



The Safe Roads Act of 1983

This act, effective October 1, 1983, repeals the present laws on drunk driving in North Carolina and replaces them with the single offense of "driving while impaired—DWI".

DWI can be proven in one of two ways:

- By proving the driver's physical or mental faculties are appreciably impaired by alcohol, drugs, or a combination of both.
- By proving the driver's alcohol concentration (AC) is 0.10 or more at any relevant time after driving.

Plea Bargaining

If a person is charged with DWI, the charge cannot be reduced to a lesser included offense.

Automatic 10-Day Revocation

A driver charged with DWI who refuses to be tested or who has an alcohol concentration of 0.10 faces an automatic and immediate 10-day revocation of his license. He may not obtain a limited driving privilege for this period.

Sentencing Hearing

After a DWI conviction, the trial judge must hold a sentencing hearing to determine punishment. The new law establishes five (5) levels of punishment, determined by evidence of grossly aggravating, aggravating, and mitigating factors.

Grossly Aggravating Factors Are:

- Two or more convictions for an impaired driving offense within 7 years.
- A prior conviction for an impaired driving offense within 7 years.
- Driving while license is revoked under an impaired driving revocation.
- Serious injury to another caused by defendant's impaired driving.

Aggravating Factors Are:

- Gross impairment or an alcohol concentration of 0.20 or more.
- Especially reckless driving.
- Negligent driving leading to an accident causing over \$500 damage or personal injury.
- Driving while license revoked.

• Two or more prior convictions of a non-impaired driving offense carrying 3 driver's license points within 5 years, or one or more prior convictions of an impaired driving offense more than 7 years old.
- Speeding to elude arrest.
- Speeding more than 30 mph over the posted limit.
- Passing a stopped school bus.
- Any other aggravating factor.

Mitigating Factors Are:

- Slight impairment, solely from alcohol, with an AC not exceeding 0.11.
- Slight impairment, solely from alcohol, and no chemical test available to the defendant.
- Safe and lawful driving except for impairment of defendant's faculties.
- Safe driving record—no serious traffic violations within 5 years of the offense.
- Impairment primarily from lawfully prescribed drug.
- Voluntary submission for assessment and treatment before trial.
- Any other mitigating factor.

Levels of Punishment

Where grossly aggravating factors are present:

Level 1: If two or more impaired driving offenses within 7 years, or any other two grossly aggravating factors are present, punishment is a mandatory minimum of 14 days and up to 2 years in jail. A fine of up to \$2,000 may be imposed.

Level 2: If one grossly aggravating factor (other than two or more impaired driving offenses within 7 years) is present, punishment is a mandatory minimum of 7 days and up to 1 year in jail. A fine of \$1,000 may be imposed.

Where no grossly aggravating factors are present:

Level 3: If aggravating factors outweigh mitigating factors, punishment is a minimum of 72 hours in jail, or 72 hours of community service, or a 90-day revocation of driving privileges, or any combination of the three. A fine of up to \$500 may be imposed.

Level 4: If neither set of factors outweighs the other, punishment is 48 hours in jail, or 48 hours of community

service, or a 60-day revocation of driving privileges, or any combination of the three. A fine of up to \$250 may be imposed.

Level 5: If mitigating factors outweigh aggravating factors, punishment is 24 hours in jail, or 24 hours of community service, or a 30-day loss of driving privileges, or any combination of the three. A fine of up to \$100 may be imposed.

Drinking Age

The law raises the age to buy and possess beer and unfortified wine to 19. The legal age to buy or possess fortified wine or spirituous liquor remains 21.

Youthful Offender

If a provisional licensee (16 or 17) is convicted of DWI, or refuses to submit to chemical analysis, or is caught driving with any amount of alcohol or drugs (excluding prescriptions taken in a lawful amount), his license will be revoked until he is 18, or for 45 days, whichever is longer.

The statute provides a one-year license revocation if:

- an underage person attempts to purchase or purchases an alcoholic beverage.
- an underage person aids or abets another to attempt to purchase or purchase an alcoholic beverage.
- an underage person attempts to purchase, purchases, or possesses alcoholic beverages by using or attempting to use a fraudulent driver's license or other I.D., or by lending his driver's license or any other I.D. for that purpose.

Limited Driving Privileges

Limited driving privileges (LDP) after conviction of a DWI offense have been curtailed severely. LDP is only available under non-grossly aggravating punishment levels. In some instances, a person must complete a period of court-ordered non-operation prior to obtaining LDP. The privilege extends only to driving for employment, education, treatment, community service, household maintenance, and emergency health needs.

Roadblocks

Law enforcement agencies may set up roadblocks to check for impaired drivers.

Preventive Detention

Magistrates must order a person charged with DWI and who is dangerously impaired held until the person is no longer impaired or until a responsible, sober adult will take responsibility for him. In no event may he be held longer than 24 hours.

Implied Consent

A person charged with DWI may be asked to submit to a chemical test of his blood or breath. Willful refusal to take the test carries a 12-month license revocation.

Open Container

A driver may not consume any alcoholic beverage while driving.

Forfeiture

Any person convicted of an impaired driving offense while his license is revoked for an earlier impaired driving offense could forfeit his vehicle. The statute protects innocent third parties.

Problem Drinkers

In almost all cases, a person convicted of driving with an AC level of 0.20 or more, or who is arrested for a second or subsequent offense within 5 years, will be required to undergo a substance abuse assessment.

ADETS Revocation

A person assigned to an Alcohol Drug Education Traffic School who willfully fails to complete the program successfully will have his license revoked for 12 months.

Dram Shop

Negligent sale of beer, wine or liquor to an underage person may subject the seller to civil liability if the minor then consumes the beverage and as a result of consuming that beverage has an accident while impaired. There is a \$500,000 limit on the amount that can be collected, and proof of good practices (such as checking I.D.'s) may help prevent the imposition of liability.

- The ABC Board must suspend the seller's ABC permit until the judgment is paid.
- There is no liability for refusing to sell or serve a customer who cannot produce a valid I.D.
- A seller may hold a person's I.D. for a reasonable time to check its validity if the seller tells the person why it is being held.

Know Your Limit

Driving after excessive drinking is dangerous and punishable by law. So, if you do drink and drive, find your own personal limit and stay within it. Remember, this chart is only a guide — not a guarantee.

In North Carolina, an alcohol concentration of 0.10 means you are driving impaired. A cup of coffee, a long walk, or a cold shower will not sober you up, only time can lower the alcohol concentration. So, please do not go over your limit. Do not be one of North Carolina's alcohol-related fatalities. Know your limit and live.

Clip this card, put it in your wallet, and use it!

Weight	DRINKS (Two Hour Period)		
	1 1/2 oz. 80° Liquor	12 oz. Beer	8 oz. wine
100	1 2 3	1 2 3	1 2 3
120	1 2 3	1 2 3	1 2 3
140	1 2 3 4	1 2 3 4	1 2 3 4
160	1 2 3 4	1 2 3 4	1 2 3 4
180	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
200	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6
220	1 2 3 4 5 6 7	1 2 3 4 5 6 7	1 2 3 4 5 6 7
240	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8

This chart is an approximation.

CAUTION AC TO .08% DRIVING IMPAIRED .08-.09% LEGALLY DRUNK .10 & UP



Sergeant J.E. Bowen stops and checks a motorist near Murfreesboro.

AN OPEN LETTER TO STUDENTS

August 12, 1983

An Open Letter to College and University Students:

On October 1, 1983, North Carolina will have a new set of laws dealing with those who operate a vehicle while impaired by alcoholic beverages or any other impairing substance. The Safe Roads Act of 1983 does much more than raise the drinking age for beer and unfortified wine to 19. We would like for the students attending our colleges and universities to be aware of the new law.

Perhaps the best way to explain some of the comprehensive provisions of the new law is to state a hypothetical case involving a student—we will call him Joe—stopped by a State Highway Patrolman for driving under the influence of an impairing substance.

Joe may have been stopped at one of the roadblocks law enforcement agencies can now establish under the Safe Roads Act to check for drunk drivers. He may have been stopped because the trooper saw him drinking a beer while driving. Under the Safe Roads Act, it is unlawful for the driver of a vehicle to consume any alcoholic beverage while driving.

Under the new law, Joe can be arrested and charged under the single offense of impaired driving. There are no lesser included offenses, such as careless and reckless driving after drinking, in the new law; thus, there will be no more plea bargaining. There is only one charge, and it can be proved in one of two ways:

- (1) By showing the driver's physical or mental faculties are appreciably impaired by an impairing substance or;

By showing the driver's alcohol concentration (AC) is 0.10 or more.

If Joe refuses to submit to a chemical test, his license will be revoked for one year. He can apply for limited driving privileges only after surrendering his license for six months of the revocation.

If Joe registers 0.10 AC or more on a chemical test, or refuses the test, he will be taken before a magistrate and his license will be suspended immediately for 10 days. This is mandatory. No one gets off. Out-of-state students will have their privileges to drive in North Carolina suspended for 10 days, just the same as students licensed in North Carolina.

If the magistrate determines Joe is too impaired to be released, the magistrate is empowered under the act to hold Joe for up to 24 hours or until a responsible, sober adult will take responsibility for him. In no event may Joe be held for more than 24 hours.

Next, Joe will have a trial on the charge. If Joe is convicted of driving while impaired, the law requires the judge to hold a sentencing hearing where Grossly Aggravating Drunk Driving (GADD) factors, aggravating factors and mitigating factors are presented by the prosecutor and defense attorneys. The judge must weigh these factors in imposing sentence.

If two GADD factors (a prior impaired driving offense in the past seven years, driving with revoked license for an impaired offense, causing an accident resulting in serious injury to another) are present, there is a mandatory minimum jail term of 14 days and Joe can be fined up to \$2,000. If one GADD factor is present, Joe faces a mandatory minimum seven days in jail and a fine up to \$1,000. If Joe has two or more prior convictions for driving impaired within seven years, punishment is the same as if he had two GADD factors.

If no GADD factors are present, the judge weighs the aggravating and mitigating factors. If aggravating factors outweigh mitigating factors, Joe can be sentenced to a minimum of 72 hours in jail, or 72 hours of community service or 90 days without driving or a combination of all. He also faces a fine of up to \$500. If aggravating and mitigating factors balance out, Joe faces a sentence of 48 hours in jail, 48 hours community service or 60 days without driving or a combination of all. Additionally, Joe can be fined up to \$250. If the mitigating factors outweigh the aggravating factors, Joe faces a jail term of 24 hours, or 24 hours community service or 30 days without driving or a combination of all. Joe can be fined up to \$100.

Some aggravating factors are: gross impairment or an AC of 0.20 or more; especially reckless driving; an accident causing over \$500 damage or personal injury; driving while license revoked; two or more 3-point motor vehicle offenses within 5 years, or one or more prior convictions of DWI more than 7 years old; speeding to elude arrest; speeding more than 30 miles per hour above the posted limit; and passing a stopped school bus.

Some mitigating factors are: slight impairment solely from alcohol, AC of 0.11 or less; slight impairment solely from alcohol and no chemical test available; generally safe driving at time of offense; no serious traffic offenses within past 5 years; impairment caused by lawfully prescribed drug; and voluntary submission to treatment before trial.

If this is Joe's second offense, he loses his license for four years and can get no limited privilege. Revocation is permanent for the third offense.

In matters of license revocation for out-of-state students, North Carolina has reciprocity with most states for impaired driving crimes. North Carolina



Secretary Heman Clark

Division of Motor Vehicles would send the report of your conviction to your home state and that state could apply the sanction. In any event, North Carolina will revoke your privilege to operate a motor vehicle in this state.

If Joe holds a North Carolina provisional license (issued to 16- and 17-year-olds) and is convicted of DWI or refuses to take a chemical test, or is caught driving with any amount of alcohol or any impairing substance in his system (excluding prescriptions taken in a lawful amount), his license will be revoked until he is 18, or for 45 days, whichever is longer.

The law also provides a one-year license revocation if:

- An underage person attempts to purchase or purchases an alcoholic beverage;
- An underage person aids or abets another to attempt to purchase or purchase an alcoholic beverage;
- An underage person attempts to purchase, purchases or possesses alcoholic beverages by using or attempting to use a fraudulent driver's license or other I.D., or by lending his driver's license or any other I.D. for that purpose.

If Joe registers 0.20 or more on a chemical test, he will be referred to an appropriate public or private facility for treatment and counseling. AC levels in those ranges are indicative of problem drinkers. Problem drinkers cause the majority of accidents involving impaired drivers.

If Joe is caught for DWI after his license is revoked, he faces forfeiture of his vehicle.

Another important aspect of the Safe Roads Act which may affect students is the "Dramshop" provision. Under this provision, negligent sale of beer, wine or liquor to an underage person may subject the seller to civil liability if the underage person then consumes the beverage and as a result of consuming the beverage has an accident while driving impaired. This provision led operators of establishments which sell alcoholic beverages to ask for the power to hold a person's I.D. for a reasonable time to check the I.D.'s validity. The seller must tell the person why he is holding the I.D.

In addition to the criminal and administrative sanctions mentioned above, Joe faces a host of other problems arising from a conviction for DWI. If he is a first offender, he will now be required to pay for and attend classes at one of the state's Alcohol Drug Education Traffic Schools. His car insurance will climb precipitously. Whatever it cost before conviction, it will now cost him 395 percent more—395 percent more for three years.

It is not worth it to drink and drive. Your personal costs are too high. The costs to society are too high. If you drink, don't drive. If you drive, don't drink.

Sincerely,
Heman R. Clark
Secretary
N.C. Department of
Crime Control and
Public Safety



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EARLY CIRCUS DATA

An ex-cavalry sergeant is credited with starting the first circus in London in 1769. Large animals, other than horses, were not a part of the exhibitions until 1816, when two elephants did a performing turn in a Paris circus.

WATERWAYS

There are 26,000 miles of inland and coastal waterways in the U.S.

American Red Cross



We'll Help.
Will You?

Tutoring Programs Available

If you're having trouble with your work, then there is help available. The Special Services office has tutors available in these areas.

- Accounting 141, 142
- Biology 101
- Chemistry 102
- Economics 251
- English 101, 102
- Financial Math 161
- Foreign Language 101, 102
- Math 101, 102, 103-5
- Religion 101, 102

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