

# UNIFORM POLICIES RELATING TO TRAFFIC OFFENSES

## TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

(Adopted by the Conference of Chief District Court Judges, September 29, 2004 pursuant to N.C.G.S. 7A-148)

### Applies To Offenses Committed On Or After December 1, 2004

1. All pleas of **not** guilty.
2. All felonies.
3. Impaired instruction. [G.S. 20-12.1]
4. Driving while (license) suspended, revoked or disqualified, or permitting an owned vehicle to be so operated. [G.S. 20-28; G.S. 20-34]
5. 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]
6. 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.
7. Any violation involving false affidavit, or false statement under oath, or perjury. [G.S. 20-31; G.S. 20-112; G.S. 20-313.1; G.S. 20-17(5)]
8. Selling handicapped parking placards. [G.S. 20-37.6(c3)]
9. Any violation of the vehicle registration laws involving stolen or altered registration plates or certificates.
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. Unlawful use of red or blue lights on vehicle. [G.S. 20-130.1]
12. Driving while subject to an impairing substance. [G.S. 20-138.1]
13. Driving a commercial vehicle while subject to an impairing substance. [G.S. 20-138.2]
14. Operating commercial vehicle after consuming alcohol. [G.S. 20-138.2A]
15. Operating school bus, school activity bus, or child care vehicle after consuming alcohol. [G.S. 20-138.2B]
16. Driving by person under age 21 while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]
17. Driving with open container after drinking. [G.S. 20-138.7]
18. Careless and reckless driving. [G.S. 20-140(a), (b), (f)]
19. Driving in excess of 80 mph. [G.S. 20-141]
20. Exceeding the applicable speed limit by over 15 mph while driving over 55 mph. [G.S. 20-141(j1)]
21. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
22. Death by vehicle. [G.S. 20-141.4]
23. Driving to elude arrest. [G.S. 20-141.5]
24. Aggressive driving. [G.S. 20-141.6]
25. Any violation of G.S. 20-142.1 through G.S. 20-142.5 (railroad grade crossing violations), if the driver is driving a commercial motor vehicle.
26. Failure to give way to the right when being passed. [G.S. 20-149(b)]
27. Failure to stop for emergency vehicles. [G.S. 20-157(a)]
28. Failure to yield involving serious bodily injury. [G.S. 20-160.1]
29. 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]
30. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
31. Passing stopped school bus. [G.S. 20-217]
32. Any violation of the financial responsibility laws. [Chapter 20, Articles 9A and 13]
33. Violations of motor carrier safety and hazardous material regulations. [G.S. 20-396]
34. Any violation charged in the same citation, warrant, magistrate's order, or summons with a mandatory court appearance violation.

### **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 #30 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, September 29, 2004 pursuant to N.C.G.S. 7A-148)

### Applies To Offenses Committed On Or After December 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
3. Exceeding a safe speed. [G.S. 20-141(a)].....				\$ 25 and costs
4. Speeding in school zone or on school property. [G.S. 20-141(e1); G.S. 20-141.1].....				\$ 25 and costs
5. Driving too slowly. [G.S. 20-141(h)] .....				\$ 5 and costs
6. Speeding in a work zone. [G.S. 20-141(j2)] .....				\$ 250 and costs
7. Failure to reduce speed to avoid accident. [G.S. 20-141(m)] .....				\$ 25 and costs

#### 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 [G.S. 20-7] .....				\$ 50 and Costs
2. Illegal parking in handicapped space. [G.S. 20-37.6].....				\$100 and costs
3. Operating vehicle with improper dealer plates. [G.S. 20-79(e)(1)] .....				\$ 50 and costs
4. Use of darkened windows in motor vehicle. [G.S. 20-127(b)-(d)] .....				\$ 50 and costs
5. Failure to use headlights when wipers on. [G.S. 20-129(a)(4)] .....				\$ 5
6. Failure to dim lights. [G.S. 20-131; G.S. 20-181] .....				\$ 10 and costs
7. Failure to use seat belts. [G.S. 20-135.2A].....				\$ 25 and \$50 costs
8. Transporting child under 12 in open bed or open cargo area. [G.S. 20-135.2B].....				\$ 25
9. Failure to use appropriate child restraint system. [G.S. 20-137.1] .....				\$ 25 and costs
10. Transporting alcohol in commercial vehicle. [G.S. 20-138.2C].....				\$ 50 and costs
11. Possession of open container of alcoholic beverage in motor vehicle. [G.S. 20-138.7(a1)].....				\$ 10 and costs
12. Failure to wear helmet, or having too many passengers, on motorcycle or moped. [G.S. 20-140.4] .....				\$ 25 and \$50 costs
13. Driving the wrong way on a dual-lane highway. [G.S. 20-146].....				\$ 25 and costs
14. Driving left of center. [G.S. 20-148] .....				\$ 10 and costs
15. Improper passing, except as provided in No. 26 on mandatory appearances. [G.S. 20-149; G.S. 20-150; G.S. 20-150.1] ..				\$ 25 and costs
16. Following too closely. [G.S. 20-152] .....				\$ 25 and costs
17. Improper turn, starting, stopping and/or improper signal. [G.S. 20-153; G.S. 20-154].....				\$ 10 and costs
18. Failure to yield right of way. [G.S. 20-155; G.S. 20-158.1].....				\$ 25 and costs
19. Failure to yield right of way to emergency vehicles or failure to properly pass parked emergency vehicles, except as provided in No. 27 of mandatory appearances. [G.S. 20-156; G.S. 20-157] .....				\$ 25 and costs
20. Failure to stop for stoplight or traffic control signal or stop sign. [G.S. 20-158] .....				\$ 25 and costs
21. Failure to yield to pedestrian. [G.S. 20-158(b)(2)c] .....				\$100 and costs
22. Driving the wrong way on a one-way street. [G.S. 20-165.1; G.S. 20-169].....				\$ 25 and costs
23. Failure to remove from the roadway a vehicle involved in an accident. [G.S. 20-166(c2)] .....				\$ 10 and costs
24. Violation of bicycle helmet law. [G.S. 20-171.9].....				\$ 10
25. Violation of vehicle inspection law. [G.S. 20-183.8(a)].....				Costs
26. Any parking violation other than violation of the handicapped parking laws. ....				Costs
27. Violation of the vehicle registration laws, except as in No. 9 of mandatory appearances.....				\$ 25 and costs
28. Height, length and width violations. [G.S. Ch. 20, Art. 3, Part 9] .....				\$ 10 and costs
29. Improper vehicle equipment. [G.S. Ch. 20, Art. 3, Part 9] .....				\$ 25 and costs
30. Any other traffic violation for which court appearance is not mandatory as explained in the policies on side 1....				\$ 10 and costs
31. Littering under G.S. 14-399(c). ....				\$250 and costs
32. Littering under G.S. 14-399(c1). ....				\$ 25 and costs

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