

**VIOLATIONS CONSTITUTING BOTH MOVING VIOLATIONS AND
MOTOR VEHICLE OFFENSES**

<u>Offense</u>	<u>Statute</u>
Aiding and Abetting DWI	G.S. 20-138.1*
Aiding and Abetting Operator License Violation	G.S. 20-7*
Allowing Unlicensed Person to Drive	G.S. 20-34*
Brake Light Violation	G.S. 20-129*
Covering/ Altering/ Disguising Registration Plate	G.S. 20-63(g)*
Death by Vehicle	G.S. 20-141.4
Designated Lane Violation	G.S. 20-146(d)
Drive Over Fire Equipment	G.S.20-157(d)
Drive Through Safety Zone or on Sidewalk	G.S. 20-160
Driving Below Posted Minimum Speed	G.S. 20-141(c)
Driving Left of Center	G.S. 20-146(a)
Driving on Closed/ Unopened Highway	G.S. 136-26*
Driving While Disqualified	G.S. 20-28(d)
Driving While Impaired	G.S. 20-138.1
Driving While License Revoked	G.S. 20-28(a)
Driving With Foreign License While NC License Revoked	G.S. 20-21
Driving Wrong Side of Road, Dual Lane Highway	G.S 20-146(c)
Driving Wrong Way/ One Way Street	G.S. 20-165.1
Exceeding Safe Speed	G.S. 20-141(a)
Expired/ No Registration (* Unless the person was the owner, not the driver. Then would only be a motor vehicle offense)	G.S. 20-111(1)
Failure to Allow Vehicle to Be Weighed	G.S. 20-118.1
Failure to Burn Headlights	G.S. 20-129(a)
Failure to Dim Headlights (* But see G.S. 20-18)	G.S. 20-181*
Failure to Comply with License Restrictions	G.S. 20-7(e)
Failure to Comply with Restrictions/ Limited Privilege	G.S. 20-16.1(b1)
Failure to Heed Light or Siren	G.S. 20-157(a)
Failure to Obey Railroad Signal	G.S. 20-142.1
Failure to Obey Traffic Officer	G.S. 20-114.1

Failure to Produce License* (* if issued to the driver. If the person was only "in charge" of the vehicle, then it is only a motor vehicle offense.)	G.S. 20-29
Failure to Reduce Speed	G.S. 20-141(m)
Failure to Reduce Speed When Being Overtaken	G.S. 20-149(b)
Failure to Report Accident/ Hit and Run	G.S. 20-166
Failure to Signal Upon Starting, Stopping or Backing	G.S. 20-154
Failure to Stop for School Bus	G.S. 20-217
Failure to Stop/ Yield for Vehicle Control Sign	G.S. 20-158
Failure to Yield/ Left Turn	G.S. 20-155(b)
Failure to Yield/ Right of Way	G.S. 20-155(a)
Failure to Yield Right-of-Way to Pedestrian	G.S. 20-173
Fictitious/ Altered/ Cancelled/ Revoked Registration Tag (*May only be a motor vehicle offense depending on facts)	G.S. 20-111*
Flag or Light at End of Load Violation	G.S. 20-117
Following a Fire Truck	G.S. 20-157(b)
Following Too Closely	G.S. 20-152
Habitual Impaired Driving	G.S. 20-138.5
Hit and Run	G.S. 20-166
Horn and Warning Device Violation	G.S. 125(a)*
Impaired Supervision/ Instruction	G.S. 20-12.1*
Impeding Traffic by Slow Speed	G.S. 20-141(h)
Improper Brakes	G.S. 20-124*
Improper Equipment/ Driving Without Two Headlights	G.S. 20-129(b)*
Improper Equipment/ Speedometer	G.S. 20-123.2*
Improper Equipment/ Tires	G.S. 20-122**
Improper Equipment/ Windshield Wipers	G.S. 20-127(a)*
Improper Loading/ Covering of Vehicle	G.S. 20-116(g)
Improper Muffler/ Emissions Control	G.S. 20-128
Improper Passing	G.S. 20-149(a)
Improper Towing	G.S. 20-123
Improper Turn	G.S. 20-153
Improper/ Unsafe Passing	G.S. 20-150
Improper Use of Dealer Plate* (*If issued to driver. Is only a motor vehicle offense for dealer.)	G.S. 20-79(e)

Interstate Highway Violation	G.S. 20-140.3
Involuntary Manslaughter	G.S. 20-17(a)(1)
Learner's Permit Violation	G.S. 20-7
Leaving Vehicle Unattended/ Unsecured* (*If the person was "in charge" but not "driving" under the statute, then a violation should only be considered a motor vehicle offense, not a moving violation.)	G.S. 20-163
License Not in Possession	G.S. 20-7(a)
Mirror Violation	G.S. 126
Motorcycle - Failure to Burn Headlights	G.S. 20-129(c)
Motorcycle/ Moped Helmet Violation	G.S. 20-140.4(a)*
No Child Restraint System	G.S. 20-137.1*
No Motorcycle Endorsement	G.S. 20-7(a1)
No Operator's License	G.S. 20-7(a)
Obstructing Fire Operations	G.S. 20-157(c)
Open Container After Consuming	G.S. 20-138.7
Operate/ No Current Inspection Sticker	G.S. 20-183.8(a)*
Operating Commercial Vehicle After Consuming	G.S. 20-138.2A
Operating School Bus After Consuming	G.S. 20-138.2B
Operation of Motor Vehicle/ No Insurance	G.S. 20-313
Overloaded/ Overcrowded Vehicle	G.S. 20-140.2
Overload/ Oversize and/ or Length Vehicle	G.S. 20-116
Parking/ Fire Hydrant, Fire Station, Intersection or Fire Lane* (*If the person "permitted it to stand" rather than parked vehicle, then violation should only be considered a motor vehicle violation, or unless it was only a "vehicle" and not a "motor vehicle," then it would be neither.)	G.S. 20-162
Permit Operation of Vehicle/ No Insurance	G.S. 20-313
Rear Lamp Violation	G.S. 20-129(d)*
Reckless Driving	G.S. 20-140
Speeding	G.S. 20-141
Speeding in School Bus	G.S. 20-218(b)
Speeding/ School Zone	G.S. 20-141.1
Speeding/ School Property	G.S. 20-141(e1)
Speeding/ Work Zone	G.S. 20-141(j2)
Speeding to Elude Arrest	G.S. 20-141.5
Tandem/ Semi-Trailer Violation	G.S. 20-115.1

Television in Vehicle	G.S. 20-136.1
Traffic Control Device Violation	G.S. 20-158(b) and (c)
Unlawful Racing (*Unless convicted under subsection (c) by authorizing or knowingly permitting vehicle to be used, then is only a motor vehicle offense.)	G.S. 20-141.3*
Unsafe Movement	G.S. 20-154
Unsafe Tires	G.S. 20-122.1*
Voluntary Manslaughter	G.S. 20-17(a)(1)
White Light on Rear/ Driving Forward	G.S. 20-130.3

VIOLATIONS CONSTITUTING MOTOR VEHICLE BUT NOT MOVING OFFENSES

Registration of Vehicle with no Directional Signal	G.S. 20-125.1
Allowing Inspection Sticker to be Put On/ No Inspection	G.S. 20-183.8(a)(2)
Inspection Violations - Mechanic/ Station	G.,S. 20-183.8
No Lights on Parked Vehicle	G.S. 20-134

North Carolina Division of Motor Vehicles
DRIVER LICENSE REVOCATION HEARINGS
(adapted from a Manuscript prepared by Charlotte Massengill, NC DMV, 1997)

	Revocation Authority	Period	DMV Hearing
DWI (20-138.1): (See note 5 for convictions under 20-138.2)			
1 st offense	20-17(2); 20-19(f)	1 year **	No *(LP)
2 nd offense (within 3 years)	20-19(d)	4 years **	After 2 years
3 rd or subsequent offense	20-19(e)	Permanent	After 3 years
Driving While Licensed Revoked (DWLR):			
1 st offense	20-28	1 additional year	After 90 days
2 nd offense	20-28	2 additional years	After 1 year
3 rd offense	20-28	Permanent	After 3 years
Moving Violation While Licensed Revoked:			
1 st offense	20-28.1	1 additional year	After 90 days
2 nd offense	20-28.1	2 additional years	After 1 year
3 rd or subsequent offense	20-28.1	Permanent	After 3 years
Manslaughter (or Negligent Homicide) Resulting from Operation of MV:			
Offense involving impaired driving	20-19(i)	Permanent	After 3 years
Not involving impaired driving	29-19(f)	1 year	No
Habitual Impaired Driving	20-138.5(d)	Permanent	No
Felony In Which MV is Used	20-17(3) and 19(f)	1 year	No
Hit and Run; Personal Injury (20-166(a)(b))	20-17(4) and 19(f)	1 year	No
Perjury on Any DMV Affidavit	20-17(5) and 19(f)	1 year	No
2 Reckless Driving Within 12 Months	20-17(6) and 19(f)	1 year	No
Reckless Driving/ Illegal Transportation of Intoxicating Beverage For Sale	20-17(7) and 19(f)	1 year	No
Transporting an Open Container of Alcoholic Beverage After Consuming Alcohol	20-138.7 and 20-17(a)(12)	Up to 1 year	No *(LP)
Fraud in Driver License Application	20-17(7) and 19(f)	1 year	No
Death by Vehicle (20-141.4)	20-17.9		
Offense involving impaired driving	29-19(i)	Permanent	After 3 years
Not involving impaired driving	20-19(f)	1 year	No

Speeding Over 55 mph and At Least 15 mph Over Speed Limit to Elude Arrest (20-141(j))	20-17(10) and 19(f)	1 year	No
Assault With Motor Vehicle	20-17(11) and 19(f)	1 year	No
Refusing Chemical Analysis	20-16.2	1 year	Yes *(LP)
Accumulation of 12 Points Within 3 Years or 8 Points Within 3 Years Following Reinstatement of License	20-16(a)(5)		
1 st suspension	20-16(c)	60 days	Yes
2 nd suspension	20-16(c)	6 months	Yes
3 rd suspension	20-16(c)	1 year	Yes
Unlawful or Fraudulent Use of Driver's License or Learner's Permit (20-30)	20-16(a)(6) and 19(c)	1 year	Yes
Out-of-State Conviction that Would be Grounds for Suspension if Committed in NC	20-16(a)(7) and 19(c)	1 year	Yes *(LP)
Illegal Transportation of Alcoholic Beverage (188-401(a), 406)	20-16(a)(8) and 19(a)	6 months	Yes
Second or Subsequent Conviction of Transporting Open Container After Consuming (20-138.7)	20-17(12) and 19(g1)	6 months (2 nd conviction) 1 year (3 rd conviction)	No *(LP)
Conviction of Impaired Instruction Under G.S. 20-12.1	20-16(a)(8a) and 19(c)	1 year	Yes
Violation of Military Installation Regulation Equivalent to G.S. 20-138.1 (DWI)	20-16(a)(8b) and 19(c)	1 year	Yes
Conviction of 2 Speeding Over 55 mph Within 12 months OR 1 Reckless Driving and 1 Speeding Over 55 mph Within 12 months	20-16(a)(9) and 19(a)	6 months	Yes *(LP)
Conviction of Speeding Over 75mph	20-16(a)(10) and 19(b)	Up to 1 year	Yes *(LP)
Speeding Over 55 mph and Over 15 mph Above Speed Limit:			
1 st offense	20-16.1(a)	30 days	No *(LP)
2 nd offense within 12 months	20-16.1(c)	60 days	No
Also convicted of reckless driving on same occasion	20-16.1(d)	60 days	No
Purchase of Alcohol by Underage Person (18B302):			
Intoxicating liquor by persons under 21	20-17.3	1 year	No
Malt beverage or unfortified wine by person under 19	20-17.3	1 year	No

Aiding and Abetting By Underage Person of Any Illegal Purchase of Alcoholic Beverage by Any Other Underage Person (18B-302)	20-17.3	1 year	No
Racing:			
Prearranged	20-141.3(d)	3 years	After 18 months
Willful	20-141.3(e)	1 year	Yes
Betting or allowing vehicle to be used in prearranged racing	20-141.3(d)	3 years	After 18 months
Driving by Person Under 21 After Consuming Alcohol or Drugs (20-138.3)	20-13.2	1 year	No *(LP)
Multiple Moving Violations By Provisional Licensee Within 12 Months (under 18 Years Old):	20-13(a)		
2 nd moving violation	20-13(b)(2)	30 days	Yes
3 rd moving violation	20-13(b)(3)	90 days	Yes
4 th moving violation	20-13(b)(4)	6 months	Yes
Failure to Show Proof of Financial Responsibility Or Post Security Following MV Collision	20-279.5	Indefinite	Yes
Failure to Appear in Court/ Pay Fine:			
In-State	20-24.1	Indefinite	No
Out of State	20-4.20	Indefinite	Yes
Misrepresentation on Certificate of Financial Responsibility	20-7(c); 13.2(e); 179.3(1)	90 days	No
Unsatisfied Judgment Resulting From Use of Motor Vehicle:			
In-State Judgment	20-279.13 and 279.16	Indefinite	No
Out of State Judgment	20-279.8(c)	Indefinite	No
Felony Conviction	15A-1331A	Based on License Forfeiture Terms	No *(LP)
Failure to Pay Child Support	50-13.13; 110-142.2	Indefinite	No *(LP)

* (LP) – May be eligible for a limited privilege provided all requirements are met under the appropriate statutes.

** - Effective January 1, 1996, if the person failed to complete the court-ordered substance abuse assessment and education or treatment before the end of the normal revocation period, the revocation period is extended until DMV receives notice of completion as provided in G.S. 20-17.6. The person is not eligible for a limited privilege during the extended revocation period.

It is important to remember that a hearing can be requested thirty days prior to eligibility.

North Carolina Division of Motor Vehicles
DRIVER LICENSE RESTORATION PROCESSES AND PROCEDURES
(adapted from a manuscript prepared by Charlotte Massengill, NC DMV, 1997)

Driving While Impaired: 20-138.1 (20-19(d), (e), or (i))

1st offense: no hearing allowed

2nd or 3rd offense options:

- Denied an interview
- Approved for interview
 - o Potential Outcomes
 - ✦ Denied relief
 - ✦ Conditional restoration of driving privileges
 - Upon approval, all conditional restoration paperwork will be forwarded to the licensee. Licensee must meet all requirements such as identification, insurance, etc. prior to re-licensing. Applicable fees may be a \$25 or \$50 restoration fee, \$50 service fee, and license fees.
 - Potential Driving Times
 - o Driving 6:00 a.m. – 8:00 p.m.
 - o Driving 6:00 a.m. – 8:00 p.m. by route
 - o Driving 6:00 a.m. – 8:00 p.m. with Interlock
 - o required documents will be discussed at the interview
 - o modification to hours or routes may be requested after restoration
 - o This type of hearing will include suspensions for manslaughter involving impaired driving and death by vehicle involving impaired driving.

Driving While License Revoked: 20-28

Moving Violation During Suspension: 20-28.1

1st offense: must present at the hearing, if granted, a one-year court report from every county licensee has lived in or been convicted in within the last three years

2nd offense: must present at the hearing, if granted, a two-year court report from every county licensee has lived in or been convicted in within the last three years

3rd offense: must present a three-year court report from every county licensee has lived in or been convicted in within the last three years

If restored, the hearing officer can reduce suspension time, order probation, mandate attendance at a driver clinic, or a combination of these.

Upon restoration, licensee must meet all requirements for re-licensing. Fee may be \$25 or \$50 restoration fee, \$50 service fee and any applicable license fees.

HEARING OUTCOMES

Except as otherwise specified, all other hearings will follow as stated below:

Preliminary Hearing Decisions:

- NO ACTION – Division will take no action. No suspension for this offense.
- REINSTATE ORIGINAL ACTION – Division will suspend for original time frame.
- SUSPEND/ PROBATION – CLINIC - Division may reduce the suspension and place licensee on probation for remainder of term with conditions.
- PROBATION/ CLINIC – no action taken; however, licensee is placed on probation with possible Clinic

Hearing Decisions:

- UPHOLD ACTION – Suspension remains in effect as notified.
- UPHOLD/ REHEAR – Suspension remains; however, licensee is allowed a re-hearing for possible restoration