



HOUSE BILL 864: Require Driver Retraining Course.

2019-2020 General Assembly

Committee:	House Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 26, 2019
Introduced by:	Reps. Shepard, Torbett, Stevens	Prepared by:	Greg Roney Staff Attorney
Analysis of:	PCS to First Edition H864-CSBGf-52		

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 864 would require the Division of Motor Vehicles (DMV), or a third-party contractor, to establish a driver retraining course that must be completed to restore driving privileges after a license was suspended under certain circumstances.*

The PCS would authorize a fee not to exceed \$175 with \$25 retained by DMV to attend a driver retraining course.

Compared to the first edition of the bill, the PCS would: remove a fee waiver for drivers with a judicial determination of indigence (fees are still waived if driver receiving public assistance); delay the effective date from July 1, 2019 to January 1, 2020; and make technical changes.

CURRENT LAW: G.S. 20-16 outlines under what circumstances DMV suspends a drivers license based on license point value accumulation, certain criminal convictions, and other circumstances. Generally, license suspension is for a time certain within the discretion of DMV.

DMV has authority to utilize probation, drivers conferences, and driver improvement clinics in conjunction with license suspensions.

BILL ANALYSIS: The PCS for House Bill 864 would require DMV, or a contractor of DMV, to establish and conduct a driver retraining course for persons who have had their license suspended under the circumstances below:

- The licensee accumulated 12 or more points in a 3-year period or 8 or more points in a 3-year period following the reinstatement of a license suspended or revoked because of a traffic offense.
- The licensee, within a period of 12 months, has been convicted of
 - 2 or more charges of speeding in excess of 55 and not more than 80 miles per hour
 - 1 or more charges of reckless driving and 1 or more charges of speeding in excess of 55 and not more than 80 miles per hour
 - 1 or more charges of aggressive driving and 1 or more charges of speeding in excess of 55 and not more than 80 miles per hour
- The licensee 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.
- The licensee 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.

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License suspensions under these circumstances would be indefinite, and the effective date of this suspension would be 90 days from the suspension notice date. The drivers retraining course would be required to either prevent the suspension (if completed prior to the effective date) or as a prerequisite to restoring the license (if completed after the suspension effective date). DMV would no longer be able to substitute probation in lieu of a suspension or unexpired term of suspension.

DMV is authorized to impose a maximum fee of \$175 (\$25 retained by DMV), unless a participant shows proof of receiving public assistance. The driver retraining course curriculum would be codified in statute. Completing the drivers retraining course would result in a cancellation of accumulated drivers license points.

EFFECTIVE DATE: The PCS for House Bill 864 would be effective January 1, 2020 and apply to licenses suspended on or after that date.

Howard Marsilio with the Legislative Analysis Division substantially contributed to this summary.