

14B NCAC 07A .0118 SANCTIONS FOR VIOLATIONS

- (a) If a District First Sergeant determines that a violation of the rules in this Section has occurred, the First Sergeant may:
- (1) Issue a written warning and request for compliance to the wrecker service;
 - (2) Remove the wrecker service from the rotation wrecker list until corrective measures have been taken to bring the wrecker service into compliance with the rules in this Section and verification of such compliance has been demonstrated; or
 - (3) Remove the wrecker service from the rotation wrecker list for a period of time.
- (b) The severity of the sanction imposed shall be commensurate with the nature of the violation and prior record of the wrecker service.
- (c) If a wrecker service owner commits, is convicted of, pleads guilty to, or receives a prayer for judgment continued (PJC) for any of the offenses specified in 14B NCAC 07A .0116(a)(21), the wrecker service shall be removed from the rotation wrecker list and shall not be eligible to reapply for inclusion on the list for the designated period of time as set out in that Rule. If a wrecker service owner is charged with any of the offenses specified in 14B NCAC 07A .0116(a)(21), the wrecker service may be removed from the rotation wrecker list for the designated period of time prior to conviction only if an administrative investigation by the Patrol corroborates the commission of the offense. In such cases, the period of ineligibility shall commence on the date of removal.
- (d) A wrecker service shall not employ or continue to employ as a driver any person who commits, is convicted of, pleads guilty to or receives a prayer for judgment continued for any of the offenses specified in 14B NCAC 07A .0116(a)(21). This prohibition is for the designated period of time as set out in that Rule. A wrecker service that willfully violates this provision shall be removed from the rotation wrecker list for a minimum of 12 months.
- (e) A wrecker service driver or owner who responds to a Patrol related incident with an odor of alcohol on his or her breath shall immediately be removed from the rotation wrecker list for not less than 12 months. If the owner was not the driver and had no knowledge that the driver had been drinking, the wrecker service shall not be removed if the driver is prohibited from responding to Patrol calls for not less than 12 months. This period of removal is in addition to any removal that may result as a consequence of a conviction, plea of guilty, or prayer for judgment continued (PJC) pursuant to 14B NCAC 07A .0116(a)(21).
- (f) A wrecker service driver or owner who responds to a Patrol related incident with an odor of alcohol on his or her breath, and who refuses to submit to any requested chemical analysis, shall immediately be removed from the rotation wrecker list for a period of five years. If the owner was not the driver and had no knowledge that the driver had been drinking, the wrecker service shall not be removed if the driver is prohibited from responding to Patrol calls for 12 months. This period of removal is in addition to any removal that may result as a consequence of a conviction, plea of guilty, or prayer for judgment continued (PJC) pursuant to 14B NCAC 07A .0116(a)(21).
- (g) A willful misrepresentation of any material fact may result in removal from the rotation wrecker list.
- (h) For any violation of these Rules for which no specific period of removal or disqualification is established, a wrecker service shall be removed, at a minimum, until the violation is corrected.
- (i) A wrecker service that is removed from the rotation wrecker list remains ineligible for reinstatement even if ownership has been transferred to a family member.
- (j) A wrecker service that is removed from the rotation list must demonstrate compliance with all rules in this Section in order to be reinstated.

*History Note: Authority G.S. 20-184; 20-187; 20-188;
Temporary Adoption Eff. June 9, 2000;
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