

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

(Adopted by the Conference of Chief District Court Judges, October 16, 2013, pursuant to N.C.G.S. 7A-148)

Applies To Offenses Committed On Or After December 1, 2013

1. All pleas of **not** guilty.
2. All felonies.
3. Impaired instruction. [G.S. 20-12.1]
4. Tampering with ignition interlock device. [G.S. 20-17.8A]
5. Driving while (license) suspended, revoked or disqualified, driving while license revoked for impaired drivers license revocation after DMV has sent notification, or failing to appear for two years after date of implied-consent charge. [G.S. 20-28]
6. 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(a); G.S. 20-37.12]
7. 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.
8. Any violation involving false affidavit, or false statement under oath, or perjury. [G.S. 20-17(5); G.S. 20-31; G.S. 20-111(5); G.S. 20-112; G.S. 20-313.1]
9. Selling handicapped parking placards. [G.S. 20-37.6(c3)]
10. Any violation of the vehicle registration laws involving stolen, altered, or fictitious registration plates or certificates, or any violation of the vehicle title laws, except violations under G.S. 20-111(2).
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. Unlawful use of red or blue lights on vehicle. [G.S. 20-130.1]
13. Driving while texting while operating a school bus. [G.S. 20-137.4A]
14. Driving while subject to an impairing substance. [G.S. 20-138.1]
15. Driving a commercial vehicle while subject to an impairing substance. [G.S. 20-138.2]
16. Operating commercial vehicle after consuming alcohol. [G.S. 20-138.2A]
17. Operating school bus, school activity bus, child care vehicle, ambulance, other emergency medical services vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol. [G.S. 20-138.2B]
18. Driving by person under age 21 while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]
19. Driving with open container after drinking. [G.S. 20-138.7(a)]
20. Careless and reckless driving. [G.S. 20-140(a), (b), (f)]
21. Driving in excess of 80 mph, including in a work zone. [G.S. 20-141; G.S. 20-141(j2)]
22. Exceeding the applicable speed limit by over 15 mph while driving over 55 mph, including in a work zone. [G.S. 20-141(j1); G.S. 20-141(j2)]
23. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
24. Death by vehicle. [G.S. 20-141.4]
25. Driving to elude arrest. [G.S. 20-141.5]
26. Aggressive driving. [G.S. 20-141.6]
27. 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.
28. Failure to give way to the right when being passed proximately causing a collision resulting in serious bodily injury, bodily injury or property damage. [G.S. 20-149(b)(1)-(b)(2)]
29. Unsafe movement resulting in crash causing property damage in excess of \$5,000 or serious bodily injury. [G.S. 20-154(a2)]
30. Failure to stop for approaching emergency vehicles or any violation of G.S. 20-157 causing death, serious injury, injury or property damage. [G.S. 20-157(a), (h), (i)]
31. Failure to yield involving serious bodily injury. [G.S. 20-160.1]
32. 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; G.S. 20-166.2]
33. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
34. Passing stopped school bus. [G.S. 20-217]
35. Any violation of the financial responsibility laws, except violations under G.S. 20-313(a). [Chapter 20, Articles 9A and 13]
36. Any violation of the all-terrain vehicle laws. [Chapter 20, Article 3, Part 10C]
37. Violations of motor carrier safety and hazardous material regulations. [G.S. 20-396]
38. 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 No. 43 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).