

JURISDICTION:

NORTH CAROLINA

General Reference:

This chapter summarizes North Carolina State statutes related to speed.
General Statutes of North Carolina

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §20-141(a)

Statutory Speed Limit:
See Other below.

70 MPH on the interstate highway system or other controlled-access highways¹ §20-141(d)(2)
55 MPH on highways outside municipal corporate limits §20-141(b)(2)
35 MPH on highways inside municipal corporate limits §20-141(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Department may increase or decrease the above speed limits on State highways under its jurisdiction (e.g., outside the corporate limits of a municipality or unincorporated municipalities). §20-141(d), (f) & (g)
II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on streets under their jurisdiction. However, the maximum speed limit on any street cannot be >55 MPH. §20-141(e) & (f)
III. Except for overweight or oversized vehicles requiring special permits to use the highways or when weather or highway conditions require a slower speed, speed limits shall apply uniformly to all types of vehicles. §20-141(l)
IV. Local authorities may post lower speed limits than proved for under §20-141(b) on public school property and on private school property subject to the approval of governing body of the private school. §20-141(e1)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §20-141(h)
II. Except when making a left turn, no person shall operate a motor vehicle on the inside lane next to the median of any dual-lane highway at a speed below the posted speed limit if such slow speed would impede the steady flow of traffic. §20-146(e)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for thru traffic or as close as practicable to the right-hand curb or edge of the highway. §20-146(b)

Posted (Minimum) Speed Limit:

I. 40 MPH on interstate and primary highways with a posted speed limit of 55 MPH.² §20-141(c)(1)
II. 45 MPH on interstate and primary highways with a posted speed limit ≥60 MPH.² §20-141(c)(2)

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: (continued)

III. Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit on the streets and highways under their jurisdiction. §20-141(g)

¹The maximum speed limit on these highways is 55 MPH unless an engineering and traffic investigation justifies a higher speed limit. However, any increase in the speed limit cannot be >70 MPH. §20-141(d)(2)

²This limit does not apply to vehicles that are towing other vehicles. §20-141(c)

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- Other:
- I. The Board of Transportation or a local government may establish speed limits in designated school zones. These limits are in effect when school is in session. Such a limit cannot be <20 MPH. §20-141.1
 - II. The State Department of Transportation may establish safe maximum speed limits for bridges, causeways or viaducts. §20-144
 - III. A school bus, which is loaded with children, shall not be driven >45 MPH. §20-218(b)
 - IV. A school activity bus, which is loaded with children, shall not be driven >55 MPH. §20-218(b)
 - V. When transportation persons, an activity bus, which is owned by a nonprofit organization, shall not be driven >55 MPH. §20-218.2

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: Except as Noted, Speed Law Violations are Infractions (Noncriminal Offenses). §§14-3.1 & 20-176(a)
Excessive Speeding is a Class 2 Misdemeanor.³ §20-141(j1)
A person, who drives either a school bus, a school activity bus, or a nonprofit activity bus in excess of the maximum statutory speed allowed for these vehicles, commits a Class 3 Misdemeanor. §§20-218(c) & 20-218.2
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years,
Etc.):
- Infraction-None
Class 2 Misdemeanor-1 to 60 days⁴ §15A-1340.23(c)(2)
Class 3 Misdemeanor-1 to 20 days⁴ §15A-1340.23(c)(2)
None See Highway Work Zone and School Property below.
- Mandatory Minimum Term:

Sanctions Following an Adjudication of a Speed Law Violation:

³It is a Class 2 Misdemeanor to operate a motor vehicle either (1) >15 MPH over the posted speed limit or (2) >80 MPH. §20-141(j1)

⁴The period of incarceration is determined by the number of prior misdemeanor offense convictions. I. For Class 1 Misdemeanors, if the offender has either had no prior or has had no more than 4 prior convictions, the incarceration period is from 1 to 45 days. However, if they have had 5 or more convictions, the incarceration period is from 1 to 120 days. II. For Class 2 Misdemeanors, if the offender has had no prior convictions, the incarceration period is from 1 to 30 days. If they have had up to 4 prior convictions, the incarceration period is from 1 to 45 days. And, if they have had 5 or more prior convictions, the incarceration period is from 1 to 60 days. III. For Class 3 Misdemeanors, if the offender has had no prior convictions, the incarceration period is 1 to 10 days. If they have had up to 4 prior convictions, the incarceration period is from 1 to 15 days. And, if they have had 5 or more prior convictions, the incarceration period is from 1 to 20 days. §15A-1340.23(c)(2)

(continued)

<p>Fine: Amount (\$ Range):</p>	<p><u>Infraction</u>-Not more than \$100 §20-176(b) <u>Class 2 Misdemeanor</u>-Not more than \$1,000 §15A-1340.23(b) <u>Class 3 Misdemeanor</u>-Not more than \$200 §15A-1340.23(b)</p>
<p>Mandatory Min. Fine (\$):</p>	<p>None</p>
<p>Other Penalties: Traffic School: Other:</p>	<p>Driver Improvement Clinic §20-16(e) Highway Work Zone. There is a fine of \$250 (mandatory) for exceeding the speed limit in a highway work zone. §20-141(j2) School Zone or School Property. For exceeding the posted speed limit either (1) in a school zone or (2) on public or private school property where such limit was established pursuant to §20-141(e1), a mandatory fine of \$25. §§20-141(e1) & 20-141.1</p>
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>I. Suspension via a Point System⁵ §20-16(a)(5) & (c) II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH §20-16(a)(9) III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH §20-16(a)(10) IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH §20-16(a)(10a)</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>I. Suspension via a Point System-Not more than 1 year §20-19(c) II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH-Not more than 6 months §20-19(a) III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH-Not more than 12 months §20-19(b) IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH-Not more than 1 year §20-19(c)</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>I. Suspension via a Point System-None §20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary. II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH-None §20-19(a) Note: Suspension action by the licensing agency is discretionary. III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH-None Note: Suspension action by the licensing agency is discretionary. §20-19(b) IV. Suspension for driving >80 MPH on a highway with a posted speed</p>

⁵**Point System.** I. A person's license is subject to suspension if they accumulate 12 points within 3 years. II. The following points have been assigned to speeding or speed related offenses: Reckless driving-4 points (5 points if operating a commercial motor vehicle); exceeding the posted speed limit of 55 MPH-3 points (4 points if operating a commercial motor vehicle); exceeding the posted speed limit in a school zone-3 points (4 points if operating a commercial motor vehicle); and, all other violations-2 points (3 points if operating a commercial motor vehicle). §20-16(a)(5) & (c)

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limit of 70 MPH-**None** §20-16(a)(10a) Note: Suspension action by the licensing agency appears to be discretionary.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Required Suspension for operating a motor vehicle (1) >15 MPH over the speed limit and also driving >55 MPH or (2) >80 MPH-**30 days** §20-16.1(a) Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)

Eluding a Police Officer. A person, attempting to elude a law enforcement officer, commits a Class 1 Misdemeanor if they drive either (1) >55 MPH and >15 MPH over the speed limit or (2) >80 MPH. §20-141(j) The sanctions for this misdemeanor are an imprisonment term of **1 to 120 days** and/or a fine (the amount is discretionary with the court). §15A-1340.23(b) & (c)(2)

Commercial Motor Vehicle. A person, who commits a violation in a commercial motor vehicle for which points are assessed may be further assessed **double** the amount of any fine or penalty authorized by law. §20-16A

Other Criminal Actions Related to Speeding:

Racing on Highway:

- I. Class 1 Misdemeanor-Prearranged Speed Competition on a Highway §20-141.3(a)
- II. Class 2 Misdemeanor-Willful Speed Competition (not prearranged) §20-141.3(b)

Sanctions:
Criminal Sanction:
Imprisonment (Term):

- I. Prearranged Speed Competition on a Highway-**1 to 120 days**⁴ §15A-1340.23(c)(2)
- II. Willful Speed Competition (not prearranged)-**1 to 60 days**⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term:
Fine (\$ Range):

- None**
- I. Prearranged Speed Competition on a Highway-The amount of the fine is discretionary with the court. §15A-1340.23(b)
- II. Willful Speed Competition (not prearranged)-Not more than **\$1,000** §15A-1340.23(b)

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

- I. Prearranged Speed Competition on a Highway-**Revocation** §20-141.3(d)
- II. Willful Speed Competition (not prearranged)-**Suspension** §20-141.3(e)

Length of Term of
Licensing Withdrawal:

- I. Prearranged Speed Competition on a Highway-**3 years** §20-141.3(d)
- II. Willful Speed Competition (not prearranged)-Not more than **1 year** §20-141.3(e)

Other Criminal Actions Related to Speeding:

⁶A 1st offender may receive restricted driving privileges for either health, education or family welfare purposes. However, for subsequent offenders, this suspension appears to be mandatory. §20-16.1(b)(1)

(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum

Length of License Withdrawal:

I. Prearranged Speed Competition on a Highway-**18 months** §20-141.3(d)
 II. Willful Speed Competition (not prearranged)-**None** §20-141.3(e)

Other:

Driver Improvement Clinic §20-16(e)

Reckless Driving:

Sanction:

Class 2 Misdemeanor §20-140(a), (b) & (d)

Criminal:

Imprisonment (Term):

1 to 60 days⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §15A-1340.23(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §20-16(a)(5) & (c)

Revocation for 2 reckless driving offenses within 12 months §20-17(a)(6)

Length of Term of License

Withdrawal Action:

Suspension via a Point System-Not more than **1 year** §§20-16(a)(5) & (c) and 20-19(c)

Revocation for 2 reckless driving offenses within 12 months-**1 year** §§20-17(a)(6) & 20-19(f)

Mandatory Term of License

Withdrawal Action:

Suspension via a Point System-**None** §§20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary.

Revocation for 2 reckless driving offenses within 12 months-**1 year** §§20-17(a)(6) & 20-19(f)

Other:

I. **Required Suspension** for operating a motor vehicle (1) >15 MPH over the speed limit and also driving >55 MPH or (2) >80 MPH and reckless driving-**60 days** §20-16.1(d) Note: This action appears to be mandatory. Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)

II. Driver Improvement Clinic §20-16(e)

Other Criminal Actions Related to Speeding:

(continued)

Reckless Driving: (continued)

Other: (continued)

III. **Commercial Motor Vehicle.** A person, who commits a violation in a commercial motor vehicle for which points are assessed may be further

⁷A new license may be issued after 18 months if the licensing agency is satisfied that the offender "has been of good behavior." The agency may place such conditions on the new license that it feels are appropriate for the remaining period of the revocation. §20-141.3(d)

⁸These is no mandatory suspension period. Licensing action is discretionary with the licensing agency. §20-141.3(e)

⁹"Reckless driving" includes either (1) driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or (2) driving without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property. §20-140(a) & (b)

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assessed **double** the amount of any fine or penalty authorized by law. §20-16A

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §20-17.4(d)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §20-4.01(3d)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §20-4.01(41a)