

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 754**

Short Title: DMV Hearing Schedules. (Public)

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Sponsors: Representative Carney.

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Referred to: Transportation, if favorable, Judiciary III.

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March 25, 2009

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE TIME PERIOD FOR WHICH AN AGGRIEVED PARTY MAY  
2 REQUEST AN ADMINISTRATIVE HEARING BEFORE THE DIVISION OF MOTOR  
3 VEHICLES FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION  
4 PROGRAM STATUTES.  
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-183.8G(b) reads as rewritten:

8 "(b) Hearing After Statement of Charges. – When a license holder receives a statement  
9 of charges of a violation that could result in the suspension or revocation of the person's  
10 license, the person can obtain a hearing by making a request for a hearing. The person must  
11 make the request to the Division within 10 days after receiving the statement of the charges. A  
12 person who does not request a hearing within this time limit waives the right to a hearing.

13 The Division must hold a hearing requested under this subsection within ~~three business~~15  
14 days after receiving the request ~~unless the person requesting the hearing asks for additional~~  
15 ~~time to prepare for the hearing request.~~ A person may ask for no more than seven additional  
16 business days to prepare. If the additional time requested is within this limit, the Division must  
17 grant a person the additional time requested. The hearing must be held at the location  
18 designated by the Division. Suspension or revocation of the license is stayed until a decision is  
19 made following the hearing.

20 If a person does not request a hearing within the time allowed for making the request, the  
21 proposed suspension or revocation becomes effective the day after the time for making the  
22 request ends. If a person requests a hearing but does not attend the hearing, the proposed  
23 suspension or revocation becomes effective the day after the date set for the hearing."

24 **SECTION 2.** This act is effective when it becomes law.

