

UNIFORM POLICIES RELATING TO TRAFFIC OFFENSES

(Adopted by the Conference of Chief District Court Judges, November 6, 1986
Pursuant to N. C. G. S. 7A-148.)

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

Effective January 1, 1987

1. All pleas of **not** guilty.
2. All felonies.
3. Driving while subject to an impairing substance. [G.S. 20-138.1]
4. Careless and reckless driving. [G.S. 20-140]
5. Exceeding the applicable speed limit by over 15 mph.
6. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
7. Passing stopped school bus. [G.S. 20-217.]
8. Failure to stop for emergency vehicles. [G.S. 20-157(a)]
9. Failure to obey directions of a traffic officer, or of a fireman at the scene of a fire. [G.S. 20-114.1]
10. Failure to stop, etc., at the scene of an accident, or failure to report such an accident. [G.S. 20-166; G.S. 20-166.1]
11. Driving while license suspended or revoked, or permitting an owned vehicle to be so operated. [G.S. 20-28; G.S. 20-34.]
12. Possess fictitious, cancelled, revoked, suspended or altered license, or counterfeit, sell, lend, or permit use of license by another or any other violation of G.S. 20-30.
13. Any violation of the financial responsibility laws. [Chapter 20, Articles 9A and 13]
14. Any violation of the vehicle registration laws involving stolen or altered registration plates or certificates.
15. Any violation involving a false affidavit, or false statement under oath, or perjury. [G.S. 20-17(5); G.S. 20-31; G.S. 20-112; G.S. 20-313.1]
16. Any violation charged in the same warrant or summons with a mandatory court appearance violation.
17. Death by vehicle. [G.S. 20-141.4]
18. Impaired instruction. [G.S. 20-12.1]
19. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
20. Driving by a provisional licensee while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED
(on execution of written waiver of appearance and trial, and plea of guilty)

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Effective January 1, 1987

A. Speeding violations:

| | | | |
|-----------------------------------|-----|------|-------|
| Speed over the applicable limit — | 0-5 | 6-10 | 11-15 |
| \$40 costs plus fine of | \$0 | \$5 | \$10 |

B. Other violations:

| | |
|---|----------------|
| 1. Driving without, or with expired driver's license (except when revoked or suspended), or operating motorcycle without proper license endorsement, or knowingly permitting an owned vehicle to be so operated | \$25 and costs |
| 2. Failure to yield right of way to emergency vehicles, except as provided in No. 8 of mandatory appearances. [G.S. 20-156, -157]..... | \$25 and costs |
| 3. Failure to use seat belts. [G.S. 10-135.2A] | \$25 |
| 4. Driving the wrong way on a dual-lane highway..... | \$25 and costs |
| 5. Improper passing | \$10 and costs |
| 6. Failure to dim lights | \$10 and costs |
| 7. Height and width violations | \$10 and costs |
| 8. Failure to use child restrain systems. [G.S. 20-137.1] | \$10 and costs |
| 9. Driving too slowly | \$5 and costs |
| 10. Illegal parking in handicapped space..... | \$25 and costs |
| 11. Any other parking violation..... | Costs |
| 12. Violation of vehicle inspection law. [G.S. 20-183.2(a)] | Costs |
| 13. Exceeding a safe speed..... | Costs |
| 14. Following too closely | Costs |
| 15. Failure to stop for a red light or stop sign or flashing red light..... | Costs |
| 16. Failure to yield right-of-way | Costs |
| 17. Improper turn and/or improper signal..... | Costs |
| 18. Driving the wrong way on a one-way city street..... | Costs |
| 19. Improper vehicle equipment..... | Costs |
| 20. Use of darkened windows in motor vehicle. [G.S. 20-127(d)(e)] | Costs |
| 21. Failure to reduce speed to avoid accident | Costs |
| 22. Violation of the vehicle registration laws, except as No. 14 of mandatory appearances..... | Costs |
| 23. Any other traffic violation for which court appearance is not mandatory | Costs |

OTHER POLICIES RELATING TO TRAFFIC OFFENSES:

1. G.S. 7 A-148 provides that the Chief District Judges shall prepare a "uniform schedule" of waivable traffic offenses and otherwise promote the "uniform administration of justice." In accordance with the statutory mandate, all judicial districts will adhere to the schedule provided herein and individual judicial district policies deviating from this schedule are prohibited.
2. Where more than one charge is made on a uniform traffic citation, the defendant shall be fined only for the offense carrying the highest fine. Only one bill of costs will be assessed.
3. When a defendant is charged with two traffic offenses arising out of the same transaction, only one citation should be used. If an additional one or two offenses arising out of the same transaction are charged, they should be placed on a separate citation.