

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 472
Transportation Committee Substitute Adopted 6/13/91

Short Title: Drivers License Changes.

(Public)

Sponsors:

Referred to:

April 3, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE THE DRIVERS LICENSE LAW TO HARMONIZE THE
COMMERCIAL DRIVERS LICENSE PROVISIONS WITH THE REGULAR
DRIVERS LICENSE PROVISIONS, TO CLARIFY THE EFFECT OF A
DISQUALIFICATION TO DRIVE A COMMERCIAL MOTOR VEHICLE, AND
TO IMPOSE A FEE FOR A MOTORCYCLE ENDORSEMENT, A
COMMERCIAL LEARNER'S PERMIT, AND THE RESTORATION OF A
LICENSE AFTER DISQUALIFICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(3c) and (3d) read as rewritten:

"(3c) Commercial ~~Driver~~ Drivers License (CDL). – A license issued ~~in accordance with the requirements of this Chapter to an individual which authorizes that~~ by a state to an individual who resides in the state that authorizes the individual to drive a class of commercial motor vehicle. A 'nonresident commercial ~~driver~~ drivers license (NRCDL)' is issued by a state to an individual who resides in a foreign jurisdiction.

(3d) Commercial Motor Vehicle. – ~~A motor vehicle~~ Any of the following motor vehicles that are designed or used to transport passengers or property:

- a. ~~If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal or State regulation;~~ A Class A motor vehicle.

- 1 b. A Class B motor vehicle.
2 c. A Class C motor vehicle that meets either of the following
3 descriptions:
4 1. ~~If the vehicle is~~ Is designed to transport 16 or more
5 passengers, including the ~~driver, or driver.~~
6 e. 2. ~~If the vehicle is~~ Is transporting hazardous
7 materials and is required to be placarded in accordance
8 with 49 C.F.R. Part 172, Subpart F.
9 d. Any other motor vehicle included by federal regulation in the
10 definition of commercial motor vehicle pursuant to 49 U.S.C.
11 Appdx. § 2716."

12 Sec. 2. G.S. 20-4.01(12a) reads as rewritten:

13 "(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the
14 manufacturer as the maximum loaded weight of a single or combination
15 vehicle, or the registered gross weight of the vehicle, whichever is greater.
16 vehicle. The GVWR of a combination vehicle is the GVWR of the
17 power unit plus the GVWR of the towed unit or units."

18 Sec. 3. G.S. 20-4.01(41a) reads as rewritten:

19 "(41a) Serious Traffic Violation. – A conviction of one of the following
20 offenses when operating a commercial motor vehicle of:
21 a. Excessive speeding, involving a single charge of any speed 15
22 miles per hour or more above the posted speed ~~limit, limit.~~
23 b. Careless and reckless ~~driving, or driving.~~
24 c. A violation of any State or local law relating to motor vehicle
25 traffic control, other than a parking violation, arising in
26 connection with a fatal accident.
27 d. Improper or erratic lane changes.
28 e. Following the vehicle ahead too closely."

29 Sec. 4. G.S. 20-4.01 is amended by adding the following definitions in the
30 appropriate order to read:

31 "(2a) Class A Motor Vehicle. – A combination of motor vehicles that
32 has a combined GVWR of at least 26,001 pounds and includes as
33 part of the combination a towed unit that has a GVWR of at least
34 10,001 pounds.

35 (2b) Class B Motor Vehicle. – Any of the following:

- 36 a. A single motor vehicle that has a GVWR of at least 26,001
37 pounds.
38 b. A combination of motor vehicles that includes as part of the
39 combination a towing unit that has a GVWR of at least 26,001
40 pounds and a towed unit that has a GVWR of less than 10,001
41 pounds.

42 (2c) Class C Motor Vehicle. – Any of the following:

- 43 a. A single motor vehicle not included in Class B.

- 1 b. A combination of motor vehicles not included in Class A or
 2 Class B.
 3 (4a) Conviction. – A conviction for an offense committed in North
 4 Carolina or another state:
 5 a. In-State. When referring to an offense committed in North
 6 Carolina, the term means any of the following:
 7 1. A final conviction of a criminal offense, including a no
 8 contest plea.
 9 2. A determination that a person is responsible for an
 10 infraction, including a no contest plea.
 11 3. An unvacated forfeiture of cash in the full amount of a
 12 bond required by Article 26 of Chapter 15A of the
 13 General Statutes.
 14 4. A third or subsequent prayer for judgment continued
 15 within any five-year period.
 16 b. Out-of-State. When referring to an offense committed outside
 17 North Carolina, the term means any of the following:
 18 1. An unvacated adjudication of guilt.
 19 2. A determination that a person has violated or failed to
 20 comply with the law in a court of original jurisdiction or
 21 an authorized administrative tribunal.
 22 3. An unvacated forfeiture of bail or collateral deposited to
 23 secure the person's appearance in court.
 24 4. A violation of a condition of release without bail,
 25 regardless of whether or not the penalty is rebated,
 26 suspended, or probated.
 27 (32a) Regular Drivers License. – A license to drive a commercial motor
 28 vehicle that is exempt from the commercial drivers license
 29 requirements or a noncommercial motor vehicle."

30 Sec. 5. G.S. 20-7 reads as rewritten:

31 "**§ 20-7. Drivers' licenses; expiration; examination; fees. Issuance and renewal of**
 32 **drivers licenses.**

33 (a) ~~Except as otherwise provided in this Chapter, no person shall operate a motor~~
 34 ~~vehicle on a highway unless such person is a resident of this State and has first been To~~
 35 ~~drive a motor vehicle on a highway, a person must be licensed by the Division under the~~
 36 ~~provisions of this Article or Article 2C for the class of vehicle being driven. Driver~~
 37 ~~licenses shall be classified under this Article as follows: of this Chapter to drive that~~
 38 ~~vehicle. The Division issues regular drivers licenses under this Article and issues~~
 39 ~~commercial drivers licenses under Article 2C.~~

40 A license authorizes the holder of the license to drive any vehicle included in the
 41 class of the license and any vehicle included in a lesser class of license, except a vehicle
 42 for which an endorsement is required. To drive a vehicle for which an endorsement is
 43 required, a person must obtain both a license and an endorsement for the vehicle. A

1 regular drivers license is considered a lesser class of license than its commercial
2 counterpart.

3 The classes of regular drivers licenses and the motor vehicles that can be driven with
4 each class of license are:

5 (1) ~~Class "A" which entitles a licensee to drive any vehicle or~~
6 ~~combination of vehicles with a gross vehicle weight rating~~
7 ~~(GVWR) of 26,001 pounds or more, provided the GVWR of the~~
8 ~~vehicle or vehicle being towed are in excess of 10,000 pounds and~~
9 ~~are exempt from Article 2C of this Chapter. A Class A license~~
10 ~~entitles the licensee to operate Class B and C vehicles except~~
11 ~~motorcycles. A. A Class A license authorizes the holder to drive~~
12 ~~any Class A motor vehicle that is exempt under G.S. 20-37.16 from~~
13 ~~the commercial drivers license requirements.~~

14 (2) ~~Class "B" which entitles a licensee to drive a single vehicle with a~~
15 ~~GVWR of 26,001 pounds or more, or any such vehicle towing a~~
16 ~~single vehicle not in excess of 10,000 pounds provided the towed~~
17 ~~vehicle is exempt from Article 2C of this Chapter. A Class B~~
18 ~~license entitles the licensee to operate Class C vehicles except~~
19 ~~motorcycles. B. A Class B license authorizes the holder to drive~~
20 ~~any Class B motor vehicle that is exempt under G.S. 20-37.16 from~~
21 ~~the commercial drivers license requirements.~~

22 (3) ~~Class "C" which entitles a licensee to drive a single vehicle with a~~
23 ~~GVWR of less than 26,001 pounds or any such vehicle towing~~
24 ~~another vehicle with a GVWR not in excess of 10,000 pounds, both~~
25 ~~of which are exempt from Article 2C. A Class C license does not~~
26 ~~entitle the licensee to drive a motorcycle. C. A Class C license~~
27 ~~authorizes the holder to drive any of the following:~~

- 28 a. A Class C motor vehicle that is not a commercial motor vehicle.
29 b. When operated by a volunteer member of a fire department or a
30 rescue squad in the performance of duty, a Class A or Class B
31 fire-fighting or rescue motor vehicle.

32 Any unusual vehicle shall be assigned by the Commissioner to the most appropriate
33 class under this subsection or Article 2C with suitable special restrictions if they appear
34 to be necessary. The Commissioner may assign a unique motor vehicle to a class that is
35 different from the class in which it would otherwise belong.

36 Any person who takes up residence in this State on a permanent basis is exempt
37 from the provisions of this subsection for 30 days from the date that residence is
38 established, if he is properly licensed in the jurisdiction of which he is a former resident.
39 A new resident of North Carolina who has a drivers license issued by another
40 jurisdiction must obtain a license from the Division within 30 days after becoming a
41 resident.

42 (a1) ~~No operator's or chauffeur's license issued on or after October 1, 1979, shall~~
43 ~~authorize the licensee to operate a motorcycle unless the license has been appropriately~~
44 ~~endorsed by the Division to indicate that the licensee has passed special road and~~

1 ~~written (or oral) tests demonstrating competence to operate a motorcycle. Any person~~
2 ~~licensed prior to January 1, 1978, who has operated a motorcycle for at least two years~~
3 ~~prior to that date, will be exempt from the provisions of this subsection upon filing with~~
4 ~~the Division of Motor Vehicles an affidavit attesting to said two years' experience.~~
5 ~~Nothing contained in this subsection shall be construed to require a moped operator to~~
6 ~~have a driver's license. To drive a motorcycle, a person must have a drivers license and~~
7 ~~a motorcycle endorsement. To obtain a motorcycle endorsement, a person must~~
8 ~~demonstrate competence to drive a motorcycle by passing a road test and a written or~~
9 ~~oral test concerning a motorcycle and must pay the fee for a motorcycle endorsement.~~
10 Neither a drivers license nor a motorcycle endorsement is required to drive a moped.

11 (b) Every application for a ~~driver's~~ drivers license shall be made upon the
12 approved form furnished by the Division.

13 (c) ~~No person shall hereafter be issued a driver's license until it is determined that~~
14 ~~such person is physically and mentally capable of safely operating motor vehicles (of~~
15 ~~the type or class for which the person applied to be licensed) over the highways of the~~
16 ~~State. In determining whether or not a person is physically and mentally capable of~~
17 ~~safely operating motor vehicles over the highways of the State, the Division shall~~
18 ~~require such person to demonstrate his capability by passing an examination, which To~~
19 ~~obtain a drivers license from the Division, a person must be a resident of this State and~~
20 ~~must demonstrate his or her physical and mental ability to drive safely a motor vehicle~~
21 ~~included in the class of license for which the person has applied. To obtain an~~
22 ~~endorsement, a person must demonstrate his or her physical and mental ability to drive~~
23 ~~safely the type of motor vehicle for which the endorsement is required. The Division~~
24 shall note an endorsement on the face of a drivers license.

25 To demonstrate physical and mental ability, a person must pass an examination. The
26 examination may include road tests, vision tests, oral and tests, and, in the case of
27 literate applicants written tests, and tests of vision, applicants, written tests as the Division
28 may require. The Commissioner may adopt regulations that allow employees of
29 governmental agencies or private businesses to receive a driver's drivers license without
30 taking a road test if the conditions specified in the regulations are complied with.
31 Provided, however, that persons 60 years of age and over, when being examined as
32 herein provided, shall not be required to parallel park a motor vehicle as part of any
33 such examination.

34 (c1) In addition to the other requirements of this section, no person shall be issued
35 a ~~driver's~~ drivers license until ~~such~~ the person has furnished proof ~~that he is financially~~
36 ~~responsible. of financial responsibility.~~ Proof of financial responsibility shall be in one
37 of the following forms:

- 38 (1) A written certificate or electronically-transmitted facsimile thereof
39 from any insurance carrier duly authorized to do business in this
40 State certifying that there is in effect a nonfleet private passenger
41 motor vehicle liability policy for the benefit of the person required
42 to furnish proof of financial responsibility. The certificate or
43 facsimile shall state the effective date and expiration date of the
44 nonfleet private passenger motor vehicle liability policy and shall

1 state the date that the certificate or facsimile is issued. The
2 certificate or facsimile shall remain effective proof of financial
3 responsibility for a period of 30 consecutive days following the
4 date the certificate or facsimile is issued but shall not in and of
5 itself constitute a binder or policy of insurance or

- 6 (2) A binder for or policy of nonfleet private passenger motor vehicle
7 liability insurance under which the applicant is insured, provided
8 that the binder or policy states the effective date and expiration date
9 of the nonfleet private passenger motor vehicle liability policy.

10 The preceding provisions of this subsection do not apply to applicants who do not
11 own currently registered motor vehicles and who do not operate nonfleet private
12 passenger motor vehicles that are owned by other persons and that are not insured under
13 commercial motor vehicle liability insurance policies. In such cases, the applicant shall
14 sign a written certificate to that effect. Such certificate shall be furnished by the
15 Division and may be incorporated into the license application form. Any material
16 misrepresentation made by such person on such certificate shall be grounds for
17 suspension of that person's license for a period of 90 days.

18 For the purpose of this subsection, the term "nonfleet private passenger motor
19 vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.

20 The Commissioner may require that certificates required by this subsection be on a
21 form approved by the Commissioner.

22 Nothing in this subsection precludes any person from showing proof of financial
23 responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.

24 (d) The Division shall cause each person who has heretofore been issued a
25 ~~driver's~~ drivers license to be examined or reexamined, as the case may be, to determine
26 whether or not such person is physically and mentally capable of safely operating motor
27 vehicles over the highways of the State. Those persons found, as a result of such
28 examination or reexamination, to be capable of safely operating motor vehicles over the
29 highways of the State shall be reissued ~~drivers'~~ drivers licenses; and those persons found
30 to be incapable of safely operating motor vehicles over the highways of the State shall
31 not be reissued ~~drivers'~~ drivers licenses. The examination required by this subsection
32 may include such road tests, oral and in the case of literate applicants written tests, and
33 tests of vision, as the Division may require and shall include such test as is necessary to
34 assure that applicants recognize the "international symbol of access" for the handicapped
35 (sign R7-8, Manual on Uniform Traffic Control Devices) and devices relative to
36 handicapped drivers as set forth in Article 2A of this Chapter. Provided, however, that
37 persons 60 years of age and over, when being examined as herein provided, shall not be
38 required to parallel park a motor vehicle as part of any such examination.

39 (e) ~~The Division is hereby authorized to grant unlimited licenses or licenses~~
40 ~~containing such limitations as it may deem advisable. Such limitation or limitations may~~
41 impose any restriction it finds advisable on a drivers license. A restriction shall be
42 noted on the face of the license, and it shall be license. It is unlawful for the holder of a
43 restricted license so limited to operate a motor vehicle without complying with the
44 limitations, and the operation of a motor vehicle without complying with the limitations

1 ~~by a person holding a license with such limitations shall be the restriction and is the~~
2 ~~equivalent of operating a motor vehicle without a driver's license. If any applicant shall~~
3 ~~suffer from any physical defect or disease which affects his or her operation of a motor~~
4 ~~vehicle, the Division may require to be filed with it a certificate of such applicant's~~
5 ~~condition signed by some medical authority of the applicant's community designated by~~
6 ~~the Division. This certificate shall in all cases be treated as confidential. Nothing in this~~
7 ~~subsection shall be construed to prevent the Division from refusing to issue a license,~~
8 ~~either limited or unlimited, restricted or unrestricted, to any person deemed to be~~
9 ~~incapable of safely operating a motor vehicle with safety to himself and to the public:~~
10 ~~Provided, that nothing herein shall prohibit vehicle. This subsection does not prohibit~~
11 ~~deaf persons from operating motor vehicles who in every other way meet the~~
12 ~~requirements of this section.~~

13 (f) ~~The drivers' licenses issued under this section shall automatically expire.~~ A drivers
14 license expires on the birthday of the licensee in the fourth year following the year of
15 issuance; and no new license shall be issued to any operator after the expiration of his
16 license until such operator has again passed the examination specified in this section.
17 Any operator may at any time within 60 days prior to the expiration of his license apply
18 for a new license and if the applicant meets the requirements of this Article, ~~Chapter,~~ the
19 Division shall issue a new license to him. A new license issued within 60 days prior to
20 the expiration of an applicant's old license or within 12 months thereafter shall
21 automatically expire four years from the date of the expiration of the applicant's old
22 license.

23 Any person serving in the armed forces of the United States on active duty and
24 holding a valid ~~driver's~~ drivers license properly issued under this section and stationed
25 outside the State of North Carolina may renew his license by making application to the
26 Division by mail. Any other person, except a nonresident as defined in this Article, who
27 holds a valid ~~driver's~~ drivers license issued under this section and who is temporarily
28 residing outside North Carolina, may also renew by making application to the Division
29 by mail. For purposes of this section "temporarily" shall mean not less than 30 days
30 continuous absence from North Carolina. In either case, the Division may waive the
31 examination and color photograph ordinarily required for the renewal of a ~~driver's~~
32 drivers license, and may impose in lieu thereof such conditions as it may deem
33 appropriate to each particular application; provided that such license shall expire 30
34 days after the licensee returns to North Carolina, and such license shall be designated as
35 temporary.

36 Provided further, that no person who applies for the renewal of ~~his driver's~~ a drivers
37 license shall be required to take a written examination or road test as a part of any such
38 examination unless such person has been convicted of a traffic violation or had prayer
39 for judgment continued with respect to any traffic violation within a four-year period
40 immediately preceding the date of such person's renewal application or unless such
41 person suffers from a mental or physical condition which impairs his ability to operate a
42 motor vehicle.

43 Provided further, that no person who applies for the renewal of his ~~driver's~~ drivers
44 license and who must take the written examination pursuant to this section shall be

1 issued a renewed license unless such person has furnished the proof that he is financially
 2 responsible. Proof of financial responsibility shall be in one of the following forms:

- 3 (1) ~~A written certificate or electronically transmitted facsimile thereof~~
 4 ~~from any insurance carrier duly authorized to do business in this~~
 5 ~~State certifying that there is in effect a nonfleet private passenger~~
 6 ~~motor vehicle liability policy for the benefit of the person required~~
 7 ~~to furnish proof of financial responsibility. The certificate or~~
 8 ~~facsimile shall state the effective date and expiration date of the~~
 9 ~~nonfleet private passenger motor vehicle liability policy and shall~~
 10 ~~state the date that the certificate or facsimile is issued. The~~
 11 ~~certificate or facsimile shall remain effective proof of financial~~
 12 ~~responsibility for a period of 30 consecutive days following the~~
 13 ~~date the certificate or facsimile is issued but shall not in and of~~
 14 ~~itself constitute a binder or policy of insurance or~~
- 15 (2) ~~A binder for or policy of nonfleet private passenger motor vehicle~~
 16 ~~liability insurance under which the applicant is insured, provided~~
 17 ~~that the binder or policy states the effective date and expiration date~~
 18 ~~of the nonfleet private passenger motor vehicle liability policy.~~

19 ~~The provisions of the preceding paragraph do not apply to applicants who do not~~
 20 ~~own currently registered motor vehicles and who do not operate nonfleet private~~
 21 ~~passenger motor vehicles that are owned by other persons and that are not insured under~~
 22 ~~commercial motor vehicle liability insurance policies. In such cases, the applicant shall~~
 23 ~~sign a written certificate to that effect. Such certificate shall be furnished by the~~
 24 ~~Division and may be incorporated into the license application form. Any material~~
 25 ~~misrepresentation made by such person on such certificate shall be grounds for~~
 26 ~~suspension of that person's license for a period of 90 days.~~

27 ~~For the purpose of this subsection, the term "nonfleet private passenger motor~~
 28 ~~vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.~~

29 ~~The Commissioner may require that certificates required by this subsection be on a~~
 30 ~~form approved by the Commissioner.~~

31 ~~Nothing in this subsection precludes any person from showing proof of financial~~
 32 ~~responsibility in any other manner authorized by Articles 9A and 13 of this Chapter. of~~
 33 ~~financial responsibility specified in subsection (c1).~~

34 (g) ~~Repealed by Session Laws 1979, c. 667, s. 6.~~

35 (h) ~~Repealed by Session Laws 1979, c. 113, s. 1.~~

36 (i) ~~The fee for issuance or reissuance of a Class "C" license is ten dollars~~
 37 ~~(\$10.00). The fee for issuance or reissuance of a Class "B" or Class "A" license is fifteen~~
 38 ~~dollars (\$15.00). A person receiving at the same time a driver's license and an~~
 39 ~~endorsement pursuant to G.S. 20-7(a1) shall be charged only the fee required for the~~
 40 ~~class of driver's license he is receiving. following fees apply to a regular drivers license:~~

<u>Class of Regular License</u>	<u>Fee</u>
Class A	<u>\$15.00</u>
Class B	<u>15.00</u>
Class C	<u>10.00.</u>

1 The fee for a motorcycle endorsement is five dollars (\$5.00). The appropriate fee must
2 be paid before a person receives a regular drivers license or an endorsement.

3 (i) Any person whose ~~driver's~~ drivers license or other privilege to operate a motor
4 ~~vehicle in this State has been suspended, canceled or has been~~ revoked pursuant to the
5 provisions of this Chapter, other than G.S. 20-17(2), shall pay a restoration fee of
6 twenty-five dollars (\$25.00). A person whose ~~driver's~~ drivers license has been revoked
7 under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the end of
8 the fiscal year in which the cumulative total amount of fees deposited under this
9 subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay
10 a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall be paid to the
11 Division prior to the issuance to such person of a new ~~driver's~~ drivers license or the
12 restoration of ~~such driver's license or privilege; such~~ the drivers license. The restoration
13 fee shall be paid to the Division in addition to any and all fees which may be provided
14 by law. This restoration fee shall not be required from any licensee whose license was
15 ~~suspended, canceled,~~ revoked or voluntarily surrendered for medical or health reasons
16 whether or not a medical evaluation was conducted pursuant to this Chapter. The
17 twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-
18 dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-five
19 dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of
20 the State. The Office of State Budget and Management shall certify to the Department
21 of Transportation and the General Assembly when the cumulative total amount of fees
22 deposited in the General Fund under this subsection exceeds five million dollars
23 (\$5,000,000), and shall annually report to the General Assembly the amount of fees
24 deposited in the General Fund under this subsection.

25 It is the intent of the General Assembly to annually appropriate the funds deposited
26 in the General Fund under this subsection to the Board of Governors of The University
27 of North Carolina to be used for the Center for Alcohol Studies Endowment at The
28 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of
29 five million dollars (\$5,000,000).

30 (j) The fees collected under this section and G.S. 20-14 shall be placed in the
31 Highway Fund.

32 ~~(k) Any person operating a motor vehicle in violation of this section shall be~~
33 ~~guilty of a misdemeanor and upon conviction shall be punished as provided in this~~
34 ~~section.~~

35 (l) Any person who except for lack of instruction in operating a motor vehicle
36 would be qualified to obtain an operator's license under this Article may apply for a
37 temporary learner's permit, and the Division shall issue such permit, entitling the
38 applicant, while having such permit in his immediate possession, to drive a specified
39 type or class of motor vehicle upon the highways for a period of 18 months. The fee for
40 issuance of a temporary learner's permit shall be five dollars (\$5.00). Any such learner's
41 permit may be renewed, or a second learner's permit may be issued, for an additional
42 period of 18 months. The permittee must, while operating a motor vehicle over the
43 highways, be accompanied by a person who is licensed to operate the class or type of
44 vehicle being operated and who is seated in the seat beside the permittee.

1 The fee for the issuance of a renewal or a second temporary learner's permit shall be
2 five dollars (\$5.00).

3 ~~(l-1) The Division upon receiving proper application may in its discretion issue a~~
4 ~~restricted instruction permit effective for a school year or a lesser period to an applicant~~
5 ~~who is enrolled in a driver training program as provided for in G.S. 20-88.1 even though~~
6 ~~the applicant has not yet reached the legal age to be eligible for a driver's license. Such~~
7 ~~instruction permit shall entitle the permittee when he has such permit in his immediate~~
8 ~~possession to operate a specified type or class of motor vehicle subject to the restrictions~~
9 ~~imposed by the Division. The restrictions which the Division may impose on such~~
10 ~~permits include but are not limited to restrictions to designated areas and highways and~~
11 ~~restrictions prohibiting operation except when an approved instructor is occupying a~~
12 ~~seat beside the permittee.~~

13 (m) The Division upon receiving proper application may in its discretion issue a
14 restricted instruction permit effective for a school year or a lesser period to an applicant
15 who is enrolled in a driver training program approved by the State Superintendent of Public
16 Instruction even though the applicant has not yet reached the legal age to be eligible for a
17 driver's license. any of the following applicants:

18 (1) An applicant who is less than 18 years old and is enrolled in a drivers
19 education program that is approved by the State Superintendent of
20 Public Instruction and is offered at a public high school, a nonpublic
21 secondary school, or a licensed drivers training school.

22 (2) An applicant for certification under G.S. 20-218 as a school bus driver.
23 ~~Such A restricted instruction permit shall entitle the permittee when he has such permit in his~~
24 ~~immediate possession to operate~~ authorizes the holder of the permit to drive a specified
25 type or class of motor vehicle when in possession of the permit, subject to the any
26 restrictions imposed by the Division. The restrictions which the Division may impose on
27 such permits include but are not limited to a permit include restrictions to designated areas
28 and highways and restrictions prohibiting operation except when an approved instructor
29 is occupying a seat beside the permittee. A restricted instruction permit is not required
30 to have a distinguishing number or a picture of the person to whom the permit is issued.

31 (n) Every ~~driver's~~ drivers license issued by the Division shall bear thereon the
32 distinguishing number assigned to the licensee and color photograph of the licensee of a
33 size approved by the Commissioner and shall contain the name, age, residence address
34 and a brief description of the licensee, who, for the purpose of identification and as a
35 condition precedent to the validity of the license, immediately upon receipt thereof,
36 shall endorse his or her regular signature in ink upon the same in the space provided for
37 that purpose unless a facsimile of his or her signature appears thereon; provided the
38 requirement that a color photograph of the licensee appear on the license may be waived
39 by the Commissioner upon satisfactory proof that the taking of such photograph violates
40 the religious convictions of the licensee. Drivers licenses shall be issued with differing
41 color photographic backgrounds according to the licensee's age at time of issuance for
42 the following age groups:

- 43 (1) Persons who have not attained the age of 21 years.
44 (2) Persons who have attained the age of 21 years.

1 The Division of Motor Vehicles shall determine the different colors to be used. Such
 2 license shall be carried by the licensee at all times while engaged in the operation of a
 3 motor vehicle. However, no person charged with failing to carry a license shall be convicted if
 4 he produces in court a driver's license issued to him which was valid at the time of his arrest for
 5 the type or class of vehicle he was operating at the time of his arrest.

6 ~~(e) Any person convicted of violating any provision of this section shall be guilty~~
 7 ~~of a misdemeanor and punished in the discretion of the court. Provided, that no person~~
 8 ~~shall be convicted of operating a motor vehicle without a driver's license if he produces~~
 9 ~~in court at the time of his trial upon such charge an expired driver's license and a~~
 10 ~~renewed driver's license issued to him within 30 days of the expiration date of the~~
 11 ~~expired license and which would have been a defense to the charge had it been issued~~
 12 ~~prior to the time of the alleged offense."~~

13 Sec. 6. G.S. 20-9(a) reads as rewritten:

14 "(a) ~~A Class 'C' license shall not be issued to any person under 16 years of age~~
 15 ~~and no Class A, B, or C commercial driver license shall be issued to any person under~~
 16 ~~21 years of age except as provided in G.S. 20-37.13(a) and G.S. 20-218(a). An~~
 17 ~~endorsement to transport hazardous materials shall not be issued to any person under 21~~
 18 ~~years of age. To obtain a regular drivers license, a person must have reached the~~
 19 minimum age set in the following table for the class of license sought:

<u>Class of Regular License</u>	<u>Minimum Age</u>
<u>Class A</u>	<u>18</u>
<u>Class B</u>	<u>18</u>
<u>Class C</u>	<u>16</u>

24 G.S. 20-37.13 sets the age qualifications for a commercial drivers license."

25 Sec. 7. G.S. 20-17 reads as rewritten:

26 "**§ 20-17. Mandatory revocation of license by Division.**

27 The Division shall forthwith revoke the license of any driver upon receiving a record
 28 of ~~such the~~ driver's conviction for any of the following offenses ~~when such conviction has~~
 29 ~~become final~~: offenses:

- 30 (1) Manslaughter (or negligent homicide) resulting from the operation of a
 31 motor vehicle.
- 32 (2) Either of the following impaired driving offenses:
 - 33 a. Impaired driving under G.S. 20-138.1.
 - 34 b. Impaired driving under G.S. 20-138.2 when the person
 35 convicted did not take a chemical test at the time of the offense
 36 or the person took a chemical test at the time of the offense and
 37 the test revealed that the person had an alcohol concentration at
 38 any relevant time after driving of less than 0.04 or of 0.10 or
 39 more.
- 40 (3) Any felony in the commission of which a motor vehicle is used.
- 41 (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- 42 (5) Perjury or the making of a false affidavit or statement under oath to the
 43 Division under this Article or under any other law relating to the
 44 ownership of motor vehicles.

- 1 (6) ~~Conviction, or forfeiture of bail not vacated, Conviction~~ upon two charges
2 of reckless driving committed within a period of 12 months.
- 3 (7) ~~Conviction, or forfeiture of bail not vacated, Conviction~~ upon one charge
4 of reckless driving while engaged in the illegal transportation of
5 intoxicants for the purpose of sale.
- 6 (8) Conviction of using a false or fictitious name or giving a false or
7 fictitious address in any application for a ~~driver's~~ drivers license, or
8 learner's permit, or any renewal or duplicate thereof, or knowingly
9 making a false statement or knowingly concealing a material fact or
10 otherwise committing a fraud in any such application or procuring or
11 knowingly permitting or allowing another to commit any of the
12 foregoing acts.
- 13 (9) Death by vehicle as defined in G.S. 20-141.4.
- 14 (10) Speeding in excess of 55 miles per hour and at least 15 miles per hour
15 over the legal limit in violation of G.S. 20-141(j).
- 16 (11) Conviction of assault with a motor vehicle."

17 Sec. 8. G.S. 20-17.4 reads as rewritten:

18 **"§ 20-17.4. Disqualification and ~~cancellation of~~ to drive a commercial driver license-**
19 **motor vehicle.**

20 (a) One Year. – Any of the following disqualifies a person ~~is disqualified from~~
21 driving a commercial motor vehicle for a ~~period of not less than one year if convicted of a~~
22 ~~first violation of year:~~

- 23 (1) A first conviction of G.S. 20-138.1 or G.S. 20-138.2(a)(1) – Driving a
24 commercial motor vehicle while subject to an impairing substance; 20-
25 138.1, driving while impaired, that occurred while the person was
26 driving a commercial motor vehicle.
- 27 (2) G.S. 20-138.2(a)(2) – Driving a commercial motor vehicle while the
28 alcohol concentration of the person's blood or breath is 0.04 or more;
29 A first conviction of G.S. 20-138.2, driving a commercial motor
30 vehicle while impaired.
- 31 (3) A first conviction of G.S. 20-166, hit and run, G.S. 20-166(a) – Felonius
32 hit and run involving a commercial motor vehicle driven by the person;
33 person.
- 34 (4) A first conviction of a felony in the commission of which Using a
35 commercial motor vehicle in the commission of any felony; or was used.
- 36 (5) Refusal to submit to a chemical test ~~to determine the driver's alcohol~~
37 ~~concentration while when charged with an implied-consent offense, as~~
38 defined in G.S. 20-16.2, that occurred while the person was driving a
39 commercial motor vehicle.

40 ~~If any of the above violations occurred while transporting a hazardous material~~
41 ~~required to be placarded, the person is disqualified for a period of not less than three~~
42 ~~years.~~

43 (b) Modified Life. – A person who has been disqualified from driving a
44 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as

1 the result of a separate incident, is subsequently convicted of an offense or commits an
2 act requiring disqualification under subsection (a) is disqualified for life. A person is
3 disqualified for life if convicted of two or more violations of any of the offenses specified in
4 subsection (a) of this section, or any combination of those offenses, arising from two or more
5 separate incidents.—The Division may issue regulations establishing adopt guidelines,
6 including conditions, under which a disqualification for life under this paragraph
7 subsection may be reduced to 10 years.

8 (c) Life. — A person is disqualified from driving a commercial motor vehicle for
9 life if that person uses a commercial motor vehicle in the commission of any felony
10 involving the manufacture, distribution, or dispensing of a controlled substance, or
11 possession with intent to manufacture, distribute, or dispense a controlled substance.

12 (d) Less Than A Year. — A person is disqualified from driving a commercial
13 motor vehicle for a period of not less than 60 days if that person is convicted of two
14 serious traffic violations, or 120 days if convicted of three or more serious traffic
15 violations, committed in a commercial motor vehicle arising from separate incidents
16 occurring within a three-year period.

17 (e) After suspending, revoking, or cancelling a commercial driver license, the
18 Division shall update its records to reflect that action within 10 days. After suspending,
19 revoking, or cancelling a nonresident commercial driver's privileges, the Division shall
20 forthwith notify the licensing authority of the State which issued the commercial driver
21 license or commercial driver instruction permit.—Three Years. — A person is disqualified
22 from driving a commercial motor vehicle for three years if that person is convicted of an
23 offense or commits an act requiring disqualification under subsection (a) and the offense
24 or act occurred while the person was transporting a hazardous material that required the
25 motor vehicle driven to be placarded."

26 Sec. 9. Article 2 of Chapter 20 is amended by adding a new section to read:

27 **"§ 20-17.5. Effect of disqualification.**

28 (a) When No Accompanying Revocation. — A person who is disqualified as the
29 result of a conviction that requires disqualification but not revocation may keep any
30 regular Class C drivers license the person had at the time of the offense resulting in
31 disqualification. If the person had a Class A or Class B regular drivers license or a
32 commercial drivers license when the offense occurred, all of the following apply:

33 (1) The person must give the license to the court that convicts the person
34 or, if the person is not present when convicted, to the Division.

35 (2) The person may apply for a regular Class C drivers license.

36 (b) When Revocation And Disqualification. — When a person is disqualified as
37 the result of a conviction that requires both disqualification and revocation, all of the
38 following apply:

39 (1) The person must give any drivers license the person has to the court
40 that convicts the person or, if the person is not present when convicted,
41 to the Division.

42 (2) The person may obtain limited driving privileges to drive a
43 noncommercial motor vehicle during the revocation period to the
44 extent the law would allow limited driving privileges if the person had

1 been driving a noncommercial motor vehicle when the offense
2 occurred. The same procedure, eligibility requirements, and
3 mandatory conditions apply to limited driving privileges authorized by
4 this subdivision that would apply if the person had been driving a
5 noncommercial motor vehicle when the offense occurred.

6 (3) If the disqualification period is longer than the revocation period, the
7 person may apply for a regular Class C drivers license at the end of the
8 revocation period.

9 (c) Refusal To Take Chemical Test. – When a person is disqualified for refusing
10 to take a chemical test, all of the following apply:

11 (1) The person must give any license the person has to a court, a law
12 enforcement officer, or the Division, in accordance with G.S. 20-16.2
13 and G.S. 20-16.5.

14 (2) The person may obtain limited driving privileges to drive a
15 noncommercial motor vehicle during the period the person's license is
16 revoked for the refusal that disqualified the person to the extent the
17 law would allow limited driving privileges if the person had been
18 driving a noncommercial motor vehicle at the time of the refusal. The
19 same procedure, eligibility requirements, and mandatory conditions
20 apply to limited driving privileges authorized by this subdivision that
21 would apply if the person had been driving a noncommercial motor
22 vehicle at the time of the refusal.

23 (3) If the disqualification period is longer than the revocation period, the
24 person may apply for a regular Class C drivers license at the end of the
25 revocation period.

26 (d) Obtaining Class C Regular License. – A person who is authorized by this
27 section to apply for a regular Class C drivers license and who meets all of the following
28 criteria may obtain a regular Class C drivers license without taking a test:

29 (1) The person must have had a Class A or Class B regular drivers license
30 or a commercial drivers license when the person was disqualified.

31 (2) The person's license must have been issued by the Division.

32 (3) The person's license must not have expired by the date the person
33 applies for a regular Class C drivers license.

34 Upon application and payment of the fee set in G.S. 20-14 for a duplicate license,
35 the Division shall issue a person who meets these criteria a regular Class C drivers
36 license. The license shall include the same endorsements and restrictions as the former
37 Class A regular, Class B regular, or commercial drivers license, to the extent they apply
38 to a regular Class C drivers license. A regular Class C drivers license issued to a person
39 who meets these criteria expires the same day as the license it replaces.

40 G.S. 20-7 governs the issuance of a regular Class C drivers license to a person who
41 is authorized by this section to apply for a regular Class C drivers license but who does
42 not meet the listed criteria. In accordance with that statute, the Division may require the
43 person to take a test and the person must pay the license fee.

1 (e) Restoration Fee. – A person who is disqualified must pay the restoration fee
2 set in G.S. 20-7(i1) the first time any of the following events occurs as a result of the
3 same disqualification:

4 (1) The Division reinstates a Class A regular drivers license, a Class B
5 regular drivers license, or a commercial drivers license the person had
6 at the time of the disqualification by issuing the person a duplicate
7 license.

8 (2) The Division issues a Class A regular drivers license, a Class B regular
9 drivers license, or a commercial drivers license to the person.

10 (3) If the person's license was revoked because of the conviction or act
11 requiring disqualification, the Division issues a regular Class C drivers
12 license to the person.

13 The restoration fee does not apply the second time any of these events occurs as a result
14 of the same disqualification."

15 Sec. 10. G.S. 20-24 reads as rewritten:

16 "**§ 20-24. When court to forward license to Division and report convictions.**
17 **convictions and prayers for judgment continued.**

18 (a) License. – Whenever any person is convicted of any offense for which this
19 Article makes mandatory the revocation of the driver's license of such person by the
20 Division, the court in which such conviction is had shall require the surrender to it of all
21 drivers' licenses then held by the person so convicted and the court shall thereupon
22 forward the same, together with a record of such conviction, to the Division within 30
23 days.

24 The clerks of court, assistant clerks of court and deputy clerks of court in which any
25 person is convicted, and as a result thereof the revocation or suspension of the driver's
26 license of such person is required under the provisions of this Chapter, are hereby
27 designated as agents of the Division of Motor Vehicles for the purpose of receiving all
28 drivers' licenses required to be surrendered under this section, and are hereby authorized
29 to and shall give to such licensee a dated receipt for any such license surrendered, such
30 receipt to be upon such form as may be approved by the Commissioner of Motor
31 Vehicles. The original of such receipt shall be mailed forthwith to the Driver License
32 Section of the Division of Motor Vehicles together with the driver's license. Any
33 driver's license which has been surrendered and for which a receipt has been issued as
34 herein required shall be revoked or suspended as the case may be as of the date shown
35 upon the receipt issued to such person.

36 A court that convicts a person of an offense that requires revocation of the person's
37 drivers license shall require the person to give the court any regular or commercial
38 drivers license issued to that person. A court that convicts a person of an offense that
39 requires disqualification of the person but would not require revocation of a regular
40 drivers license issued to that person shall require the person to give the court any Class
41 A or Class B regular drivers license and any commercial drivers license issued to that
42 person.

43 The clerk of court shall accept a drivers license required to be given to the court
44 under this subsection. A clerk of court who receives a drivers license shall give the

1 person whose license is received a copy of a dated receipt for the license. The receipt
2 must be on a form approved by the Commissioner. A revocation or disqualification for
3 which a license is received under this subsection is effective as of the date on the receipt
4 for the license.

5 The clerk of court shall send to the Division any license received under this
6 subsection, a record of the conviction for which the license was received, and the
7 original dated receipt for the license. The clerk of court shall send these items to the
8 Division within 30 days after entry of the conviction for which the license was received.

9 (b) ~~Convictions and PJs. – Every court having jurisdiction over offenses~~
10 ~~committed under this Article, or any other law of this State regulating the operation of~~
11 ~~motor vehicles on highways, shall forward to the Division a record of the conviction of~~
12 ~~any person in said court for a violation of any [of] said laws, and may recommend the~~
13 ~~suspension of the driver's license of the person so convicted. Every court shall also~~
14 ~~forward to the Division a record of every conviction in which sentence is suspended on~~
15 ~~condition that the defendant not operate a motor vehicle for a period of time, and such~~
16 ~~report shall state the period of time for which such condition is imposed; provided that~~
17 ~~the punishment for the violation of this subsection shall be the same as provided in G.S.~~
18 ~~20-7(e). The clerk of court shall send the Division a record of any of the following:~~

19 (1) A conviction of a violation of a law regulating the operation of a
20 vehicle.

21 (2) A conviction for which the convicted person is placed on probation
22 and a condition of probation is that the person not drive a motor
23 vehicle for a period of time, stating the period of time for which the
24 condition applies.

25 (3) A conviction of a felony in the commission of which a motor vehicle is
26 used, when the judgment includes a finding that a motor vehicle was
27 used in the commission of the felony.

28 (4) A conviction that requires revocation of the drivers license of the
29 person convicted and is not otherwise reported under subdivision (1).

30 (5) An order entering prayer for judgment continued in a case involving an
31 alleged violation of a law regulating the operation of a vehicle.

32 With the approval of the Commissioner, the clerk of court may forward a record of
33 conviction or prayer for judgment continued to the Division by electronic data
34 processing means.

35 (b1) In any case ~~where the~~ in which the Division, for any reason, does not receive a
36 record of a conviction for any reason ~~has been received by the Division for~~ or a prayer for
37 judgment continued until more than one year after the date of the final conviction, ~~it is~~
38 entered, the Division may, in its discretion, substitute a period of probation for all or any
39 part of a ~~suspension or~~ revocation or disqualification required because of the ~~conviction.~~
40 conviction or prayer for judgment continued.

41 (e) For purposes of this Chapter, the term "conviction" when referring to offenses
42 committed in North Carolina shall mean: (i) a final conviction of a criminal offense
43 including a no contest plea, (ii) a determination that a person is responsible for an
44 infraction including a no contest plea, (iii) an order of forfeiture of cash in the full

1 amount of a bond required by Article 26 of Chapter 15A of the General Statutes, which
2 forfeiture has not been vacated, or (iv) a third or subsequent prayer for judgment
3 continued within any five year period and to this end all orders entering prayer for
4 judgments continued entered by the courts shall be reported to the Division of Motor
5 Vehicles.

6 For the purposes of this Chapter, the term "conviction" when referring to offenses
7 committed outside of the State of North Carolina shall mean an unvacated adjudication
8 of guilt, or a determination that a person has violated or failed to comply with the law in
9 a court of original jurisdiction or an authorized administrative tribunal; an unvacated
10 forfeiture of bail or collateral deposited to secure the person's appearance in court; or a
11 violation of a condition of release without bail, regardless of whether or not the penalty
12 is rebated, suspended, or probated.

13 (d) ~~After November 1, 1935, no driver's license shall be suspended or revoked~~
14 ~~except in accordance with the provisions of this Article.~~ Scope. – This Article governs
15 drivers license revocation and disqualification. A drivers license may not be revoked
16 and a person may not be disqualified except in accordance with this Article.

17 (e) Special Information. – When a court sends a report of a conviction of
18 homicide to the Division, it must indicate on that report whether the homicide
19 conviction is one involving impaired driving. A judgment for a conviction for an
20 offense for which special information is required under this subsection shall, when
21 appropriate, include a finding of the special information. The convictions for which
22 special information is required and the specific information required is as follows:

23 (1) Homicide. – If a conviction of homicide involves impaired driving, the
24 judgment must indicate that fact.

25 (2) G.S. 20-138.1, Driving While Impaired. – If a conviction under G.S.
26 20-138.1 involves a commercial motor vehicle, the judgment must
27 indicate that fact. If a conviction under G.S. 20-138.1 involves a
28 commercial motor vehicle that was transporting a hazardous substance
29 required to be placarded, the judgment must indicate that fact.

30 (3) G.S. 20-138.2, Driving Commercial Motor Vehicle While Impaired. –
31 If the commercial motor vehicle involved in an offense under G.S. 20-
32 138.2 was transporting a hazardous material required to be placarded,
33 a judgment for that offense must indicate that fact.

34 (4) G.S. 20-166, Hit and Run. – If a conviction under G.S. 20-166
35 involves a commercial motor vehicle, the judgment must indicate that
36 fact. If a conviction under G.S. 20-166 involves a commercial motor
37 vehicle that was transporting a hazardous substance required to be
38 placarded, the judgment must indicate that fact.

39 (5) Felony Using Commercial Motor Vehicle. – If a conviction of a
40 felony in which a commercial motor vehicle was used involves the
41 manufacture, distribution, or dispensing of a controlled substance, or
42 possession with intent to manufacture, distribute, or dispense a
43 controlled substance, the judgment must indicate that fact. If a
44 commercial motor vehicle used in a felony was transporting a

1 hazardous substance required to be placarded, the judgment for that
2 felony must indicate that fact."

3 Sec. 11. G.S. 20-26(a) reads as rewritten:

4 "(a) The Division shall keep a record of ~~test, proceedings and orders pertaining to all~~
5 ~~driver's licenses granted, refused, suspended or revoked.~~ all applications for a drivers
6 license, all tests given an applicant for a drivers license, all applications for a drivers
7 license that are denied, all drivers licenses issued, renewed, cancelled, or revoked, all
8 disqualifications, all convictions affecting a drivers license, and all prayers for judgment
9 continued that may lead to a license revocation. When the Division cancels or revokes a
10 commercial drivers license or disqualifies a person, the Division shall update its records
11 to reflect that action within 10 days after the cancellation, revocation, or disqualification
12 becomes effective. When a person who is not a resident of this State is convicted of an
13 offense or commits an act requiring revocation of the person's commercial drivers
14 license or disqualification of the person, the Division shall notify the licensing authority
15 of the person's state of residence.

16 The Division shall keep records of convictions ~~as defined in G.S. 20-24(e) occurring~~
17 ~~outside North Carolina only~~ for the offenses of exceeding a stated speed limit of 55
18 miles per hour or more by more than 15 miles per hour, driving while license suspended
19 or revoked, careless and reckless driving, engaging in prearranged speed competition,
20 engaging willfully in speed competition, hit-and-run driving resulting in damage to
21 property, unlawfully passing a stopped school bus, illegal transportation of alcoholic
22 beverages, and the offenses included in G.S. 20-17. ~~Provided, the~~ The Division shall
23 ~~also record~~ keep records of convictions occurring outside North Carolina for speeding in
24 excess of 15 miles per hour over the posted speed limit occurring outside of North Carolina if
25 the vehicle involved is a commercial motor vehicle. any serious traffic violation that
26 involves a commercial motor vehicle and is not otherwise required to be kept under this
27 subsection."

28 Sec. 12. G.S. 20-28 reads as rewritten:

29 "**§ 20-28. Unlawful to drive while license ~~suspended or revoked~~ or while**
30 **disqualified.**

31 (a) Driving While License Revoked. – Any person whose ~~driver's~~ drivers license
32 has been ~~suspended or revoked~~ revoked, other than permanently, as ~~provided in this~~
33 ~~Chapter,~~ who shall ~~drive~~ drives any motor vehicle upon the highways of the State while
34 ~~such~~ the license is ~~suspended or revoked~~ is guilty of a misdemeanor and ~~his~~
35 misdemeanor. Upon conviction, the person's license shall be ~~suspended or revoked, as the~~
36 ~~ease may be,~~ revoked for an additional period of one year for the first offense, two years
37 for the second offense, and permanently for a third or subsequent offense.

38 ~~Provided, however, any person whose license has been suspended or revoked under~~
39 ~~this section for 12 months may apply for a license after 90 days; any person whose~~
40 ~~license has been suspended or revoked under this section for two years may apply for a~~
41 ~~license after 12 months; any person whose license has been suspended or revoked under~~
42 ~~this section permanently may apply for a license after three years. Upon the filing of~~
43 ~~such application the Division may, with or without a hearing, issue a new license upon~~
44 ~~satisfactory proof that the former licensee has not been convicted within the suspension~~

1 or revocation period of a violation of any provision of the motor vehicle laws, alcoholic
2 beverages laws or drug laws of North Carolina or any other state. The new license may
3 be issued upon such terms and conditions as the Division may see fit to impose for the
4 balance of the suspension or revocation period. When the suspension or revocation
5 period is permanent the terms and conditions imposed by the Division may not exceed
6 three years.

7 Upon conviction, a violator of this ~~section~~ subsection shall be punished by a fine of
8 not less than two hundred dollars ~~(\$200.00)~~ (\$200.00), or imprisonment in the discretion
9 of the court not to exceed two years, or ~~both~~; provided, however, the both. The restoree of
10 a ~~suspended or revoked driver's~~ drivers license who operates a motor vehicle upon the
11 ~~streets or highways~~ of the State without maintaining financial responsibility as provided
12 by law shall be punished as for operating without a ~~driver's~~ drivers license.

13 (a1) Driving Without Reclaiming License. – A person convicted under subsection
14 (a) shall be punished as if he had been convicted of driving without a ~~driver's~~ license
15 under G.S. 20-7 if he demonstrates to the court that:

- 16 (1) At the time of the offense, his license was revoked solely under G.S.
17 20-16.5; and
18 (2) a. The offense occurred more than 30 days after the effective date of a
19 revocation order issued under G.S. 20-16.5(f) and the period of
20 revocation was 30 days as provided under subdivision (3) of that
21 subsection; or
22 b. The offense occurred more than 10 days after the effective date
23 of the revocation order issued under any other provision of G.S.
24 20-16.5.

25 In addition, a person punished under this subsection shall be treated for ~~driver's~~ drivers
26 license and insurance rating purposes as if he had been convicted of driving without a
27 license under G.S. 20-7, and the conviction report sent to the Division must indicate that
28 the person is to be so treated.

29 (b) Driving While License Permanently Revoked. – Any person whose license
30 has been permanently revoked ~~or permanently suspended, as provided in this Article,~~ who
31 ~~shall drive~~ drives any motor vehicle upon the highways of this State while ~~such~~ the
32 license is permanently revoked ~~or permanently suspended~~ shall be ~~is~~ guilty of a
33 misdemeanor and shall be imprisoned for not less than 30 days nor more than two years
34 and fined not more than one thousand dollars (\$1,000) in the discretion of the court.
35 The first 30 days of imprisonment for a violation of this offense shall not be subject to
36 suspension or parole. This subsection shall not apply to any license revocations under
37 G.S. 20-17.1; penalty for violation of G.S. 20-17.1 shall be applied as prescribed under
38 ~~G.S. 20-28(a)~~ subsection (a).

39 (c) When Person May Apply For License. – ~~Any person whose commercial driver~~
40 ~~license has been suspended or revoked or who has been disqualified from operating a~~
41 ~~commercial motor vehicle as provided in this Chapter who shall drive a commercial~~
42 ~~motor vehicle upon the highways or public vehicular areas of this State while such~~
43 ~~license is under suspension, revocation, or disqualification shall be guilty of a~~
44 ~~misdemeanor. Upon receipt of a record of a violation of this section, the Division shall~~

1 ~~impose an additional disqualification period equal to the period for which the driver was~~
2 ~~suspended, revoked, or disqualified when he violated this section. A person whose~~
3 ~~license has been revoked under this section for one year may apply for a license after 90~~
4 ~~days. A person whose license has been revoked under this section for two years may~~
5 ~~apply for a license after 12 months. A person whose license has been revoked under~~
6 ~~this section permanently may apply for a license after three years. Upon the filing of an~~
7 ~~application the Division may, with or without a hearing, issue a new license upon~~
8 ~~satisfactory proof that the former licensee has not been convicted within the revocation~~
9 ~~period of a violation of any provision of the motor vehicle laws, alcoholic beverages~~
10 ~~laws, or drug laws of North Carolina or any other state. The Division may impose any~~
11 ~~restrictions or conditions on the new license that the Division considers appropriate for~~
12 ~~the balance of the revocation period. When the revocation period is permanent, the~~
13 ~~restrictions and conditions imposed by the Division may not exceed three years.~~

14 (d) Driving While Disqualified. – A person who was convicted of a violation that
15 disqualified the person and required the person's drivers license to be revoked who
16 drives a motor vehicle during the revocation period is punishable as provided in the
17 other subsections of this section. A person who has been disqualified who drives a
18 commercial motor vehicle during the disqualification period is guilty of a misdemeanor
19 and is disqualified for an additional period as follows:

20 (1) For a first offense of driving while disqualified, a person is
21 disqualified for a period equal to the period for which the person was
22 disqualified when the offense occurred.

23 (2) For a second offense of driving while disqualified, a person is
24 disqualified for a period equal to two times the period for which the
25 person was disqualified when the offense occurred.

26 (3) For a third offense of driving while disqualified, a person is
27 disqualified for life.

28 The Division may reduce a disqualification for life under this subsection to 10 years
29 in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives
30 a commercial motor vehicle while the person is disqualified and the person's drivers
31 license is revoked is punishable for both driving while the person's license was revoked
32 and driving while disqualified.”

33 Sec. 13. G.S. 20-30(8) reads as rewritten:

34 "(8) To possess more than one commercial ~~driver license.~~ drivers license or
35 to possess a commercial drivers license and a regular drivers license.
36 Any commercial ~~driver~~ drivers license other than the one most recently
37 issued is subject to immediate seizure by any law enforcement officer
38 or judicial official. Any regular drivers license possessed at the same
39 time as a commercial drivers license is subject to immediate seizure by
40 any law enforcement officer or judicial official."

41 Sec. 14. G.S. 20-35 is amended by adding a new subsection to read:

42 "(c) A person may not be convicted of failing to carry a regular drivers license if,
43 when tried for that offense, the person produces in court a regular drivers license issued
44 to the person that was valid when the person was charged with the offense. A person

1 may not be convicted of driving a motor vehicle without a regular drivers license if,
 2 when tried for that offense, the person shows all the following:

- 3 (1) That, at the time of the offense, the person had an expired license.
 4 (2) The person renewed the expired license within 30 days after it expired
 5 and now has a drivers license.
 6 (3) The person could not have been charged with driving without a license
 7 if the person had the renewed license when charged with the offense."

8 Sec. 15. G.S. 20-37.12 reads as rewritten:

9 **"§ 20-37.12. Commercial ~~driver~~ drivers license required.**

10 (a) On or after April 1, 1992, no person shall operate a commercial motor vehicle
 11 on the highways of this State unless he has first been issued and is in immediate
 12 possession of a commercial ~~driver~~ drivers license with applicable endorsements valid for
 13 the vehicle he is driving; provided, a person may operate a commercial motor vehicle
 14 after being issued and while in possession of a commercial driver learner's permit and
 15 while accompanied by the holder of a commercial ~~driver~~ drivers license valid for the
 16 vehicle being driven.

17 (b) The out-of-service criteria in 49 C.F.R. §§ 392.5 and 395.13, as adopted by
 18 the Division, apply to a person who drives a commercial motor vehicle. No person shall
 19 drive a commercial motor vehicle on the highways of this State while his driving privilege
 20 is revoked, suspended, cancelled, subject to a disqualification, or in violation of an out-of-
 21 service order.

22 ~~(c) No person who drives a commercial motor vehicle may have more than one~~
 23 ~~driver license.~~

24 (d) Any person who is not a resident of this State, who has been issued a
 25 commercial ~~driver~~ drivers license by his state of residence, who has that license in his
 26 immediate possession, whose privilege to drive any motor vehicle is not suspended,
 27 revoked, or cancelled, and who has not been disqualified from driving a commercial
 28 motor vehicle shall be permitted without further examination or licensure by the
 29 Division to drive a commercial motor vehicle in this State.

30 ~~(e) Any person who takes up residence in this State on a permanent basis is~~
 31 ~~exempt from the provisions of this section for 30 days from the date residence is~~
 32 ~~established if he is properly licensed to operate a commercial motor vehicle in the~~
 33 ~~jurisdiction of which he is a former resident. In accordance with G.S. 20-7, a new~~
 34 ~~resident of North Carolina has 30 days to obtain a license from the Division. The~~
 35 ~~Commissioner may establish by rule the conditions under which the test requirements~~
 36 ~~for a commercial ~~driver~~ drivers license may be waived for any person applying for a~~
 37 ~~license pursuant to this subsection. a new resident who is licensed in another state."~~

38 Sec. 16. G.S. 20-37.13 reads as rewritten:

39 **"§ 20-37.13. Commercial ~~driving~~ drivers license qualification standards.**

40 (a) No person shall be issued a commercial ~~driver~~ drivers license unless he:

- 41 (1) Is a resident of this State;
 42 (2) Is 21 years of age;
 43 (3) Has passed a knowledge test and a skills test for driving a commercial
 44 motor vehicle ~~which complies that comply~~ with minimum federal

- 1 standards established by federal regulation enumerated in 49 C.F.R.,
2 Part 383, Subparts G and H; and
3 (4) Has satisfied all other requirements of the Commercial Motor Vehicle
4 Safety Act in addition to other requirements of this Chapter or federal
5 regulation.

6 The tests shall be prescribed and conducted by the ~~Division of Motor Vehicles~~.
7 Division. Provided, a person who is at least 18 years of age may be issued a commercial
8 ~~driver-drivers~~ license if he is exempt from, or not subject to, the age requirements of the
9 federal Motor Carrier Safety Regulations contained in 49 C.F.R., Part 391, as adopted
10 by the Division.

11 (b) The Division may permit a person, including an agency of this or another
12 state, an employer, a private driver training facility, or an agency of local government,
13 to administer the skills test specified by this section, provided:

- 14 (1) The test is the same as that administered by the Division; and
15 (2) The third party has entered into an agreement with the Division which
16 complies with the requirements of 49 C.F.R., ~~Part~~ C.F.R. § 383.75. The
17 Division may charge a fee to applicants for third-party testing
18 authority in order to investigate the applicants' qualifications and to
19 monitor their program as required by federal law.

20 (c) Prior to ~~April 1, October 1, 1992~~, the Division may waive the skills test for
21 applicants licensed at the time they apply for a commercial ~~driver-drivers~~ license if:

- 22 (1) For an application submitted by April 1, 1992, the ~~The~~ applicant has
23 not, and certifies that he has not, at any time during the two years
24 immediately preceding the date of ~~application~~ application done any of
25 the following and for an application submitted after April 1, 1992, the
26 applicant has not, and certifies that he has not, at any time during the
27 two years preceding April 1, 1992:

- 28 a. Had more than one ~~driver-drivers~~ license, except during the 10-
29 day period beginning on the date he is issued a ~~driver-drivers~~
30 license, or unless, prior to December 31, 1989, he was required
31 to have more than one license by a State law enacted prior to
32 June 1, 1986;
33 b. Had any ~~driver-drivers~~ license or driving privilege suspended,
34 revoked, or cancelled;
35 c. Had any convictions involving any kind of motor vehicle for
36 the offenses listed in G.S. ~~20-17; or 20-17~~ or had any
37 convictions for the offenses listed in G.S. 20-17.4;
38 d. Been convicted of a violation of State or local laws relating to
39 motor vehicle traffic control, other than a parking violation,
40 which violation arose in connection with any reportable traffic
41 accident; and or
42 e. Refused to take a chemical test when charged with an implied
43 consent offense, as defined in G.S. 20-16.2; and

1 (2) The applicant certifies, and provides satisfactory evidence, that he is
2 regularly employed in a job requiring the operation of a commercial
3 motor vehicle, and he either:

4 a. Has previously taken and successfully completed a skills test
5 that was administered by a state with a classified licensing and
6 testing system and the test was behind the wheel in a vehicle
7 representative of the class and, if applicable, the type of
8 commercial motor vehicle for which the applicant seeks to be
9 licensed; or

10 b. Has operated for ~~at least two years immediately preceding the~~
11 ~~application date, the relevant two-year period under subpart (1)a.~~
12 of this subsection, a vehicle representative of the class and, if
13 applicable, the type of commercial motor vehicle for which the
14 applicant seeks to be licensed.

15 (d) A commercial ~~driver-drivers~~ license or learner's permit shall not be issued to a
16 person while he is subject to a disqualification from driving a commercial motor
17 vehicle, or while his ~~driver-drivers~~ license is suspended, revoked, or cancelled in any
18 state; nor shall a commercial ~~driver-drivers~~ license be issued ~~by any other state unless he~~
19 unless the person who has applied for the license first surrenders all other driver licenses,
20 which must be returned to the issuing states drivers licenses issued by the Division or by
21 another state. If a person surrenders a drivers license issued by another state, the
22 Division must return the license to the issuing state for cancellation.

23 (e) A commercial driver learner's permit may be issued to an individual who
24 holds a valid-regular Class C driver-drivers license who has passed the ~~necessary tests~~
25 ~~required for that license. knowledge test for the class and type of commercial motor~~
26 vehicle the individual will be driving. The permit is valid for a period not to exceed six
27 months and may be renewed or reissued only once within a two-year period. The fee
28 for a commercial driver learner's permit is five dollars (\$5.00). G.S. 20-7(m) governs
29 the issuance of a restricted instruction permit for a prospective school bus driver."

30 Sec. 17. G.S. 20-37.15 reads as rewritten:

31 "**§ 20-37.15. Application for commercial ~~driver-drivers~~ license.**

32 (a) The application for a commercial ~~driver-drivers~~ license must include the
33 following:

34 (1) The full name, current mailing address, and current residence address
35 of the applicant;

36 (2) A physical description of the person including sex, height, and eye and
37 hair color;

38 (3) Date of birth;

39 (4) The applicant's social security number;

40 (5) The applicant's signature;

41 ~~(6) The applicant's color photograph;~~

42 ~~(7)(6)~~ Certifications including those required by 49 C.F.R., Part C.F.R. §
43 383.71(a);

44 ~~(8)(7)~~ A consent to release driving record information; and

1 ~~(9)~~(8) Any other information required by the Division.

2 (b) The application must be accompanied by a nonrefundable application fee of
3 twenty dollars ~~(\$20.00)~~ ~~(\$20.00)~~. This fee does not apply in any of the following
4 circumstances:

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

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

9 This fee shall entitle the applicant to three attempts to pass the written knowledge test
10 without payment of a new fee. No application fee shall be charged to an applicant
11 eligible for a waiver under G.S. 20-37.13(c).

12 ~~(b)~~ (c) When the holder of a commercial ~~driver~~ drivers license changes his ~~name,~~
13 ~~mailing address,~~ name or residence address, an application for a duplicate shall be made
14 as provided in G.S. 20-7.1 and a fee paid as provided in G.S. 20-14."

15 Sec. 18. G.S. 20-37.16 reads as rewritten:

16 "**§ 20-37.16. Content of license; classifications and endorsements; fees.**

17 (a) ~~The~~ A commercial ~~driver~~ drivers license must be marked 'Commercial ~~Driver~~
18 Drivers License' or 'CDL' and shall, to the maximum extent practicable, be tamper
19 proof. It must include:

20 (1) The person's name and residential address;

21 (2) The person's color photograph;

22 (3) A physical description of the person including sex, height, eye color,
23 and hair color;

24 (4) The person's date of birth;

25 (5) The person's social security number or any number or identifier
26 deemed appropriate by the Division;

27 (6) The person's signature;

28 (7) The class of commercial motor vehicle or vehicles which the person is
29 authorized to drive together with any endorsements or restrictions;

30 (8) The name of this State; and

31 (9) The dates between which the license is valid.

32 ~~(b) Commercial driver licenses may be issued with the following classifications,~~
33 ~~endorsements, and restrictions; the holder of a valid commercial driver license may~~
34 ~~drive all vehicles in the class for which that license is issued, and all lesser classes of~~
35 ~~vehicles except motorcycles. Vehicles that require an endorsement shall not be driven~~
36 ~~unless the proper endorsement appears on the license. The classes of commercial drivers~~
37 licenses are:

38 (1) Class A CDL - Any combination of vehicles with a gross vehicle
39 weight rating, GVWR, of 26,001 pounds or more, provided the
40 GVWR of the vehicle or vehicles being towed is in excess of 10,000
41 pounds. A Class A commercial drivers license authorizes the holder to
42 drive any Class A motor vehicle.

43 (2) Class B CDL - Any single vehicle with a GVWR of 26,001 pounds or
44 more, and any such vehicle towing a vehicle not in excess of 10,000

~~pounds. A Class B commercial drivers license authorizes the holder to drive any Class B motor vehicle.~~

~~(3) Class C CDL - Any single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:~~

~~(1) Vehicles designed to transport 16 or more passengers, including the driver; and~~

~~(2) Vehicles used in the transportation of hazardous materials that require the vehicle to be placarded under 49 C.F.R., Part 172, Subpart F. A~~

~~Class C commercial drivers license authorizes the holder to drive any Class C motor vehicle.~~

~~(c) Endorsements and restrictions will be noted on the license when appropriate in the following categories: The endorsements required to drive certain motor vehicles are as follows:~~

~~(1) 'H'— Authorizes the driver to drive a vehicle transporting hazardous materials.~~

~~(2) " K" —Restricts the driver to vehicles not equipped with airbrakes.~~

~~(3) 'T'— Authorizes driving double trailers.~~

~~(4) 'P'— Authorizes driving vehicles carrying passengers.~~

~~(5) 'N'— Authorizes driving tank vehicles.~~

~~(6) 'X'— Represents a combination of hazardous materials and tank vehicle endorsements.~~

~~(7) 'M'— Authorizes driving a motorcycle.~~

~~(8) " S" —Authorizes driving a school bus.~~

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
<u>H</u>	<u>Vehicles carrying hazardous materials, other than tank vehicles</u>
<u>M</u>	<u>Motorcycles</u>
<u>N</u>	<u>Tank vehicles not carrying hazardous materials</u>
<u>P</u>	<u>Vehicles carrying passengers</u>
<u>T</u>	<u>Double trailers</u>
<u>X</u>	<u>Tank vehicles carrying hazardous materials.</u>

~~To obtain an H or an X endorsement, an applicant must take a written test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a written test unless the person has passed a written test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years.~~

~~(d) The fee for issuance of a Class A, B, or C commercial driver drivers license is forty dollars (\$40.00). Any person applying for a special endorsement or renewal under subsection (c) of this section shall pay an additional five dollars (\$5.00) for each endorsement. The fee for each endorsement is five dollars (\$5.00). The fee fees~~

1 required under this section ~~shall be waived for persons who drive~~ do not apply to a
2 person whose license is restricted to driving a school bus or school activity bus or to
3 employees of the Driver License Section of the Division who are designated by the
4 Commissioner.

5 (e) The requirements for a commercial ~~driver-drivers~~ license do not apply to
6 vehicles used for personal use such as recreational vehicles. A commercial ~~driver-drivers~~
7 license is also waived for the following classes of vehicles as permitted by regulation of
8 the United States Department of Transportation:

- 9 (1) Vehicles owned or operated by the Department of Defense, including
10 the National Guard, while they are driven by active duty military
11 personnel, or members of the National Guard when on active duty, in
12 the pursuit of military purposes;
- 13 (2) Any vehicle when used as firefighting or emergency equipment for the
14 purpose of preserving life or property or to execute emergency
15 governmental functions; and
- 16 (3) Farm vehicles that meet all of the following criteria:
 - 17 a. Controlled and operated by the farmer or the farmer's employee
18 and used exclusively for farm use;
 - 19 b. Used to transport either agricultural products, farm machinery,
20 or farm supplies, both to or from a farm;
 - 21 c. Not used in the operations of a common or contract motor
22 carrier; and
 - 23 d. Used within 150 miles of the farmer's farm.

24 A farm vehicle includes a forestry vehicle that meets the listed criteria
25 when applied to the forestry operation."

26 Sec. 19. G.S. 20-138.2 reads as rewritten:

27 **"§ 20-138.2. Impaired driving in commercial vehicle.**

28 (a) Offense. – A person commits the offense of impaired driving in a commercial
29 motor vehicle if he drives a commercial motor vehicle upon any highway, any street, or
30 any public vehicular area within the State:

- 31 (1) While ~~appreciably~~ under the influence of an impairing substance; or
- 32 (2) After having consumed sufficient alcohol that he has, at any relevant
33 time after the driving, an alcohol concentration of 0.04 or more.

34 (b) Defense Precluded. – The fact that a person charged with violating this
35 section is or has been legally entitled to use alcohol or a drug is not a defense to a
36 charge under this section.

37 (c) Pleading. – To charge a violation of this section, the pleading is sufficient if it
38 states the time and place of the alleged offense in the usual form and charges the
39 defendant drove a commercial motor vehicle on a highway, street, or public vehicular
40 area while subject to an impairing substance.

41 (d) Implied Consent Offense. – An offense under this section is an implied
42 consent offense subject to the provisions of G.S. 20-16.2.

43 (e) Punishment; Effect When Impaired Driving Offense Also Charged. – The
44 offense in this section is a misdemeanor punishable by a fine of not less than one

1 hundred dollars (\$100.00), up to two years imprisonment, or both. This offense is not a
2 lesser included offense of impaired driving under G.S. 20-138.1, but if a person is
3 convicted under this section and of an offense involving impaired driving under G.S.
4 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the
5 Court may not exceed the maximum punishment applicable to the offense involving
6 impaired driving under G.S. 20-138.1.

7 ~~(f) Limited Driving Privilege.— A person convicted of the offense of impaired~~
8 ~~driving under this section is not eligible for a limited driving privilege to operate a~~
9 ~~commercial motor vehicle. If a person is convicted under this section and under G.S.~~
10 ~~20-138.1, he may be considered for a limited driving privilege for a noncommercial~~
11 ~~motor vehicle if he meets the requirements of G.S. 20-179.3(b). Such a privilege shall~~
12 ~~be for the purposes specified in G.S. 20-179.3(a) and issued according to the procedure~~
13 ~~in G.S. 20-179.3(d) and subsections (f) through (k).~~

14 ~~If a person is convicted under this section and he had a blood alcohol concentration~~
15 ~~below 0.10, he is nonetheless eligible to apply for a Class C noncommercial license.~~

16 (g) Chemical Analysis Provisions. — The provisions of G.S. 20-139.1 shall apply
17 to the offense of impaired driving in a commercial motor vehicle."

18 Sec. 20. G.S. 20-179(q) and G.S. 20-279.1(2) are repealed.

19 Sec. 21. G.S. 20-179(m) reads as rewritten:

20 "(m) Assessment and Treatment Required in Certain Cases. — If a defendant being
21 sentenced under this section is placed on probation, he shall be required as a condition
22 of that probation to obtain a substance abuse assessment.

23 The judge shall require the defendant to obtain the assessment from an area mental
24 health agency, its designated agent, or a private facility licensed by the State for the
25 treatment of alcoholism and substance abuse. Unless a different time limit is specified in
26 the court's judgment, the defendant shall schedule the assessment within 30 days from
27 the date of the judgment. Any agency performing assessments shall give written
28 notification of its intention to do so to the area mental health authority in the catchment
29 area in which it is located and to the Department of Human Resources. The Secretary
30 of the Department of Human Resources may adopt rules to implement the provisions of
31 this subsection, and these rules may include provisions to allow defendant to obtain
32 assessments and treatment from agencies not located in North Carolina. The assessing
33 agency shall give the client a standardized test capable of providing uniform research
34 data, including, but not limited to, demographic information, defendant history,
35 assessment results and recommended interventions, approved by the Department of
36 Human Resources to determine chemical dependency. A clinical interview concerning
37 the general status of the defendant with respect to chemical dependency shall be
38 conducted by the assessing agency before making any recommendation for further
39 treatment. A recommendation made by the assessing agency shall be signed by a
40 'Certified Alcoholism, Drug Abuse or Substance Abuse Counselor', as defined by the
41 Department of Human Resources.

42 If the assessing agency recommends that the defendant participate in a treatment
43 program, the judge may require the defendant to do so, and he shall require the
44 defendant to execute a Release of Information authorizing the treatment agency to

1 report his progress to the court or the Department of Correction. The judge may order
2 the defendant to participate in an appropriate treatment program at the time he is
3 ordered to obtain an assessment, or he may order him to reappear in court when the
4 assessment is completed to determine if a condition of probation requiring participation
5 in treatment should be imposed. An order of the court shall not require the defendant to
6 participate in any treatment program for more than 90 days unless a longer treatment
7 program is recommended by the assessing agency and his alcohol concentration was .15
8 or greater as indicated by a chemical analysis taken when he was charged or this was a
9 second or subsequent offense within five years. At the time of sentencing the judge
10 shall require the defendant to pay one hundred twenty-five dollars (\$125.00). The
11 payment of the fee of one hundred twenty-five dollars (\$125.00) shall be (i) fifty dollars
12 (\$50.00) to the assessing agency and (ii) seventy-five dollars (\$75.00) to either a
13 treatment facility or to an alcohol and drug education traffic school depending upon the
14 recommendation made by the assessing agency. ~~G.S. 20-179(l) shall not apply to~~
15 ~~defendants sentenced under this section.~~ Fees received by the Area Mental Health, Mental
16 Retardation, and Substance Abuse Authorities under this section shall be administered
17 pursuant to G.S. 20-179.2(e), provided, however that the provisions of G.S. 20-179.2(c)
18 shall not apply to monies received under this section. The operators of the local alcohol
19 and drug education traffic school may change the length of time required to complete
20 the school in accordance with administrative costs, provided, however that the length
21 and the curriculum of the school shall be approved by the Commission for Mental
22 Health, Mental Retardation and Substance Abuse Services and in no event shall the
23 school be less than five hours in length. If the defendant is treated by an area mental
24 health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00)
25 fee. If an area mental health facility or its contractor is providing treatment or education
26 services to a defendant pursuant to this subsection, the area facility or its contractor may
27 require that the defendant pay the fees prescribed by law for the services before it
28 certifies that the defendant has completed the recommended treatment or educational
29 program. Any determinations with regard to the defendant's ability to pay the
30 assessment fee shall be made by the judge.

31 In those cases in which no substance abuse handicap is identified, that finding shall
32 be filed with the court and the defendant shall be required to attend an alcohol and drug
33 education traffic school. When treatment is required, the treatment agency's progress
34 reports shall be filed with the court or the Department of Correction at intervals of no
35 greater than six months until the termination of probation or the treatment agency
36 determines and reports that no further treatment is appropriate. If the defendant is
37 required to participate in a treatment program and he completes the recommended
38 treatment, he does not have to attend the alcohol and drug education traffic school.
39 Upon the completion of the court-ordered assessment and court-ordered treatment or
40 school, the assessing or treatment agency or school shall give the Division of Motor
41 Vehicles the original of the certificate of completion, shall provide the defendant with a
42 copy of that certificate, and shall retain a copy of the certificate on file for a period of
43 five years. The Division of Motor Vehicles shall not reissue the ~~driver's~~ drivers license
44 of a defendant ordered to obtain assessment, participate in a treatment program or

1 school unless it has received the original certificate of completion from the assessing or
2 treatment agency or school or a certificate of completion sent by the agency subsequent
3 to a court order as hereinafter provided; provided, however that a defendant may be
4 issued a limited driving privilege pursuant to G.S. 20-179.3. Unless the judge has
5 waived the fee, no certificate shall be issued unless the agency or school has received
6 the fifty dollar (\$50.00) fee and the seventy-five dollar (\$75.00) fee as appropriate. A
7 defendant may within 90 days after an agency decision to decline to certify, by filing a
8 motion in the criminal case, request that a judge presiding in the court in which he was
9 convicted review the decision of an assessment or treatment agency to decline to certify
10 that the defendant has completed the assessment or treatment. The agency whose
11 decision is being reviewed shall be notified at least 10 days prior to any hearing to
12 review its decision. If the judge determines that the defendant has obtained an
13 assessment, has completed the treatment, or has made an effort to do so that is
14 reasonable under the circumstances, as the case may be, the judge shall order that the
15 agency send a certificate of completion to the Division of Motor Vehicles.

16 The Department of Human Resources may approve programs offered in another
17 state if they are substantially similar to programs approved in this State, and if that state
18 recognizes North Carolina programs for similar purposes. The defendant shall be
19 responsible for the fees at the approved program."

20 Sec. 22. G.S. 20-218 reads as rewritten:

21 "**§ 20-218. Standard qualifications for school bus drivers; speed limit.**

22 (a) No person shall drive ~~or operate~~ a school bus over the ~~public roads-highways or~~
23 public vehicular areas of North Carolina while ~~the same~~ it is occupied by children unless
24 ~~said the person shall be fully trained in the operation of motor vehicles, and shall furnish~~
25 furnishes to the superintendent of the schools of the county in which ~~said the bus shall~~
26 be operated a certificate from any representative duly designated by the Commissioner
27 ~~of Motor Vehicles, and from the chief mechanic~~ Director of Transportation or a designee
28 of the Director in charge of school buses in ~~said the county~~ showing that ~~he the person~~
29 has been examined by them a representative duly designated by the Commissioner of Motor
30 ~~Vehicles, and said chief mechanic in charge of school buses in said county and that he is a fit~~
31 and competent ~~person to operate or drive~~ a school bus over the ~~public roads-highways and~~
32 public vehicular areas of the State. The driver of a school bus ~~or school activity bus~~ must
33 be at least 18 years of age and hold a Class 'A', 'B', or 'C' ~~commercial driver~~ A, B, or C
34 commercial drivers license and a school bus driver's certificate. The driver of a school
35 activity bus must meet the same qualifications as a school bus driver or must have a
36 license appropriate for the class of vehicle being driven.

37 (b) It shall be unlawful for any person to operate or drive a school bus loaded
38 with children over the ~~public roads-highways or~~ public vehicular areas of North Carolina
39 at a greater rate of speed than 35 miles per hour, with the following exceptions:

- 40 (1) For school activity buses which are painted a different color from
41 regular school buses and which are being used for transportation of
42 students or others to or from places for participation in events other
43 than regular classroom work, it shall be unlawful to operate such a
44 school activity bus at a greater rate of speed than 55 miles per hour.

- 1 (2) For school buses or special buses with a capacity of 16 pupils or less
2 that are used to transport students who are children with special needs,
3 it shall be unlawful to operate the buses at a greater rate of speed than
4 45 miles per hour.
- 5 (3) For private school buses that pick up children at a central point and
6 deposit the children at a single school, without picking up children
7 along the way, it shall be unlawful to operate the buses at a greater rate
8 of speed than 45 miles per hour.
- 9 (c) Any person violating this section shall, upon conviction, be fined not more
10 than fifty dollars (\$50.00) or imprisoned for not more than 30 days."
11 Sec. 23. This act becomes effective October 1, 1991.