

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

1

HOUSE BILL 40

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

Sponsors: Representative Clampitt.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 2, 2021

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21 subsection, the person's drivers license was revoked for an impaired driving  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:



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.