

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 130

Short Title: Suspend Licenses of Dropouts.

(Public)

Sponsors: Representatives Cromer; Ligon and Justus.

Referred to: Education.

February 1, 1989

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE DIVISION OF MOTOR VEHICLES TO SUSPEND THE
DRIVERS LICENSE OF A PERSON WHO DROPS OUT OF SCHOOL BEFORE
GRADUATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-16(a) reads as rewritten:

"(a) The Division shall have authority to suspend the license of any operator with or without a preliminary hearing upon a showing by its records or other satisfactory evidence that the licensee:

(1) to (4) Repealed by Session Laws 1979, c. 36;

(5) Has, under the provisions of subsection (c) of this section, within a three-year period, accumulated 12 or more points, or eight or more points in the three-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for one or more traffic offenses;

(6) Has made or permitted an unlawful or fraudulent use of such license or a learner's permit, or has displayed or represented as his own, a license or learner's permit not issued to him;

(7) Has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

(8) Has been convicted of illegal transportation of alcoholic beverages;

(8a) Has been convicted of impaired instruction under G.S. 20-12.1;

(8b) Has violated on a military installation a regulation of that installation prohibiting conduct substantially equivalent to conduct that constitutes

1 impaired driving under G.S. 20-138.1 and, as a result of that violation,
2 has had his privilege to drive on that installation revoked or suspended
3 after an administrative hearing authorized by the commanding officer
4 of the installation and that commanding officer has general court
5 martial jurisdiction;

6 (9) Has, within a period of 12 months, been convicted of two or more
7 charges of speeding in excess of 55 and not more than 80 miles per
8 hour, or of one or more charges of reckless driving and one or more
9 charges of speeding in excess of 55 and not more than 80 miles per
10 hour;

11 (10) Has been convicted of operating a motor vehicle at a speed in excess
12 of 75 miles per hour on a public road or highway where the maximum
13 speed is less than 70 miles per hour;

14 (10a) Has been convicted of operating a motor vehicle at a speed in excess
15 of 80 miles per hour on a public highway where the maximum speed is
16 70 miles per hour; or

17 (11) Has been sentenced by a court of record and all or a part of the
18 sentence has been suspended and a condition of suspension of the
19 sentence is that the operator not operate a motor vehicle for a period of
20 time;

21 (12) Is under the age of 18 and has withdrawn either voluntarily or
22 involuntarily from a secondary school, pursuant to the provisions of
23 G.S. 20-16A.

24 However, if the Division revokes without a preliminary hearing and the person whose
25 license is being revoked requests a hearing before the effective date of the revocation,
26 the licensee retains his license unless it is revoked under some other provision of the
27 law, until the hearing is held, the person withdraws his request, or he fails to appear at a
28 scheduled hearing."

29 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 20-16A. School attendance as a condition of licensing for privilege of operation**
32 **of motor vehicle.**

33 (a) In accordance with the provisions of G.S. 20-16(a)(12) the Division may
34 suspend the drivers license of any person under the age of 18 who withdraws, either
35 voluntarily or involuntarily from a secondary school.

36 (b) Whenever a student 18 years of age or younger withdraws from school,
37 except as provided in subsection (d) of this section, the attendance director or school
38 district superintendent (or the appropriate school official of any private secondary
39 school) shall notify the Division of the withdrawal. Within five working days of receipt
40 of the notice, the Division shall send notice to the licensee that the license will be
41 suspended pursuant to G.S. 20-16(a)(12) on the 30th day following the date the notice
42 of suspension was mailed unless documentation from the attendance director or school
43 district superintendent (or the appropriate school official of any private secondary
44 school) is received that the person has resumed attendance at school.

1 (c) For purposes of this section, withdrawal from school shall be defined as
2 more than 10 consecutive days of unexcused absence or 15 days total unexcused
3 absences during a single semester. For purposes of this section, suspension or expulsion
4 from school or imprisonment in a jail or penitentiary is not an excused absence or
5 beyond the control of the student, pursuant to subsection (d) of this section.

6 (d) Whenever the withdrawal from school of the student, or the failure to
7 enroll in a course leading to or to obtain a GED or high school diploma by a student is
8 beyond the control of the student, or is for the purpose of transfer to another school, as
9 confirmed in writing by the student's parent or guardian, no notice of suspension shall
10 be sent to the Division by the attendance director or school district superintendent to
11 suspend the student's drivers license. In all other cases the school district
12 superintendent (or the appropriate school official of any private secondary school) shall
13 be the sole judge of whether the withdrawal is due to circumstances beyond the control
14 of the student."

15 Sec. 3. This act shall become effective October 1, 1989.