

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 925
Judiciary I (Civil) Committee Substitute Adopted 5/22/07
House Committee Substitute Favorable 7/28/07
Fourth Edition Engrossed 7/31/07

Short Title: Speeding Law Changes.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A
LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A
PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A
DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN
TWENTY-FIVE MILES PER HOUR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141(o) reads as rewritten:

"§ 20-141. Speed restrictions.

...

(o) A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this ~~section~~-section, and shall be subject to the following limitations and conditions:

(1) A violation of G.S. 20-123.2 shall be recorded in the driver's official record as "Improper equipment – Speedometer."

(2) No drivers license points or insurance surcharge shall be assessed to the driver on two or fewer violations of G.S. 20-123.2 as a lesser included offense in a five-year period. Two drivers license points shall be assessed for each offense that occurs under this subsection when the driver has two or more prior convictions within five years of the date of the offense of the present charge.

(3) The lesser included offense under this subsection shall not apply to charges of speeding in excess of 25 miles per hour or more over the posted speed limit.

~~No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection.~~ Any prayer for judgment continued for an offense under this

1 subsection shall be counted as a prior conviction in determining the number of
2 convictions in the previous five-year period."

3 **SECTION 2.** G.S. 20-141 is amended by adding a new subsection to read:

4 "(p) A driver charged with speeding in excess of 25 miles per hour over the posted
5 speed limit shall be ineligible for a disposition of prayer for judgment continued."

6 **SECTION 3.** G.S. 20-123.2(b) reads as rewritten:

7 "(b) Any person violating this section shall have committed an infraction and may
8 be ordered to pay a penalty of not more than twenty-five dollars (\$25.00). No drivers
9 license points, insurance points or premium surcharge shall be assessed on or imputed to
10 any party on account of ~~a violation of this section~~ two or fewer violations of this section
11 in a five-year period. Two drivers license points shall be assessed for each offense that
12 occurs under this section when a driver has two or more prior convictions within five-
13 years of the date of the offense of the present charge. Any prayer for judgment
14 continued for an offense under this section shall be counted as a prior conviction in
15 determining the number of convictions in the previous five-year period."

16 **SECTION 4.** This act becomes effective December 1, 2007, and applies to
17 offenses committed on or after that date.