

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 786  
Committee Substitute Favorable 4/23/99

Short Title: Commercial Felony Death By Vehicle.

(Public)

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Sponsors:

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Referred to:

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April 1, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ENHANCED PUNISHMENTS FOR FELONY DEATH  
3 BY VEHICLE WHILE OPERATING A COMMERCIAL VEHICLE FOR CERTAIN  
4 OFFENSES.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 20-141.4. Felony and misdemeanor death by vehicle.**

8 (a) Repealed by Session Laws 1983, c. 435, s. 27.

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

13 (a2) Felony Death by Commercial Motor Vehicle. – A person commits the offense  
14 of felony death by commercial motor vehicle if he unintentionally causes the death of  
15 another person while operating a Class A or a Class B motor vehicle with a GVWR of at  
16 least 26,001 pounds while being engaged in any of the following offenses which are the  
17 proximate cause of death:

18 (1) Passing stopped school bus, G.S. 20-217.

19 (2) Reckless driving, G.S. 20-140.

- 1           (3)    Following too closely, G.S. 20-152.  
2           (4)    Driving on wrong side of the road, G.S. 20-146, 20-147, or 20-165.1.  
3           (5)    Illegal passing, G.S. 20-148, 20-149, 20-150, 20-150.1, or 20-151.  
4           (6)    Running through stop sign or red light, G.S. 20-158.  
5           (7)    Speeding more than 15 miles per hour more than the speed limit or over  
6           80 miles per hour, G.S. 20-141(j1).  
7           (8)    Failing to yield right-of-way, G.S. 20-155, 20-156, and 20-158.1.  
8           (9)    Failure to stop for siren, G.S. 20-157.  
9           (10) Driving through safety zone, G.S. 20-160.  
10          (11) Speeding in school zone in excess of the posted school zone limit, G.S.  
11          20-141.1.  
12          (12) Illegal crossing or approach of railroad tracks and intersections, G.S. 20-  
13          142.1 through G.S. 20-142.5.

14          ~~(a2)~~ (a3) Misdemeanor Death by Vehicle. – A person commits the offense of  
15 misdemeanor death by vehicle if he unintentionally causes the death of another person  
16 while engaged in the violation of any State law or local ordinance applying to the  
17 operation or use of a vehicle or to the regulation of traffic, other than impaired driving  
18 under ~~G.S. 20-138.1~~, G.S. 20-138.1 or G.S. 20-138.2, and commission of that violation is  
19 the proximate cause of the death.

20          (b)    Punishments. — ~~Felony death by vehicle~~ A violation of subsection (a1) of this  
21 section is a Class G felony. A violation of subsection (a2) of this section is a Class H  
22 felony. ~~Misdemeanor death by vehicle~~ A violation of subsection (a3) of this section is a  
23 Class 1 misdemeanor.

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

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