

1 19A NCAC 03F .0602 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 03F .0602 ADMINISTRATIVE FINANCIAL RESPONSIBILITY HEARINGS**

4 (a) Any person who has received notice of a driver's license suspension due to an automobile accident for failure to  
5 file proof of financial responsibility may request a hearing.

6 (b) Request for a hearing must be made in writing to the Division within 15 days from the date shown on the proposed  
7 suspension order.

8 (c) The receipt of such request will extend the original effective date of the suspension order for 30 days or until the  
9 hearing is held.

10 (d) The petitioner must furnish the Division with a brief statement of the circumstances of the accident in which his  
11 ~~he~~ or his/her vehicle was involved, grounds relied upon to exonerate him or her from suspension, and a certified copy  
12 of any traffic court judgment related to the accident. This information must be received at the Division at least five  
13 days prior to the date fixed for hearing.

14 (e) Due process will be satisfied by an inquiry limited to the determination of whether there is a reasonable possibility  
15 of a judgment being rendered against the petitioner should he or she be sued in a civil action and lose his case. The  
16 burden of proof is on the petitioner to demonstrate to the hearings officer that there is no reasonable possibility that a  
17 judgment would be rendered against him or her in a court of law.

18 (f) If the hearings officer establishes that liability insurance was in effect on the date of the accident, or that the  
19 petitioner has assumed financial responsibility for the damages in the accident, the officer will rescind the Division's  
20 prior notice of revocation.

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22 *History Note: Authority G.S. 20-39; 20-279.2; 20-279.4; 20-279.5;*

23 *Eff. November 1, 1991;*

24 *Amended Eff. December 1, 1993.*

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