

UNIFORM POLICIES RELATING TO TRAFFIC OFFENSES

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

(Adopted by the Conference of Chief District Court Judges, October 8, 2003 pursuant to N.C.G.S. 7A-148)

Applies To Offenses Committed On Or After January 1, 2004

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(a), (b), (f)]
6. Exceeding the applicable speed limit by over 15 mph while driving over 55 mph.
7. Driving in excess of 80 mph. [G.S. 20-141]
8. Violations of motor carrier safety and hazardous material regulations. [G.S. 20-396]
9. Passing stopped school bus. [G.S. 20-217]
10. Failure to stop for emergency vehicles. [G.S. 20-157(a)]
11. Failure to obey directions of a traffic officer, or of a fireman at the scene of a fire. [G.S. 20-114.1]
12. 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]
13. Driving while (license) suspended, revoked or disqualified, or permitting an owned vehicle to be so operated. [G.S. 20-28; G.S. 20-34]
14. Driving a commercial motor 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]
15. Possess fictitious, cancelled, revoked, suspended or altered license or identification card, or counterfeit, sell, lend, or permit use of license or identification card by another, or any other violation of G.S. 20-30 or G.S. 20-37.8.
16. Any violation of the financial responsibility laws. [Chapter 20, Articles 9A and 13]
17. Any violation of the vehicle registration laws involving stolen or altered registration plates or certificates.
18. Selling handicapped parking placards. [G.S. 20-37.6(c3)]
19. Any violation involving 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]
20. Any violation charged in the same citation, warrant, magistrate's order, or summons with a mandatory court appearance violation.
21. Death by vehicle. [G.S. 20-141.4]
22. Impaired instruction. [G.S. 20-12.1]
23. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
24. Driving by person under age 21 while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]
25. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
26. Unlawful use of red or blue lights on vehicle. [G.S. 20-130.1]
27. Failure to give way to the right when being passed. [G.S. 20-149(b)]
28. Driving with open container after drinking. [G.S. 20-138.7]
29. Driving to elude arrest. [G.S. 20-141.5]
30. Operating commercial vehicle after consuming alcohol. [G.S. 20-138.2A]
31. Operating school bus, school activity bus, or child care vehicle after consuming alcohol. [G.S. 20-138.2B]
32. Any violation of G.S. 20-142.1 through G.S. 20-142.5, if the driver is driving a commercial motor vehicle.

OTHER POLICIES RELATING TO TRAFFIC OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a "uniform schedule" of waivable traffic offenses and otherwise promote the "uniform administration of justice." In accordance with this statutory mandate, all judicial districts must adhere to this schedule, 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.
4. The traffic offenses waiver list does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.
5. An offense may be waived under #26 on the traffic offenses waiver list if it does not otherwise appear on these lists and it is located in one of the following Articles or Parts of Articles in Chapter 20 of the North Carolina General Statutes: Article 2 (G.S. 20-5 through 20-37.02); Article 3, Part 9 (G.S. 20-115 through 20-137.2), Parts 10 and 10A (G.S. 20-138.1 through 20-171.2), and Part 11 (G.S. 20-172 through 20-175); and Article 3A (G.S. 20-183.2 through 20-183.8G).

(over)

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

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

(Adopted by the Conference of Chief District Court Judges, October 8, 2003 pursuant to N.C.G.S. 7A-148)

Applies To Offenses Committed On Or After January 1, 2004

A. Speeding Violations:

1. Speed over the applicable limit (including a limit imposed by permit on a commercial vehicle) and over 55 mph but not over 80 mph	0-5	6-10	11-15	
Costs plus fine of	\$0	\$10	\$25	
2. Speed over the applicable limit (including a limit imposed by permit on a commercial vehicle) but 55 mph or under	0-5	6-10	11-15	16 & over
Costs plus fine of	\$0	\$10	\$25	\$50

B. Other Violations:

1. Driving without, or with expired non-commercial drivers license (except when revoked or suspended), or operating motorcycle without proper license endorsement, or knowingly permitting an owned vehicle to be so operated.....	\$ 50 and Costs
2. Failure to yield right of way to emergency vehicles or failure to properly pass parked emergency vehicles, except as provided in No. 10 of mandatory appearances. [G.S. 20-156; G.S. 20-157]	\$ 25 and Costs
3. Failure to use seat belts. [G.S. 20-135.2A]	\$ 25 & \$50 Costs
4. Failure to wear helmet, or having too many passengers, on motorcycle or moped. [G.S. 20-140.4].....	\$ 25 & \$50 Costs
5. Driving the wrong way on a dual-lane highway.	\$ 25 and Costs
6. Improper passing.....	\$ 25 and Costs
7. Failure to dim lights.	\$ 10 and Costs
8. Height, length and width violations	\$ 10 and Costs
9. Failure to use child restraint system. [G.S. 20-137.1]	\$ 25 and Costs
10. Driving too slowly.....	\$ 5 and Costs
11. Illegal parking in handicapped space	\$ 100 and Costs
12. Any other parking violation.	Costs
13. Violation of vehicle inspection law.....	Costs
14. Exceeding a safe speed.....	\$ 25 and Costs
15. Following too closely.....	\$ 25 and Costs
16. Failure to stop for a red light or stop sign or flashing red light.....	\$ 25 and Costs
17. Failure to yield right-of-way.	\$ 25 and Costs
18. Improper turn and/or improper signal.	\$ 10 and Costs
19. Driving the wrong way on a one-way city street.....	\$ 25 and Costs
20. Improper vehicle equipment.....	\$ 25 and Costs
21. Use of darkened windows in motor vehicle. [G.S. 20-127(b)-(d)].....	\$ 50 and Costs
22. Failure to reduce speed to avoid accident.	\$ 25 and Costs
23. Violation of the vehicle registration laws, except as in No. 17 of mandatory appearances.	\$ 25 and Costs
24. Failure to use headlights when wipers on.....	\$ 5
25. Speeding in a work zone. [G.S. 20-141(j2)].....	\$ 250 and Costs
26. Any other traffic violation for which court appearance is not mandatory as explained in the policies on side 1.	\$ 10 and Costs
27. Littering [under G.S. 14-399(c) only]	\$ 250 and Costs
28. Operating vehicle with improper dealer plates. [G.S. 20-79(e)(1)].....	\$ 50 and Costs
29. Transporting child under 12 in open bed or open cargo area. [G.S. 20-135.2B].....	\$ 25
30. Speeding in school zone or on school property. [G.S. 20-141.1; G.S. 20-141(e1)]	\$ 25 and Costs
31. Transporting alcohol in commercial vehicle. [G.S. 20-138.2C].....	\$ 50 and Costs
32. Possession of open container of alcoholic beverage in motor vehicle. [G.S. 20-138.7(a1)]	\$ 10 and Costs
33. Violation of bicycle helmet law. [G.S. 20-171.9]	\$ 10
34. Failure to remove from the roadway a vehicle involved in an accident as required by G.S. 20-166(c2).....	\$ 10 and Costs
35. Driving left of center.	\$ 10 and Costs
36. Littering [under G.S. 14-399(c1) only]	\$ 25 and Costs

NOTE: Policies applicable to the use of this waiver list are listed on side 1.