

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 659  
SENATE BILL 748

AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE HAS LIMITED JURISDICTION TO ENTER A TEMPORARY RESTRAINING ORDER PROHIBITING THE SUSPENSION, CANCELLATION, OR REVOCATION OF A DRIVER'S LICENSE IN CONJUNCTION WITH APPEALS FROM THE DIVISION OF MOTOR VEHICLES LICENSE ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-25 reads as rewritten:

"§ 20-25. **Right of appeal to court.** – Any person denied a license or whose license has been canceled, suspended or revoked by the Division, except where such cancellation is mandatory under the provisions of this Article, shall have a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county wherein such person shall reside, or to the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in such district in which the violation was committed, and such court or judge is hereby vested with jurisdiction and it shall be its or his duty to set the matter for hearing upon 30 days' written notice to the Division, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this Article. Provided, a judge of the district court shall have limited jurisdiction under this section to sign and enter a temporary restraining order only."

Sec. 2. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 23rd day of July, 1987.