

UNIFORM POLICIES RELATING TO TRAFFIC OFFENSES

(Adopted by the Conference of Chief District Court Judges, October 16, 1991 and amended April 23, 1992 pursuant to N.C. G.S. 7A-148.)

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

Effective April 23, 1992

1. All pleas of **not** guilty.
2. All felonies.
3. Driving while subject to an impairing substance. [G.S. 20-138.1]
4. Driving a commercial vehicle while subject to an impairing substance. [G.S. 20-138.2]
5. Careless and reckless driving. [G.S. 20-140]
6. Exceeding the applicable speed limit by over 15 mph while driver over 55 mph.
7. Exceeding the applicable speed limit by over 20 mph while driving 55 mph or under.
8. Passing stopped school bus. [G.S. 20-217.]
9. Failure to stop for emergency vehicles. [G.S. 20-157(a)]
10. Failure to obey directions of a traffic officer, or of a fireman at the scene of a fire. [G.S. 20-114.1]
11. 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]
12. Driving while license suspended or revoked, or permitting an owned vehicle to be so operated. [G.S. 20-28; G.S. 20-34.]
13. Driving a commercial vehicle without being licensed to do so, or driving a commercial motor vehicle while license suspended, revoked, or subject to a disqualification or out-of-service order. [G.S. 20-28(c); G.S. 20-37.12(b)]
14. 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.
15. Any violation of the financial responsibility laws. [Chapter 20, Articles 9A and 13]
16. Any violation of the vehicle registration laws involving stolen or altered registration plates or certificates.
17. 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]
18. Any violation charged in the same citation, warrant, magistrate's order, or summons with a mandatory court appearance violation.
19. Death by vehicle. [G.S. 20-141.4]
20. Impaired instruction. [G.S. 20-12.1]
21. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
22. Driving by a provisional licensee while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]
23. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
24. Unlawful use of red or blue lights on vehicle. [G.S. 20-130.1]

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty)

(Adopted by the Conference of Chief District Court Judges October 16, 191 and amended April 23, 1992 pursuant to N.C. G.S. 7A-148.)

Effective April 23, 1992

A. Speeding violations:

1. Speed over the applicable limit and over 55 mph— \$55 costs plus fine of	0-5 \$0	6-10 \$5	11-15 \$10	
2. Speed over the applicable limit but 55 mph or under \$55 costs plus fine of	0-5 \$0	6-10 \$5	11-15 \$10	16-20 \$15

B. Other violations:

- 1. Driving without, or with expired non-commercial 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. 9 of mandatory appearances. [G.S. 20-156, -157]..... \$25 and costs
- 3. Failure to use seat belts. [G.S. 10-135.2A] \$25
- 4. Failure to wear helmet, or having too many passengers, on motorcycle or moped. [G.S. 20-140.4] \$25
- 5. Driving the wrong way on a dual-lane highway..... \$25 and costs
- 6. Improper passing..... \$10 and costs
- 7. Failure to dim lights \$10 and costs
- 8. Height and width violations..... \$10 and costs
- 9. Failure to use child restraint systems. [G.S. 20-137.1] \$10 and costs
- 10. Driving too slowly..... \$ 5 and costs
- 11. Illegal parking in handicapped space \$50 and costs
- 12. Any other parking violation Costs
- 13. Violation of vehicle inspection law..... Costs
- 14. Exceeding a safe speed Costs
- 15. Following too closely Costs
- 16. Failure to stop for a red light or stop sign or flashing red light Costs
- 17. Failure to yield right-of-way Costs
- 18. Improper turn and/or improper signal Costs
- 19. Driving the wrong way on a one-way city street..... Costs
- 20. Improper vehicle equipment Costs
- 21. Use of darkened windows in motor vehicle. [G.S. 20-127(d)(e)] Costs
- 22. Failure to reduce speed to avoid accident Costs
- 23. Violation of the vehicle registration laws, except as No. 16 of mandatory appearances Costs
- 24. Failure to use headlights when wipers on \$ 5
- 25. 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.