

PUNISHMENTS
FOR
MOTOR VEHICLE
OFFENSES

Compiled by
James C. Drennan

1978

INSTITUTE OF GOVERNMENT
University of North Carolina at Chapel Hill

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ACQUISITIONS

PUNISHMENTS
FOR
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INTRODUCTION

This is the fourth edition of a booklet originally prepared by Douglas Gill in 1967. It lists the statutory punishments for certain motor vehicle offenses. Any other purposes served are unintended but welcome.

The sheer volume of motor vehicle offenses found in Chapter 20 of the General Statutes makes an exhaustive listing of offenses expensive to produce and impractical to use. Therefore, I have limited this chart to three categories of offenses:

1. Offenses that occur frequently. I have included the offenses that appear frequently in the Activity Report of the Driver's License Section of the Division of Motor Vehicles or in the State Highway Patrol's Arrest-Disposition Report.

2. Serious offenses that must be heard by district or superior court judges. To determine these offenses, I used the Uniform Policies Relating to Traffic Offenses (adopted by the Conference of Chief District Judges), which lists traffic offenses for which magistrates may not receive guilty pleas and for which a mandatory court appearance is required. Mandatory appearance is required in 18 types of offenses; most of these offenses are included in this chart.

3. Offenses with unusually severe or lenient punishments.

To assist those who must locate the punishment for offenses not included in this chart, I suggest the following method. First, check the substantive statute or a statute specifically mentioned in the substantive statute to see whether a punishment is provided. If one is not provided, the article of Chapter 20 in which the offense is located may have a general punishment section. For example, Article 3 covers G.S. 20-39 to -183 inclusive, and G.S. 20-176 to -182 provide penalties for violating any offense found in Article 3 not otherwise provided for in the substantive statute. Finally, if no other punishment is provided, the offense is punishable under the general criminal law of the state.

State v. Spencer, 276 N.C. 535 (1970), must be discussed here because it has had a significant impact on the catch-all punishment sections in Chapter 20. Spencer held, in part, that a nine-month jail sentence for violating G.S. 20-174.1¹ (a motor vehicle misdemeanor punishable by a "fine or imprisonment, or both, in the discretion of the court") was valid. The defense argued that the penalty exceeded the punishment limitations imposed by G.S. 20-176, which provides a maximum punishment of 60 days or a \$100 fine or both for all misdemeanors in Ch. 20,

Art. 3,² "unless another penalty is in this article or by the laws of the state provided." The Court rejected the defense's contention and held that the punishment provided by G.S. 20-174.1 qualified as "another" penalty under G.S. 20-176. Thus, since statutes with "another" penalty are not governed by the G.S. 20-176 limitations on maximum punishment and since G.S. 20-174.1 did not quantitatively limit the judge's discretion, the Court had to look beyond Chapter 20 to define the limitations on a judge's discretion.

One possible source for the limitations might have been Chapter 14, which contains the general criminal law statutes. G.S. 14-3(a) appears to be relevant:

. . . every person who shall be convicted of any misdemeanor for which no specific punishment is prescribed shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

The quoted language seems broad enough to include any misdemeanor,³ including statutory misdemeanors created by the motor vehicle law, and it would seem reasonable to argue that G.S. 14-3(a) would quantitatively limit a court's discretion when G.S. 20-176 or the substantive statutes did not. However, the Spencer Court, citing State v. Massey,⁴ rejected G.S. 14-3 as a source of the limitation: ". . . G.S. 14-3 is inapplicable to motor vehicle misdemeanors contained in Article 3 of Chapter 20 of the General Statutes."⁵

The Court concluded that a judge's discretion is limited by the constitutional prohibitions against cruel and unusual punishment or excessive fines. Case law has consistently approved jail sentences of up to two years for misdemeanors, and the Spencer Court stated that since the penalty imposed was less than two years, the sentence was constitutional.

Spencer is controlling for all motor vehicle misdemeanors in Ch. 20, Art. 3, punishable by the language construed by the Court. Specifically, Spencer is direct authority for the proposition that all misdemeanors in that article punishable by "a fine or imprisonment, or both, in the discretion of the court" are subject to a two-year prison sentence or a fine or both; any offenses in this category are so treated in this chart.

In addition, Spencer could also affect all other articles of Chapter 20 that have general or catch-all punishment statutes with language similar to G.S. 20-176. For example, G.S. 20-35, the catch-all punishment section for misdemeanors in Article 2 (the driver's license law), provides maximum penalties for violating Article 2 unless "another penalty is in this article or by the laws of this state provided." (Emphasis added.) In all important respects, the language of this statute is identical with that of G.S. 20-176. Thus, Spencer can easily be read as authority for a construction of the word "another" that excludes misdemeanors in

Article 2 punishable by a "fine or imprisonment, or both, in the discretion of the court"⁶ from the punishment limitations imposed by G.S. 20-35.

However, no misdemeanor punishments in Article 2 are worded in exactly that language although G.S. 20-7(o) states that any one who violates any of the fifteen substantive provisions of G.S. 20-7 "shall be guilty of a misdemeanor and punishable in the discretion of the court" State v. Tolley, 271 N.C. 459 (1967), and State v. Wall, 271 N.C. 675 (1967), construed the language and held that "the explicit provisions of G.S. 20-35 establish the maximum limits of the court's discretionary power in respect of punishment for a violation of G.S. 20-7(a)." The Spencer Court's decision, issued three years later, cites Tolley for another point, but makes no reference to Tolley when construing G.S. 20-176, a statute identical in all important respects to G.S. 20-35. Thus, the continuing validity of the holding in Tolley depends on whether Spencer overrules Tolley, modifies it, or leaves it intact. For purposes of this chart, Tolley will be treated as controlling the punishments for violating G.S. 20-7, inasmuch as the Court has not specifically overruled Tolley. Furthermore, the language of the substantive statute construed in Tolley (G.S. 20-7(n)--"shall be punished in the discretion of the court")⁷ differs from the substantive statute in Spencer (G.S. 20-174.1(b)--punished by "fine, or imprisonment, or both in the discretion of the court). However, if the rationale of the Spencer Court is applied to Tolley, arguably this language difference provides no basis to reach a different result. The Spencer Court, in holding that the punishment provision of G.S. 20-174.1 was "another" penalty, noted that it had been enacted as a separate subsection. According to the court, this statutory organization reflected a legislative intent to create a penalty not governed by G.S. 20-176; specifically, if the legislature had intended for G.S. 20-176 to control punishment, it would have remained silent about punishment (and would therefore not have included the separate punishment subsection), and G.S. 20-176 would have applied.

On the basis of this analysis, G.S. 20-7(o) also shows an intent to avoid G.S. 20-35, the Article 2 general punishment section, because G.S. 20-7(o) was enacted as a separate subsection. Furthermore, if G.S. 20-35 were applicable, the language of G.S. 20-7(o) giving the judge discretion would not be meaningful; the judge would have discretion only within the limits of G.S. 20-35, a result no different from the situation in which the discretion language in G.S. 20-7(o) is omitted, since a judge always has the discretion to give a sentence of less than the statutory maximum.

Clearly, the language of G.S. 20-174.1 was more specific with respect to the kinds of punishment available to the judge than that of G.S. 20-7(o). However, the wording in G.S. 20-174.1 limiting the judge's discretion to a fine or imprisonment seems to state the obvious; a judge would probably impose only a fine or imprisonment as punishment under G.S. 20-7(o) unless he wanted to set some other restriction as a condition of probation or a suspended sentence. Moreover, any novel condition that a judge wanted to impose under G.S. 20-7(o) would probably also have been available to him as a condition of a suspended sentence or

probation under G.S. 20-174.1. Thus the phrase "in the discretion of the court" and the absence of any quantitative limits on that discretion, which are common to both G.S. 20-7(o) and 20-174.1 (as it was construed in Spencer), arguably would make Spencer applicable to G.S. 20-7, despite the absence of the wording "fine or imprisonment" in G.S. 20-7(o) if Tolley did not directly hold to the contrary. Since Tolley has not been specifically overruled and since the Spencer Court did not cite Tolley on this point (despite its apparent relevance), in this chart punishments for G.S. 20-7 violations are treated as \$500 or six-month offenses under G.S. 20-35. As the preceding discussion indicates, this reading is subject to argument. Offenses in Article 3 punishable by language similar or identical to that construed in Spencer are treated as two-year misdemeanors, and the only authority for the punishment limit listed will be the substantive statute. In this chart, Article 13, one of the financial responsibility articles, is the only other article potentially affected by Spencer; however, if other articles have punishment provisions similar to those construed in Spencer, the same argument used in discussing whether Spencer should apply to the driver's license article would apply.

Whenever Spencer or Tolley is relevant to the punishment limits, a single asterisk (*) is used to indicate the problem.

In earlier editions of this booklet, the column entitled "Description of Offenses" virtually traced the statutory language creating the offense. Since this book is designed to supplement and not replace the General Statutes, I felt that continuing this practice served no useful function. "Description of Offense" now briefly identifies the offense but does not list all its elements. In many cases, basic requirements, such as that a vehicle be a motor vehicle or that a vehicle be on a highway, are not included in the description since they would have to be repeated for almost every offense. Therefore, always consult the statutes for the exact elements of each offense.

Earlier editions also included a column entitled "Loss of License." I omitted this because, in most cases, the judge has no role in revoking licenses. However, generally a disciplinary action that affects a driver's license and involves more than assessing "points" under G.S. 20-16(c) is noted in the text or footnotes.

Certain offenses are marked with double asterisks (**). When an offender is convicted of these offenses, the trial judge, pursuant to G.S. 20-24(a), must require him to surrender his driver's license to the court, and the court must mail the license to the Division of Motor Vehicles within 30 days of the date of conviction. This requirement applies to conviction for any offense that requires mandatory license revocation under Ch. 20, Art. 2. If a subsection of a mandatory revocation section has more than one element (e.g., reckless driving and transporting illegal liquor), the two elements are not each indicated separately by an asterisk.

In the "Maximum Punishment" column, I have added the minimum limits of punishment when the statutes specifically set them out.

The abbreviations DMV and CMV are used to refer to the Division and Commissioner of Motor Vehicles, respectively, and Board refers to the Board of Transportation.

1. Shortly after the defendants in the Spencer case were tried, but before the Supreme Court issued its opinion, the General Assembly amended G.S. 20-174.1 to limit the punishment for this offense to a \$500 fine or six months' imprisonment or both in the discretion of the court (Ch. 1012, 1969 Sess. Laws). The case, however, has never been overruled, and the holding presumably still applies to all statutes located in Chapter 20 that contain similar or identical punishment language.

2. Art. 3 contains sections G.S. 20-38 to G.S. 20-183.

3. The broad language of G.S. 14-3 contrasts sharply with the language in other catch-all punishment statutes. For example, G.S. 20-279.31(d), which limits punishments given pursuant to Ch. 20, Art. 9A, states: "[A]ny person who shall violate any provision of this article for which no penalty is otherwise provided shall be fined" The emphasized words or their equivalent, notably absent from G.S. 14-3, are found in other general punishment sections located outside Chapter 14.

4. 265 N.C. 579 (1965). Massey arose when a judge sentenced a misdemeanor to an 18-month imprisonment for violating a motor vehicle misdemeanor statute that contained no punishment language. The sentencing judge relied on a publisher's cross reference that cited G.S. 14-3 as the source of the punishment. However, the Supreme Court held that G.S. 20-176 provided the punishment and stated in dictum that G.S. 14-3 did not apply to Ch. 20, Art. 3 offenses. This dictum provided the authority for the Spencer Court's statement that G.S. 14-3 did not limit a judge's discretion in any Article 3 offenses. Although Massey clearly seems correct, the Spencer Court could have reached the same result without extending the Massey dictum to Article 3 statutes that are not quantitatively limited by the substantive statute or G.S. 20-176. If the Spencer Court had held that G.S. 14-3 was the source of the punishment limitations, the result would have been the same; a two-year imprisonment is apparently the limit imposed by the North Carolina Supreme Court in construing the constitutional provision against cruel and unusual punishment, and two years is also the maximum punishment under G.S. 14-3.

However, the principle established by Spencer could cause problems if extended to motor vehicle felonies established by statutes with punishment language similar to that of Spencer. If Spencer is simply extended to felonies, the limits on the judge's discretion come from the United States and North Carolina constitutions and not from any statute. This uncertainty is compounded by other cases construing criminal law statutes codified in Chapter 14 that directly conflict, in principle, with Spencer. See State v. Blackmon, 260 N.C. 352 (1963); State v. Adams, 266 N.C. 406 (1966); the extent to which these Chapter 14 cases apply to motor vehicle felonies is unclear. Thus, before a sentence exceeding any of the possible statutory limits is given (for felonies in Ch. 20, Art. 3, either G.S. 20-177 or G.S. 14-2), all these cases could

be consulted to ascertain which one governs. Fortunately, the only felony affected, G.S. 20-71(a), rarely occurs; and when it does, excessively long sentences are unlikely.

5. 276 N.C. 548 (1970).

6. The underlined words, which are absent from G.S. 20-7(o), were included in G.S. 20-174.1 as it was construed by Spencer. This is the only significant difference in language between the statutes construed in Spencer and the relevant statutes in Ch. 20, Art. 2, [G.S. 20-7(o), G.S. 20-35].

7. The section of G.S. 20-7 construed in Tolley is now codified as G.S. 20-7(o).

NORTH CAROLINA POINT SYSTEM

In addition to the possibility of fine or imprisonment and, in some cases, license suspension or revocation, convictions for many motor vehicle law offenses may result in the assessment of points under what is known as the "point system." A sufficient accumulation of points may result in suspension of the offender's license. (The Division of Motor Vehicles may suspend any operator's or chauffeur's license when he accumulates twelve or more points within a three-year period, or eight or more points in the three-year period, immediately following the reinstatement of a license that has been suspended or revoked because of a conviction for one or more traffic offenses.) G.S. 20-16(a)(5).

A portion of the statutory provision for the assignment of points [G.S. 20-16(c)] reads:

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

Schedule of Point Values

Passing stopped school bus	5
Reckless driving	4
Hit and run, property damage only	4
Following too close	4
Driving on wrong side of road	4
Illegal passing	4
Running through stop sign	3
Speeding in excess of 55 miles per hour	3
Failing to yield right-of-way	3
Running through red light	3
No operator's license or license expired more than one year	3
Failure to stop for siren	3
Driving through safety zone	3
No liability insurance	3
Failure to report accident where such report is required	3
Speeding in a school zone in excess of the posted school zone speed limit	3
All other moving violations	2

The [above] provisions of the subsection shall only apply to violations and convictions which take place within the State of North Carolina.

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

- Over loads
- Over length
- Over width
- Over height
- Illegal parking
- Carrying concealed weapon
- Improper plates
- Improper registration
- Improper muffler
- Public drunk within a vehicle
- Possession of liquor
- Improper display of license plates or dealers' tags
- Unlawful display of emblems and insignia
- Failure to display current inspection certificate

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

. . .

When a license is suspended under the point system provided for herein, the first such suspension shall be for not more than sixty (60) days; the second such suspension shall not exceed six (6) months, and any subsequent suspension shall not exceed one year.

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

. . .

PUNISHMENT CHART

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
<u>DRIVER'S LICENSE VIOLATIONS</u>			
<i>Driving without License</i>			
20-7(a)	\$500 or 6 mos.	20-7(o)* 20-35(b)	Acting as chauffeur without valid N.C. chauffeur's license (see G.S. 20-8 for exceptions).
20-7(a)	\$500 or 6 mos.	20-7(o)* 20-35(b)	Operating motor vehicle without N.C. license (see G.S. 20-8 for exceptions).
20-7(a1)	\$500 or 6 mos.	20-7(o)* 20-35(b)	Operating motorcycle without having ¹ proper driver's license endorsement.
20-7(e)	\$500 or 6 mos.	20-7(o)* 20-35(b)	Operating vehicle in violation of limitation noted on license.
20-7(m), (1), (1-2), 20-11	\$500 or 6 mos.	20-7(o)* 20-35(b)	Operating vehicle in violation of restriction noted on instruction or learner's permit.
20-7(n)	\$500 or 6 mos.	20-7(o)* 20-35(b)	Failure to carry license while operating vehicle (production of license valid at time of arrest is a good defense).

* The listed penalties are correct if the holding of State v. Tolley, 271 N.C. 459 (1967), controls the punishment limits of Ch. 20, Art. 2. For a discussion of the case, see Introduction.

1. Motorcycles rated at less than 190 cc's may be operated by persons who do not have their licenses endorsed to allow them to operate motorcycles.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-29.1	\$500 or 6 mos.	20-29.1* 20-7(o) 20-35(b)	Failure to observe restrictions imposed by CMV about the kinds of vehicles a licensee may operate.
<i>Driving with Suspended or Revoked License</i>			
20-28(a)	\$200 (min.) or 2 yrs. or both	20-28(a)	Driving while license is suspended or revoked temporarily. ²
20-28(a)	\$500 or 6 mos.	20-28(a)* 20-7(o) 20-35(b)	Driving a vehicle by a restoree of a suspended or revoked license without the requisite financial responsibility.
20-28(b)	2 yrs., (1 yr. min.) and fine	20-28(b)	Driving a vehicle while license is permanently suspended or revoked for reason other than incompetence, alcoholism, or drug use.
20-28(b)	\$200 (min.) or 2 yrs. or both	20-28(a) 20-28(b)	Driving a vehicle while license is suspended for incompetence, drug use, or alcoholism under G.S. 20-17.1.
20-179(b) 20-16.1(b)	\$200 (min.) or 2 yrs. or both	20-179(b), 20-16.1(b) 20-28(a)	Violating conditions of limited driving privileges under DUI or certain speeding laws. ²
<i>Illegal Activity Relating to License</i>			
20-29	\$500 or 6 mos.	20-35(b)	Refusing to give uniformed officer information required by statute, such as name, address, or vehicle owner; or giving false information; or refusing to surrender or produce license upon demand of court or DMV.

20-29	\$500 or 6 mos.	20-35 (b)	Driver of a car involved in an accident refusing to give any person information required by statute.
20-30(1)	\$500 or 6 mos.	20-35 (b) 20-16 (a) (6)	Displaying or possessing any license or learner's permit known to be invalid. ³
20-30(2)	\$500 or 6 mos.	20-35 (b) 10-16 (a) (6)	Counterfeiting, selling, lending, or knowingly permitting the use of any operator's or chauffeur's license or learner's permit by one not entitled thereto. ³
20-30(3)	\$500 or 6 mos.	20-35 (b) 20-16 (a) (6)	Displaying or representing as one's own a license not issued to the person playing it. ³
20-30(4)	\$500 or 6 mos.	20-35 (b)	Refusing to surrender to DMV a driver's license that has been revoked or suspended.
20-30(5)**	\$500 or 6 mos.	20-35 (b) 20-17 (8)	Using or allowing others to use false names and addresses in license applications or renewals. ⁴

* The listed penalties are correct if the holding of State v. Tolley, 271 N.C. 459 (1967), controls the punishment limits of Ch. 20, Art. 2. For a discussion of the case, see the Introduction.

** See the Introduction.

2. For a first offense under this section, the license is suspended or revoked for an additional year. Second offense: two years additional revocation or suspension. Third or subsequent offense: permanent suspension or revocation. Upon joint recommendation of the judge and solicitor of court convicting for violation of section, DMV conducts hearing into facts; it may suspend or revoke for lesser periods or not at all.

3. Under G.S. 20-16(a)(6) and -19(c), the DMV may suspend a person's license for one year or less upon conviction of this offense.

4. Under G.S. 20-17(8) and -19(f), the DMV must revoke a person's license for one year upon conviction of this offense.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-30(5)**	\$500 or 6 mos.	20-35 (b) 20-17(8)	Making false statements, concealing material facts, or otherwise committing a fraud in applying for a license or permit. ⁴
20-30(6)	\$500 or 6 mos.	20-35 (b)	Reproducing or possessing a reproduced copy of a license or permit.
20-31**	\$1,000 and 4 mos (min.) to 10 yrs.	20-31 14-209 20-17(5)	Making a false affidavit or knowingly swearing or affirming falsely to any matter or thing required by the statutes to be sworn to. ⁴
20-32	\$500 or 6 mos.	20-35 (b)	Causing or permitting an unlicensed minor to drive on a highway.
20-33	\$500 or 6 mos.	20-35 (b)	Employing unlicensed chauffeur.
20-34	\$500 or 6 mos.	20-35 (b)	Authorizing or permitting one's vehicle to be driven by one who has no legal right to do so or to be driven in violation of provisions of the Driver's License Act.
20-37.7	\$500 or 90 days or both	20-37.7(e)	Engaging in fraud and misrepresentation in applying for and using a special nonoperator's identification card.

RULES OF THE ROAD VIOLATIONS
Driving under the influence⁵

20-138(a)**	1st conviction: \$100-500 or 30 days-6 mos. or both.	20-179 20-17(2)	Driving a vehicle while under the influence of liquor. ⁶
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2nd conviction:
\$200-500 or 2-6
mos. or both.
Subsequent: \$500
(min.) and 2 yrs.
or both.

20-138(b)**

1st conviction: 20-179
\$100-\$500 or 30 20-17(2)
days-6 mos. or
both. 2nd con-
viction: \$200-
\$500 or 2-6 mos.
or both. Subse-
quent \$500 (min.)
and/or 2 yrs.

Driving a vehicle when the amount of alcohol
in the person's blood is .10% or more.⁶

** See Introduction.

4. Under G.S. 20-17(8) and 20-19(f), the DMV must revoke a person's license for one year upon conviction of this offense.

5. Violation of G.S. 20-140(c), a reckless driving offense, is also a lesser included offense of driving under the influence of liquor.

6. The DMV must, under G.S. 20-17(2), revoke a driver's license upon receiving record of his final conviction of "driving . . . a vehicle . . . while under the influence of intoxicating liquor or . . . an impairing drug . . . or . . . with a blood alcohol level of 0.10 per cent or more." The revocation shall be for one year [G.S. 20-19(f)]. Under G.S. 20-138(a) or G.S. 20-139(b), the revocation shall be four years for a second conviction within three years and permanently for a third conviction within five years [G.S. 20-19(d)(e)]. In contrast, second and third convictions of G.S. 20-138(b) apparently carry the same revocation period as a first conviction, since G.S. 20-19(d)(e) apply only to convictions of driving "under the influence of intoxicating liquor or . . . an impairing drug." G.S. 20-17.1 provides a procedure for revoking licenses of habitual drug users, if they have been involuntarily committed for that reason, but G.S. 20-17.1 makes no provision for revocation if a person is convicted under G.S. 20-139(a) for driving while being a habitual user of narcotic drugs.

A trial judge, under G.S. 20-179(b), may allow limited driving privileges after a driver's first conviction under G.S. 20-138 or G.S. 20-139.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-139(a)	1st conviction: \$100-\$500 or 30 days-6 mos. or both. 2nd conviction: \$200-\$500 or 2-6 mos. or both. Subsequent: \$500 (min.) and/or 2 yrs.	20-179	Driving a vehicle by a habitual user of narcotics. ⁶
20-139(b)**	1st conviction: \$100-\$500 or 30 days-6 mos. or both. 2nd conviction: \$200-\$500 or 2-6 mos. or both. Subsequent: \$500 (min.) and/or 2 yrs.	20-179 20-17(2)	Driving while under the influence of narcotic drugs or any other drug to such a degree that the driver's physical or mental faculties are appreciably impaired. ⁶
		<i>Reckless Driving⁷</i>	
20-140(a)	\$500 or 6 mos. or both	20-140(d)	Driving carelessly and heedlessly in wilful and wanton disregard of the rights of others.
20-140(b)	\$500 or 6 mos. or both	20-140(d)	Driving without due caution in a manner so as to endanger other people or property.
20-140(c)	\$500 or 6 mos. or both	20-140(d)	Driving after drinking enough liquor to directly and visibly affect the operation of the motor vehicle. ⁵

Speeding⁸

20-141(a)	\$100 or 60 days or both	20-176	Driving at a speed that is greater than is reasonable or prudent under existing conditions.
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* See Introduction.

** See Introduction.

5. See footnote 5 on page 5.

6. See footnote 6 on page 5.

7. Reckless driving violations are subject to the following provisions for revocation or suspension of license: Discretionary suspension, under G.S. 20-16(a)(9) and G.S. 20-19(a), is not to exceed six months for conviction of one or more charges of reckless driving (and one or more charges of speeding in excess of 55 mph and not more than 80 mph) within a 12-month period. Mandatory revocation, under G.S. 20-16.1 is for 60 days on conviction of violating the laws against speeding "described in the preceding paragraph" (the reference apparently is to exceeding by more than 15 mph the speed limit and driving over 55 mph) and of having violated the laws against reckless driving on the same occasion. Mandatory revocation, under G.S. 20-17(6) and G.S. 20-19(f), is for not over one year for final conviction or forfeiture of bail not vacated, upon two charges of reckless driving committed within a 12-month period. Mandatory revocation, under G.S. 20-17(7) and G.S. 20-19(f), is for not over one year for conviction or forfeiture of bail not vacated upon one charge of reckless driving while illegally transporting intoxicants for the purpose of sale.

8. All speeding violations are subject to the following provisions for suspension or revocation of license: Discretionary suspension, under G.S. 20-16(a)(10) and G.S. 20-19(b), is not to exceed 12 months if the person has been convicted of operating a motor vehicle over 75 mph where the maximum speed is less than 70 mph. Discretionary suspension, under G.S. 20-16(a)(9) and G.S. 20-19(a) is not to exceed six months if the person has, within a 12-month period, been convicted of two or more charges of speeding over 55 mph and not more than 80 mph. Mandatory suspension, under G.S. 20-16.1, is for 30 days upon conviction of exceeding the speed limit by more than 15 mph if the person was also exceeding 55 mph at the time of the offense, or for 60 days upon conviction of a similar second or subsequent offense that occurred within one year of the first or prior offense, or upon conviction of violating laws against speeding as described and of violating laws against reckless driving on the same occasion. (These provisions do not prevent a longer suspension if it is authorized by other provisions.) A judge may grant limited driving privileges to a first offender under this statute.

Under G.S. 20-24, a judge must require a person convicted of an offense carrying a mandatory revocation to surrender his license to the court. Suspensions and revocations have identical meanings under G.S. 20-4.1(36). Therefore, a judge must require a person convicted of speeding over 55 and over 15 mph over speed limit or any other offense than would support a suspension under G.S. 20-16.1 to surrender his license to the court.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-141(b)	\$100 or 60 days or both	20-176	Operating vehicle in excess of following speeds (except where otherwise permitted in in G.S. Ch. 20): 35 mph inside municipal corporate limits (for all vehicles); 55 mph 55 mph outside municipal corporate limits (for all vehicles except school buses and activity buses).
20-141(c)	\$100 or 60 days or both	20-176	Operating vehicle upon interstate or primary road system at less than 40 mph in a 55 mph zone when the minimum speed is posted (except when towing a vehicle or when the sign indicates a lower speed).
20-141(e)	\$100 or 60 days or both	20-176	Violating speed limit set by local authority for streets not in state highway system (not to be more than 55 mph and effective only if signs are posted).
20-141(f)	\$100 or 60 days or both	20-176	Violating speed limit set by local authority on highways in the state system and within corporate limits (effective when Board passes concurring ordinance and signs are posted).
20-141(g)	\$100 or 60 days or both	20-176	Driving below minimum speed determined by Board (effective when signs giving minimum speed are posted; effective in municipalities on roads in state system only when local authorities pass concurring ordinances).
20-141(h)	\$100 or 60 days or both	20-176	Driving at such a slow speed as to impede normal and reasonable movement of traffic (exceptions are listed in the statute).

20-141(j)**	\$100 (min.), \$1,000 (max.), or 2 yrs. or or both	20-141(j) 20-17(10)	Driving in excess of 55 mph and at least 15 mph over legal limit, while fleeing or attempt- ing to elude arrest by a law enforcement offi- cer. ⁹
<i>Racing</i>			
20-141.3(a)	\$500 (min.) or 60 days- 2 yrs. or both. ¹¹	20-141.3(a)* 20-141.3(d)	Engaging in prearranged speed competition with another motor vehicle. ¹⁰
20-141.3(b)	\$50 (min.) or 2 yrs. or both	20-141.3(b) 20-141.3(e)	Wilfully engaging in speed competition with another motor vehicle (not prearranged). ¹²
20-141.3(c)	Fine or 2 yrs. or both	20-141.3(c) 20-141.3(d)	Allowing or authorizing others to use one's motor vehicle in prearranged speed competi- tion. ¹⁰
20-141.3(c)	Fine or 2 yrs. or both	20-141.3(c) 20-141.3(d)	Placing or receiving a bet or wager on a pre- arranged speed competition. ¹⁰

* See Introduction.

** See Introduction.

9. Under G.S. 20-17(10) and 20-19(f), the DMV must revoke a person's license for one year upon conviction of this offense.

10. Under G.S. 20-141.3(d), a driver convicted under this subsection has his license revoked for three years by CMV; after 18 months, the DMV may issue a new license upon such terms and conditions as it sees fit. G.S. 20-141.3(f) apparently makes the provisions of G.S. 20-24 applicable to this offense. Thus, the court under G.S. 20-24(a) should pick up the defendant's driver's license and forward it to the DMV.

11. Under G.S. 20-141.3(g), any vehicle used by a person convicted under this subsection is to be forfeited to the state and sold at public auction. If the owner of the vehicle can show that the vehicle was used in prearranged racing without his consent and he had no reasonable grounds to believe the vehicle would be so used, he may recover the vehicle.

12. Under G.S. 20-141.3(e), the CMV may suspend for up to one year the license of a driver convicted under this subsection.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
<i>Failing to Stop at Grade Crossing</i>			
20-142	\$100 or 60 days or both	20-176	Failing to stop completely before traversing grade crossing where a mechanical signal or flagman indicates an approaching train or car.
20-142	\$100 or 60 days or both	20-176	Failing to traverse grade crossing in safety.
20-143	\$100 or 60 days or both	20-176	Failing to stop vehicle within 50 ft., but not closer than 10 ft. from certain posted railway grade crossings.
<i>Driving on Wrong Side of Road</i>			
20-146(a)	\$100 or 60 days or both	20-176	Failing to drive on right half of highway of sufficient width (exceptions noted in statute).
20-146(b)	\$100 or 60 days or both	20-176	Failing to drive in the right lane when driving below speed limit (except when passing or turning left).
20-146(c)	\$100 or 60 days or both	20-176	Driving to left of center on a road with four or more lanes with two-way movement of traffic, except when authorized by signs to do so or to avoid obstructions.
20-146(d)	\$100 or 60 days or both	20-176	Failure to: (a) drive within a single lane or (b) ascertain that a lane change can be made safely in a road with two lanes moving in same direction.

20-146(d)	\$100 or 60 days or both	20-176	Failure to: (a) obey traffic control devices designating that traffic move in a particular direction or (b) obey traffic control devices prohibiting change of lanes.
20-146(d)	\$100 or 60 days or both	20-176	Driving in center lane of road with three or more lanes with two-way traffic, unless passing a vehicle, turning left, or in accordance with traffic signs.
20-146(e)	\$100 or 60 days or both	20-176	Impeding traffic by failure to use inside lane of dual-lane highway, unless traveling at speed limit or preparing to turn left (road must be posted).
20-147	\$100 or 60 days or both	20-176	Failing to drive vehicle on right half of highway in crossing an intersection of two highways or of a highway and railroad right of way, unless the right side is obstructed.

Improper Passing

20-149(a)	\$100 or 60 days or both	20-176	Passing another vehicle going in same direction without passing at least two feet to left of other vehicle (G.S. 20-150.1 permits passing on right in certain instances).
20-149(a)	\$100 or 60 days or both	20-176	When passing on the left, returning to right lane before being safely clear of the passed vehicle.
20-149(b) 20-151	\$100 or 60 days or both	20-176	When being passed by another vehicle on the left, failure to give way to the right after hearing an audible warning signal from passing vehicles (not applicable if being passed on right under G.S. 20-150.1).

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-151	\$100 or 60 days or both	20-176	Speeding up vehicle when being passed on left.
20-150(a)	\$100 or 60 days or both	20-176	Passing on left when the left side of roadway is not clearly visible and free of traffic for sufficient distance to allow movement in safety.
20-150(b)	\$100 or 60 days or both	20-176	Passing on the crest of a grade or on a curve when driver cannot see roadway ahead for at least 500 feet.
20-150(c)	\$100 or 60 days or both	20-176	Passing at a railway grade crossing or at a marked intersection, unless allowed to do so by a police officer.
20-150(d)	\$100 or 60 days or both	20-176	Driving to left of a visible center line on the crest of a hill or on a curve.
20-150(e)	\$100 or 60 days or both	20-176	Passing another vehicle when signs clearly indicate that passing should not be attempted.
<i>Following Too Closely</i>			
20-152(a)	\$100 or 60 days or both	20-176	Following a vehicle more closely than is reasonable and prudent, with regard to safety of others, the speed of other vehicles, traffic, and road conditions.
20-152(b)	\$100 or 60 days or both	20-176	When following a vehicle and being passed by another, failing to allow passing vehicle enough space to re-enter his original lane of traffic behind the lead vehicle (subject to exceptions listed in statute).

Improper Turning

20-153(a)	\$100 or 60 days or both	20-176	When approaching or turning right at an intersection, failure to keep vehicle as close as practicable to the right curb.
20-153(b)	\$100 or 60 days or both	20-176	When approaching intersection to turn left, failure to use extreme left-hand lane lawfully available.
20-153(b)	\$100 or 60 days or both	20-176	When turning left, failure to turn into a lane lawfully available to traffic leaving the intersection.
20-153(b)	\$100 or 60 days or both	20-176	When practicable, failure to turn left in portion of intersection to the left of center.
20-153(c)	\$100 or 60 days or both	20-176	Failure to obey lawful traffic control devices modifying the general turning rules of G.S. 20-153.
20-154(a)	\$100 or 60 days or both	20-176	Starting, stopping, or turning on a highway without first seeing that the movement can be made safely.
20-154(a)	\$100 or 60 days or both	20-176	Failure to sound the horn before making a movement that may affect pedestrians.
20-154(a)	\$100 or 60 days or both	20-176	Failure to give a signal of intention when stopping, starting, or turning when another vehicle may be affected (requirements for signals set out in statute).
20-154(a)	\$100 or 60 days or both	20-176	Backing a vehicle in unsafe manner or in a manner that interferes with other traffic.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
			<i>Failing to Yield Right of Way</i>
20-155(a)	\$100 or 60 days or both	20-176	When two vehicles enter intersection at approximately the same time, failure by driver on left to yield right of way.
20-155(b)	\$100 or 60 days or both	20-176	Failure to yield to oncoming traffic when turning left.
20-155(c)	\$100 or 60 days or both	20-176	Failure to yield to pedestrian at clearly marked crosswalks or regular pedestrian crossing (exceptions noted in statute).
20-155(d)	\$100 or 60 days or both	20-176	When approaching a traffic circle, failure to yield to vehicle already in circle.
20-156(a)	\$100 or 60 days or both	20-176	When entering a public highway from a private road, failure to yield to traffic on the highway.
20-156(b)	\$100 or 60 days or both	20-176	Failure to yield right of way to police, fire, and rescue vehicles and to ambulances on official business with sirens and lights on.
20-157(a)	\$100 or 60 days or both	20-176	When approached by a fire, police, or rescue vehicle or ambulance with lights and siren on, failure to stop vehicle on right side of road until emergency vehicle passes.
20-158.1	\$100 or 60 days or both	20-176	Failure to yield at intersections where yield signs have been erected.

20-173(a)	\$100 or 60 days or both	20-176	Where traffic control signals are not in operation, failure to yield to pedestrians at a marked crosswalk or at an unmarked crosswalk near an intersection (subject to Part 11 of Art. 3, Ch. 20).
20-173(b)	\$100 or 60 days or both	20-176	Passing a vehicle stopped at a pedestrian crosswalk.
20-173(c)	\$100 or 60 days or both	20-176	When entering highway from private road or driveway, failure to yield to pedestrians or bicyclists on sidewalk or walkway.
<i>Failing to Stop</i>			
20-158(b)(1)	\$100 or 60 days or both	20-176	Failure to stop at intersections in obedience to posted stop signs or failure to yield right of way to vehicles on main road after stopping at stop sign.
20-158(b)(2)	\$100 or 60 days or both	20-176	Failing to stop at intersection when traffic light controlling driver's lane emits a steady red light.
20-158(b)(3)	\$100 or 60 days or both	20-176	Failure to stop at intersection and yield to traffic on main road when a flashing red light controls traffic in driver's lane.
20-158(c)(1)	\$100 or 60 days or both	20-176	Failure to obey a stop sign at some place other than an intersection.
20-158(c)(2)	\$100 or 60 days or both	20-176	Failure to obey a traffic light emitting a steady red light at some place other than an intersection.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-158(c) (3)	\$100 or 60 days or both	20-176	Failure to stop and yield to pedestrians or other vehicles at a flashing red light at some place other than an intersection.
<i>Traveling Wrong Way on One-Way Street</i>			
20-165.1	\$100 or 60 days or both	20-176	Wilfully going wrong way on one-way street designated and marked as such.
<i>Passing Stopped School Bus</i>			
20-217	\$200 or 90 days	20-217	Failure to stop and remain stopped when approaching a stopped school bus engaged in receiving or discharging passengers or while bus has mechanical stop signal displayed (exceptions listed in statute).
<i>Failure to Dim Lights</i>			
20-181 20-131(a)	\$10 or 10 days	20-181	Failure to dim headlights when meeting another vehicle or when following another at a distance of less than 200 feet.
<i>Offenses on Controlled-Access Roads</i>			
20-140.3	\$100 or 60 days or both	20-176	On any interstate or controlled-access highway (1) driving over or upon a curb or dividing section; (2) making a left or U-turn,

unless specifically allowed; (3) driving a vehicle in wrong lane, or to left of central dividing line or curb; (4) entering from other than designated entrances; (5) stopping, parking or leaving standing vehicle (even if attended), unless in an emergency or designated area; (6) when entering the highway, failing to yield to autos already on highway.¹³

Miscellaneous

20-140.2	\$100 or 60 days or both	20-176	Driving a vehicle so overloaded that the driver's view is obstructed, or the operation of the vehicle is impaired.
20-140.4	\$100 or 60 days or both	20-176	Operating a motorcycle when the driver or passengers are not wearing safety helmets.
20-146.1(a)	\$100 or 60 days or both	20-176	Driving a motor vehicle in such a way as to deprive a motorcycle of full use of a lane.
20-146.1(b)	\$100 or 60 days or both	20-176	Operating motorcycles when they are more than two abreast in a single lane.
20-160	\$100 or 60 days or both	20-176	Driving through or over a safety zone or driving on a sidewalk (except upon a driveway).

13. G.S. 136-89.58 also creates certain controlled-access road offenses. The first five subsections of G.S. 136-89.58 roughly parallel the first five provisions of G.S. 20-140.3, but the last subsection, G.S. 136-89.58(6), makes it unlawful to cross any fence erected within the right of way.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-163	\$100 or 60 days or both	20-176	Leaving a vehicle unattended on a highway or public vehicular area without stopping engine, setting the brake, and properly parking the vehicle.
20-141(m)	\$100 or 60 days or both	20-176	Failing to reduce speed to avoid colliding with any person or vehicle and to avoid causing property damage or injury.
20-174.1	\$500 or 6 mos. or both	20-174.1(b)	Wilfully standing, sitting, or lying on a highway in such a manner as to impede traffic. ¹⁴
136-18.4	\$50 or 30 days	136-18.4	Impeding traffic by failing to use designated pull-off areas.
VEHICLE REGISTRATION VIOLATIONS			
20-50 20-111(1)	\$100 or 60 days or both	20-111(1) 20-176	Operating a vehicle which is not registered with DMV or which is not displaying current registration plates (unless vehicle is exempt from registration by statute).
20-111(2)	\$100 or 60 days or both	20-176	Knowingly displaying or possessing an altered, expired, or revoked registration card or plate.
20-111(3)	\$50 or 30 days; forfeiture of license plates	20-111(3)	Giving, lending, or borrowing a registration plate for use on another vehicle.
20-111(4)	\$100 or 60 days or both	20-176	Failing to surrender to DMV, upon demand, any title certificate, registration card or plate which has been suspended or canceled.

20-111(5)	2 yrs.	20-111(5)	Using false names or addresses or concealing or misrepresenting material facts in registration applications.
20-63(a)	\$100 or 60 days or both	20-176	Wilfully failing to surrender illegible registration plates upon request of DMV.
20-63(e)	\$50 or 30 days	20-63(e)	Failing to clean registration plates after being requested to do so by an officer.
20-63(f)	\$100 or 60 days or both	20-176	Wilfully operating vehicle with a registration plate which has been altered.
20-63(g)	\$100 or 60 days or both	20-176	Wilfully altering, disguising, or concealing numbers on a registration plate.
20-71(b)	\$100 (min.) - \$500 (max.) or 6 mos. or both	20-71(b)	Possessing a blank N.C. certificate of title or fascimile (not applicable to employees of DMV or authorized printer).

ACCIDENT RESPONSIBILITY LAWS

20-166(a)	5 yrs. (1 yr. min.) or \$500 (min.) or both ¹⁶	20-182	Failure to stop by driver involved in accident known to cause death or injury to any person. ¹⁵
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14. For other provisions regulating pedestrian's rights and duties, see Part 11 of Article 3 of Chapter 20 (G.S. 20-172 to -175).

15. G.S. 20-17(4)(in Art. 2) requires the DMV to revoke the license of anyone finally convicted of "failure to stop and render aid as required under the laws of this State in the event of a motor vehicle accident." (Emphasis added.) G.S. 20-19(f) (in Art. 2) provides that "when a license is revoked under any other provision of this article which does not specifically provide a period of revocation, the period of revocation shall be one year."

16. Court may not suspend judgment on payment of costs.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-166(b)	Fine or 2 yrs. or both	20-166(b)	Failure to stop and give required information by driver involved in accident causing property damage; (if no other person is present, driver reports information to police).
20-166(c)	5 yrs. (1 yr. min.) or \$500 (min.) or both ¹⁶	20-182	Failure of driver involved in accident causing personal injury or death to identify self and give other required information to others in accident, and failure to give reasonable assistance to those injured, including procuring medical assistance. ¹⁵
20-166.1(a)	\$100 or 60 days or both	20-176	Failure by driver to make required reports, by quickest means, to authority if accident involves personal injury, death, or \$200 or more in property damage.
20-166.1(b)	\$100 or 60 days or both	20-176	Failure by driver involved in accident to make reports of financial responsibility to DMV.
20-166.1(c)	Fine or 2 yrs. or both	20-166.1(c)*	Failure by driver in collision with parked vehicle to make timely written or oral report to owner and DMV.

INSURANCE VIOLATIONS

20-313	Fine or 2 yrs.	20-313 ¹⁷	Operating or allowing one's vehicle registered in this state to be operated without the "required financial responsibility." For specific requirements, see generally, Art. 9A, 10, and 13 of Ch. 20.
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EQUIPMENT VIOLATIONS

Brakes

20-124(a)	\$100 or 60 days	20-115 20-176	Absence of brakes sufficient to stop and control vehicle.
20-124(a)	\$100 or 60 days or both	20-115 20-176	Failure to maintain brakes in conformity with statute.
20-124(c)	\$100 or 60 days or both	20-115 20-176	Failure to maintain originally equipped brakes, including failure to maintain two separate means of applying brakes.
20-124(d)	\$100 or 60 days or both	20-115 20-176	Absence of at least one brake on motorcycle used on highway.
20-124(e)	\$100 or 60 days or both	20-115 20-176	Absence on trucks of brakes sufficient to stop vehicle within required distances (exceptions listed in statute).
20-124(ee)	\$100 or 60 days or both	20-115 20-176	Absence of brakes acting on all wheels on specified trucks or tractor trucks with trailers.
<i>Muffler</i>			
20-128(b)	\$100 or 60 days or both	20-115 20-176	Using a muffler cut out.

* See Introduction.

15. See footnote 15 on page 19.

16. See footnote 16 on page 19.

17. The decision in State v. Spencer, 276 N.C. 535 (1970), suggests that the proper limit on the penalty for G.S. 20-313 is as indicated above, but the source of that limit is unclear. For a discussion of Spencer see the Introduction.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-128(a)	\$100 or 60 days or both	20-115 20-176	Driving vehicle when muffler not in sufficiently good working order to prevent excessive noise or smoke.
20-128.1(a)	\$100 or 60 days or both	20-128.1(d) 20-176	Operating a gasoline-powered vehicle that emits visible air contaminants for longer than 5 seconds. ¹⁸
20-128(c)	\$100 60 days or both	20-115 20-176	Operating a motor vehicle without required emission control devices.
20-128.1(a)	\$100 or 60 days or both	20-128.1(d) 20-176	Operating a diesel-powered vehicle that emits visible contaminants of a specific shade or density for longer than 5 seconds. ¹⁸
<i>Lights</i>			
20-129(b)	\$100 or 60 days or both	20-115 20-176	Absence on vehicle of at least two headlamps (statute lists exceptions).
20-129(c)	\$100 or 60 days or both	20-115 20-176	Absence on motorcycle of headlamp complying with requirements of statute.
20-129(d)	\$100 or 60 days or both	20-115 20-176	Absence of any of required rear lamp as listed in statute.
20-129(c), (d)	\$100 or 60 days or both	20-115 20-176	Failure to keep motorcycle lamps lighted while in use on highway.

20-129(e)	\$100 or 60 days or both	20-115 20-176	Absence of required lamps or reflectors on bicycles used at night.
20-129(f)	\$100 or 60 days or both	20-115 20-176	Absence of required lights on vehicles not otherwise included in section (farm tractors, etc.--see statute for details).
20-129.1(1)	\$100 or 60 days or both	20-115 20-176	Absence of two reflectors and one stop light on rear of bus or truck.
20-129.1(2)	100 or 60 days or both	20-115 20-176	Absence of additional specified lights and reflectors on certain large trucks or buses.
20-129.1(3)	\$100 or 60 days or both	20-115 20-176	Absence of two clearance lamps on front, and one stop light on the rear on truck-tractor.
20-129.1(4)	\$100 or 60 days or both	20-115 20-176	Absence of specified lights and reflectors on certain large trailers or semi-trailers.
20-129.1(5)	\$100 or 60 days or both	20-115 20-176	Absence of specified lights and reflectors on certain large pole-trailers.
20-129.1(6)	\$100 or 60 days or both	20-115 20-176	Absence of required reflectors and stop lights on certain smaller trailers.

18. A person charged under this section has thirty days to repair the vehicle. Producing a valid inspection certificate signifying conformance with the statute within thirty days of the violation is apparently a good defense.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
20-129.1(7), (8), (9)	\$100 or 60 days or both	20-115 20-176	Failure on any vehicle of front-clearance lamps to reflect an amber color, or rear lamps and reflectors to reflect a red color (back up and license-plate light may be white and stoplight may be amber).
20-130.3	\$100 or 60 days or both	20-115 20-176	Driving a vehicle in forward motion while displaying white or clear lights on the rear of the vehicle (does not apply to license plate light).
20-131(a)	\$100 or 60 days or both	20-115 20-176	Failure to keep headlamp properly adjusted (statute defines proper adjustment of headlights). ¹⁹
<i>Smoke Screens</i>			
20-136**	1 yr. (min.) - 10 yr. (max.)	20-136(b)	Driving or equipping a vehicle which has the capacity to emit smoke, gas or other substance not necessary to propel the vehicle.
MISCELLANEOUS VIOLATIONS			
<i>Crimes Involving Death by Vehicle</i>			
14-18**	4 mos. (min.) - 20 yrs. (max.)	14-18	Manslaughter. ²⁰
14-18**	Fine or 10 yrs. or both	14-18 14-2	Involuntary manslaughter. ²⁰
20-141.4**	\$500 or 2 yrs. or both	20-141.4(b)	Death by vehicle (unintentionally causing death of another as a result of a violation of motor vehicle law intended to regulate traffic or used to control operation of a vehicle). ²¹
<i>Illegal Transportation of Liquor</i>			
18A-26	Fine or 2 yrs. or both	18A-56(a) 14-3	Transporting alcoholic beverages on which the seal has been broken in the passenger area of a motor vehicle. ^{22, 25}

18A-26	Fine or 2 yrs. or both	18A-56(a) 14-3	Transporting more than one gallon of taxed alcoholic beverages without a permit. ^{23,24,25}
18A-6	Fine or 2 yrs. or both	18A-56(a) 14-3	Transporting or possessing nontaxpaid li- quor. ^{23, 25}

** See Introduction.

19. G.S. 20-133(b) provides that a person charged with driving with improperly adjusted lamps or with bulbs of insufficient candlepower has forty-eight hours to repair the vehicle. Producing a valid inspection certificate obtained within that period is a good defense.

20. Under G.S. 20-17(1) and 20-19(f), the DMV must revoke the license of a driver convicted of manslaughter or negligent homicide for one year.

21. Under G.S. 20-17(9) and 20-19(f), the DMV must revoke the license of a driver convicted of death by vehicle for one year.

22. G.S. 18A-2 defines passenger areas as "that area designed for the seating of the driver and passengers, as well as any area that can be within the reach of a seated driver or passenger, including the glove compartment. In the case of a station wagon, hatchback or similar vehicle, that area to the rear of the last back seat shall not constitute part of the passenger area."

23. G.S. 18A-21 provides for the forfeiture of all liquor and materials seized; in addition, the vehicle used is seized unless (1) the offense consisted solely of transporting a legal amount of taxed liquor in the passenger area with the seal of the bottle broken, or (2) the owner can show that the vehicle was used without his knowledge and consent.

24. G.S. 18A-27; -28 provide authority for persons with "purchase transportation permits" to transport up to five gallons of fortified wine or alcoholic beverages. G.S. 18A-15(17) provides authority for special occasion permits that allow the holder to transport up to 5 gallons of fortified wine or alcoholic beverages for 48 hours before and after the special occasion.

25. Under G.S. 20-16(a)(8), the DMV has authority to suspend a driver's license for up to one year [G.S. 20-19(c)] for conviction of "illegal transportation of intoxicating liquors." While it is clear that this authority applies to convictions under G.S. 18A, it is not clear whether the DMV has authority to suspend a driver convicted under G.S. 14-329.

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
14-329(b)	Fine and 12 mos. (min.) - 10 yrs.	14-329(b) ²⁷ 14-2	Transporting liquor with knowledge of its poisonous substances for other than personal use, or for sale. ^{25, 26}
14-329(c)	Fine and 6 mos. (min.) - 2 yrs.	14-329(c) 14-3	Transporting spirituous liquor containing poisonous substances for other than personal use, or for sale. ^{25, 26}
14-329(d)	\$200 (min.) and 2 yrs.	14-329(d) 14-3	Transporting illicit spirituous liquor containing poisonous substances (unless the liquor was legally obtained and the person charged had no knowledge of the poisonous qualities). ²⁵
<i>Litterbugging</i>			
14-399	\$200 fine	14-399	Placing or leaving trash or refuse on any public or another's private property, unless left in a designated garbage dump or receptacle. (Each day or portion thereof the articles are left or placed constitutes a separate offense.)
<i>Car Theft and Related Offenses</i>			
20-102.1	Fine or 2 yrs. or both	20-102.1*	Knowingly making false reports of vehicle theft to DMV.
20-106	1 yr. (min.) - 5 yr. (max.) or \$500 - \$5000 or both	20-177	1) Intentionally receiving or transferring possession of a vehicle that is known to have been stolen with intent to procure or pass title, or 2) Knowingly possessing a stolen vehicle.
20-107(a)	Fine or 2 yrs. or both	20-107(a)*	Wilfully tampering with or removing parts from a vehicle without owner's consent.

20-107(b)	Fine or 2 yrs. or both	20-107(b)*	<ol style="list-style-type: none"> 1) Climbing into vehicle with intent to steal or damage it or commit any crime; or 2) Manipulating any brakes or starting mechanism on a standing vehicle with intent to steal or damage it; or 3) Setting in motion any unattended vehicle with intent to steal or damage it.
20-108	\$1000 or 2 yrs. or both	20-108*	Knowingly possessing, selling, receiving, etc., a vehicle that has had any identification or serial number altered or removed.
20-109(a)	Fine or 2 yrs. or both	20-109	Knowingly altering or removing any serial or identification numbers on parts of a vehicle; or knowingly placing an unauthorized number on any vehicle or part or allowing (by owner) such actions.
20-109(b)	\$200 (min.) or 5 yrs. (max.) or both	20-109	Intentionally concealing or misrepresenting true identity of a vehicle by altering or defacing a serial number, or allowing such actions on one's vehicle, or using or selling parts of a vehicle containing serial numbers with intent to conceal the identity of the vehicle.

* See Introduction.

25. Under G.S. 20-16(a)(8), the DMV has authority to suspend a driver's license for up to one year [G.S. 20-19(c)] for conviction of "illegal transportation of intoxicating liquors." While it is clear that this authority applies to convictions under G.S. 18A, it is not clear whether the DMV has authority to suspend a driver convicted under G.S. 14-329.

26. Transporting over one gallon of spirituous liquor is prima facie evidence of transporting for other than personal use and possessing over one gallon is prima facie evidence of possession for purpose of sale.

27. The listed punishment is correct if G.S. 14-2 provides the maximum penalty for felonies that specifically provide a minimum sentence, but provide no maximum. For the most important recent case construing G.S. 14-2, see State v. Blackmon, 260 N.C. 352 (1963).

<u>General Statute</u>	<u>Maximum Punishment</u>	<u>Punishment Citation</u>	<u>Description of Offense</u>
14-72.2	Fine or 2 yrs. or both	14-72.2(e)	Taking or operating motor boat, motor vehicle or other motor-propelled conveyance of another, without the owner's consent. ²⁸
<i>Failure to Obey Directions of Police or Firemen</i>			
20-114.1(a)	\$100 or 60 days or both	20-176	Wilfully failing or refusing to comply with lawful orders of law enforcement officers related to control of traffic.
20-114.1(b)	\$100 or 60 days or both	20-176	Wilfully failing or refusing to comply with lawful orders of firemen (at scene of fire) or rescue squads (at scene of an accident) related to traffic control.
<i>Instructing While Under the Influence</i>			
20-12.1	\$500 or 6 mos.	20-35 ²⁹	Being under the influence of liquor or drugs while accompanying a permittee who is learning to drive.
<i>Transporting Spent Nuclear Fuel</i>			
20-167.1	\$500 (min.)	20-167.1	Transporting spent nuclear fuel without notifying State Highway Patrol.

28. G.S. 14-72.2 specifically provides a more severe penalty for unauthorized use of an aircraft.

29. G.S. 20-12.1 states that persons convicted of the statute are "subject to the provisions of G.S. 20-17(2)." G.S. 20-17(2) requires the DMV to revoke a person's license for a conviction of "driving . . . a vehicle . . . while under the influence of intoxicating liquor." The intent of the provision is apparently to revoke a person's license for a violation of G.S. 20-12.1, but since G.S. 20-17(2) requires that a person be driving, it is unclear whether a person's license can be revoked under this section.

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