overloads

8 Over length

9 Over width

10 Over height

11 Illegal parking

12 Carrying concealed weapon

13 Improper plates

14 Improper registration

15 Improper muffler

16 Improper display of license plates or dealers' tags

17 Unlawful display of emblems and insignia

18 Failure to display current inspection certificate.

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

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

27 Whenever any licensee accumulates as many as seven points or accumulates as many
28 as four points during a three-year period immediately following reinstatement of his
29 license after a period of suspension or revocation, the Division may request the licensee
30 to attend a conference regarding such licensee's driving record. The Division may also
31 afford any licensee who has accumulated as many as seven points or any licensee who
32 has accumulated as many as four points within a three-year period immediately following
33 reinstatement of his license after a period of suspension or revocation an opportunity to
34 attend a driver improvement clinic operated by the Division and, upon the successful
35 completion of the course taken at the clinic, three points shall be deducted from the
36 licensee's conviction record; provided, that only one deduction of points shall be made on
37 behalf of any licensee within any five-year period.

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

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

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

7 Section 3. This act becomes effective December 1, 2000.