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SENATE BILL 1223
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Short Title: MV Technical Corrections Bill.

(Public)

Sponsors:

Referred to:

June 8, 1992

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DIVISION TO ISSUE RESTRICTED COMMERCIAL DRIVER LICENSES TO SEASONAL DRIVERS FOR CERTAIN FARM-RELATED SERVICE INDUSTRIES, AND TO CLARIFY THE LAWS GOVERNING THE ISSUANCE OF LIMITED DRIVING PRIVILEGES, AND TO MAKE AMENDMENTS AND TECHNICAL CORRECTIONS TO THE MOTOR VEHICLES LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-37.13 is amended by adding a new subsection to read:

"(c1) The Division may waive the knowledge and skill testing requirements for applicants who are seasonal employees of custom harvesters, farm retail outlets and suppliers, agri-chemical businesses, or livestock feeders as defined and permitted by the Commissioner. All other requirements of this Article shall apply to persons applying for and issued a commercial drivers license under this subsection. In addition, the following restrictions shall apply to licenses issued pursuant to this subsection:

(1) An applicant who has more than two years experience as a driver with any class of drivers license shall certify that during the two-year period immediately prior to applying, he:

a. Has not had more than one license, except during the 10-day period beginning on the date he is issued a drivers license;

b. Has not had any licenses suspended, revoked, or cancelled;

- 1 c. Has not had any conviction for any type of motor vehicle for
2 any of the disqualifying offenses listed in G.S. 20-17.4;
3 d. Has not had more than one conviction for any type of motor
4 vehicle for serious traffic violations; and
5 e. Has not had any conviction for a violation of State or local laws
6 relating to motor vehicle traffic control, other than a parking
7 violation, which arose in connection with any reportable traffic
8 accident, and has no record of an accident in which he was at
9 fault.

10 An applicant with one or two years of experience driving with any
11 class of drivers license shall make the same certification for his entire
12 driving history. A license shall not be issued under this subsection to
13 an applicant who has not held any motor vehicle drivers license for at
14 least one year. The Division shall confirm the applicant's driving
15 record through a check of the Commercial Drivers License
16 Information System prior to issuing a license under this subsection.

17 (2) The licenses shall have the same renewal cycle as other commercial
18 drivers licenses; provided, operation of commercial motor vehicles
19 shall be limited to the seasonal period or periods as approved by the
20 Commissioner; provided further, the total number of calendar days in
21 any twelve-month period for which the licensee is authorized to
22 operate a commercial motor vehicle shall not exceed 180 days. The
23 license is valid for operation of a commercial motor vehicle during the
24 currently approved season only, and must be revalidated for each
25 successive season. The good driving record must be confirmed prior
26 to any renewal or revalidation.

27 (3) A license issued under this subsection authorizes the licensee to
28 operate Class B and Class C commercial motor vehicles during the
29 approved season only.

30 (4) Licenses issued under this subsection shall not authorize the licensee
31 to operate a vehicle transporting hazardous materials requiring the
32 vehicle to be placarded in accordance with 49 C.F.R. Part 172, Subpart
33 F, except the licensee may drive a vehicle transporting:

- 34 a. Diesel fuel in quantities of 1,000 gallons or less;
35 b. Liquid fertilizers to be used as plant nutrients in a vehicle or
36 implement of husbandry with a total capacity of 3,000 gallons
37 or less; and
38 c. Solid plant nutrients that are not transported with any organic
39 substance.

40 (5) Licensees shall be authorized to operate a commercial motor vehicle
41 within 150 miles of the place of business or the farm being served."

42 Sec. 2. G.S. 20-37.13(e) reads as rewritten:

43 "(e) A commercial driver learner's permit may be issued to an individual who
44 holds a regular Class C drivers license who has passed the knowledge test for the class

1 and type of commercial motor vehicle the individual will be driving. The permit is
2 valid for a period not to exceed six months and may be renewed or reissued only once
3 within a two-year period. The fee for a commercial driver learner's permit is ~~five dollars~~
4 ~~(\$5.00)~~ ten dollars (\$10.00). G.S. 20-7(m) governs the issuance of a restricted
5 instruction permit for a prospective school bus driver."

6 Sec. 3. G.S. 20-37.15(a1) reads as rewritten:

7 "(a1) The application must be accompanied by a nonrefundable application fee of
8 twenty dollars (\$20.00). This fee does not apply in any of the following circumstances:

9 (1) When an individual surrenders a commercial driver learner's permit
10 issued by the Division when submitting the application.

11 (2) When the application is to renew a commercial drivers license issued
12 by the Division.

13 This fee shall entitle the applicant to three attempts to pass the written knowledge test
14 without payment of a new fee. No application fee shall be charged to an applicant
15 eligible for a waiver under ~~G.S. 20-37.13(e)~~ G.S. 20-37.13(c) or (c1)."

16 Sec. 4. G.S. 20-37.16(d) reads as rewritten:

17 "(d) The fee for a Class A, B, or C commercial drivers license is forty dollars
18 (\$40.00). The fee for each endorsement is five dollars (\$5.00). The fee for a person
19 whose license is restricted to driving a school bus or school activity bus is ten dollars
20 (\$10.00). The fees required under this section do not apply to ~~a person whose license is~~
21 ~~restricted to driving a school bus or school activity bus or to employees of the Driver~~
22 License Section of the Division who are designated by the Commissioner."

23 Sec. 5. G.S. 20-16.2(e1) reads as rewritten:

24 "(e1) Limited Driving Privilege after Six Months in Certain Instances. – A person
25 whose driver's license has been revoked under this section may apply for and a judge
26 authorized to do so by this subsection may issue a limited driving privilege for a
27 noncommercial motor vehicle if:

28 (1) At the time of the refusal he held either a valid driver's license or a
29 license that had been expired for less than one year;

30 (2) At the time of the refusal, he had not within the preceding seven years
31 been convicted of an offense involving impaired driving;

32 (3) At the time of the refusal, he had not in the preceding seven years
33 willfully refused to submit to a chemical analysis under this section;

34 (4) The implied-consent offense charged did not involve death or critical
35 injury to another person;

36 (5) The underlying charge for which the defendant was requested to
37 submit to a chemical analysis has been finally disposed of:

38 a. Other than by conviction; or

39 b. By a conviction of impaired driving under G.S. 20-138.1, at a
40 punishment level authorizing issuance of a limited driving
41 privilege under G.S. 20-179.3(b), and he has complied with at
42 least one of the mandatory conditions of probation listed for the
43 punishment level under which he was sentenced;

1 (6) Subsequent to the refusal he has had no unresolved pending charges
2 for or additional convictions of an offense involving impaired driving;
3 and

4 (7) His license has been revoked for at least six months for the refusal.
5 Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the
6 procedure for application and conduct of the hearing and the restrictions required or
7 authorized to be included in the limited driving privilege apply to applications under
8 this subsection. If the case was finally disposed of in the district court, the hearing must
9 be conducted in the district court district as defined in G.S. 7A-133 in which the refusal
10 occurred by a district court judge. If the case was finally disposed of in the superior
11 court, the hearing must be conducted in the superior court district or set of districts as
12 defined in G.S. 7A-41.1 in which the refusal occurred by a superior court judge. A
13 limited driving privilege issued under this section authorizes a person to drive if his
14 license is revoked solely under this section or solely under this section and G.S. 20-
15 17(2). If the person's license is revoked for any other reason, the limited driving
16 privilege is invalid."

17 Sec. 6. G.S. 20-179.3(b) reads as rewritten:

18 "(b) Eligibility. – A person convicted of the offense of impaired driving under
19 G.S. 20-138.1 is eligible for a limited driving privilege for a noncommercial motor
20 vehicle if:

- 21 (1) At the time of the offense he held either a valid driver's license or a
22 license that had been expired for less than one year;
- 23 (2) At the time of the offense he had not within the preceding seven years
24 been convicted of an offense involving impaired driving;
- 25 (3) Punishment Level Three, Four, or Five was imposed for the offense of
26 impaired driving; and
- 27 (4) Subsequent to the offense he has not been convicted of, or had an
28 unresolved charge lodged against him for, an offense involving
29 impaired driving.

30 A person whose North Carolina driver's license is revoked because of a conviction in
31 another jurisdiction substantially equivalent to impaired driving under G.S. 20-138.1 is
32 eligible for a limited driving privilege if he would be eligible for it had the conviction
33 occurred in North Carolina. Eligibility for a limited driving privilege following a
34 revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1)."

35 Sec. 7. G.S. 20-17.4 is amended by adding a new subsection to read:

36 "(a1) Any revocation or suspension of a driver's license disqualifies a person from
37 driving a commercial motor vehicle for the duration of the revocation or suspension."

38 Sec. 8. G.S. 20-24(a) reads as rewritten:

39 "(a) License. – A court that convicts a person of an offense that requires
40 revocation of the person's drivers license shall require the person to give the court any
41 regular or commercial drivers license issued to that person. A court that convicts a
42 person of an offense that requires disqualification of the person but would not require
43 revocation of a regular drivers license issued to that person shall require the person to

1 give the court any Class A or Class B regular drivers license and any commercial
2 drivers license issued to that person.

3 The clerk of court shall accept a drivers license required to be given to the court
4 under this subsection. A clerk of court who receives a drivers license shall give the
5 person whose license is received a copy of a dated receipt for the license. The receipt
6 must be on a form approved by the Commissioner. A revocation or disqualification for
7 which a license is received under this subsection is effective as of the date on the receipt
8 for the license.

9 The clerk of court shall send to the Division any license received under this
10 subsection, a record of the conviction for which the license was received, and the
11 original dated receipt for the license. With the approval of the Commissioner, the clerk
12 of court may transmit the data from a surrendered license by electronic data processing
13 means, rather than forwarding the actual license. Any such license must be destroyed
14 by the courts. The clerk of court shall send or electronically transmit these items to the
15 Division within 30 days after entry of the conviction for which the license was
16 received."

17 Sec. 9. G.S. 20-23 reads as rewritten:

18 **"§ 20-23. Suspending resident's license upon conviction in another state.**

19 The Division is authorized to suspend or revoke the license of any resident of this
20 State upon receiving notice of the conviction as defined in ~~G.S. 20-24(e)~~ G.S. 20-
21 4.01(4a) of such person in another state of the offenses hereinafter enumerated which, if
22 committed in this State, would be grounds for the suspension or revocation of the
23 license of an operator. The provisions of this section shall apply only for the offenses as
24 set forth in G.S. 20-26(a)."

25 Sec. 10. G.S. 20-16.1(b)(1) reads as rewritten:

26 "(b) (1) Upon a first conviction only of violating subsection (a), the
27 trial judge may when feasible allow a noncommercial motor vehicle
28 limited driving privilege or license to the person convicted for
29 proper purposes reasonably connected with the health, education and
30 welfare of the person convicted and his family. For purposes of
31 determining whether conviction is a first conviction, no prior offense
32 occurring more than seven years before the date of the current
33 offense shall be considered. The judge may impose upon such
34 limited driving privilege any restrictions as in his discretion are
35 deemed advisable including, but not limited to, conditions of days,
36 hours, types of vehicles, routes, geographical boundaries and
37 specific purposes for which limited driving privilege is allowed. Any
38 such limited driving privilege allowed and restrictions imposed
39 thereon shall be specifically recorded in a written judgment which
40 shall be as near as practical to that hereinafter set forth and shall be
41 signed by the trial judge and shall be affixed with the seal of the
42 court and shall be made a part of the records of the said court. A
43 copy of said judgment shall be transmitted to the Division of Motor
44 Vehicles along with any driver's license in the possession of the

1 person convicted and a notice of the conviction. Such permit issued
2 hereunder shall be valid for 30 days from the date of issuance by
3 trial court. Such permit shall constitute a valid license to operate
4 motor vehicles of the class or type that would be allowed by the
5 person's license if it were not currently revoked upon the streets and
6 highways of this or any other state in accordance with the
7 restrictions noted thereon and shall be subject to all provisions of
8 law relating to driver's license, not by their nature, rendered
9 inapplicable."

10 Sec. 11. G.S. 20-16.1(b)(3) reads as rewritten:

11 "(b) (3) Upon conviction of such offense outside the jurisdiction of
12 this State the person so convicted may apply to the resident judge of
13 the superior court of the district or set of districts as defined in G.S.
14 7A-41.1(a) in which he resides for noncommercial motor vehicle
15 limited driving privileges hereinbefore defined. Upon such
16 application the judge shall have the authority to issue such limited
17 driving privileges in the same manner as if he were the trial judge."

18 Sec. 12. This act is effective upon ratification.