

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 786

Short Title: Commercial Felony Death By Vehicle.

(Public)

Sponsors: Representatives Haire; Luebke and Hensley.

Referred to: Judiciary IV.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ENHANCED PUNISHMENTS FOR FELONY DEATH
BY VEHICLE WHILE OPERATING A COMMERCIAL VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-141.4 reads as rewritten:

"§ 20-141.4. Felony and misdemeanor death by vehicle.

(a) Repealed by Session Laws 1983, c. 435, s. 27.

(a1) Felony Death by Vehicle. – A person commits the offense of felony death by vehicle if he unintentionally causes the death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2 and commission of that offense is the proximate cause of the death.

(a2) Felony Death by Vehicle While Operating a Commercial Motor Vehicle. – A person commits the offense of felony death by vehicle while operating a commercial motor vehicle if he unintentionally causes the death of another person while doing all the following which are the proximate cause of death:

(1) Being engaged in the violation of any State law applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1 or G.S. 20-138.2.

(2) Operating a Class A or a Class B motor vehicle with three or more axles with a GVWR of at least 26,001 pounds.

1 ~~(a2)~~ (a3) Misdemeanor Death by Vehicle. – A person commits the offense of
2 misdemeanor death by vehicle if he unintentionally causes the death of another person
3 while engaged in the violation of any State law or local ordinance applying to the
4 operation or use of a vehicle or to the regulation of traffic, other than impaired driving
5 under G.S. 20-138.1, and commission of that violation is the proximate cause of the
6 death.

7 (b) Punishments. – Felony death by vehicle is a Class G felony. Felony death by
8 vehicle while operating a commercial motor vehicle is a Class H felony. Misdemeanor
9 death by vehicle is a Class 1 misdemeanor.

10 (c) No Double Prosecutions. – No person who has been placed in jeopardy upon a
11 charge of death by vehicle may be prosecuted for the offense of manslaughter arising out
12 of the same death; and no person who has been placed in jeopardy upon a charge of
13 manslaughter may be prosecuted for death by vehicle arising out of the same death."

14 Section 2. This act becomes effective December 1, 1999.