

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

5

HOUSE BILL 769
Committee Substitute Favorable 4/21/97
Committee Substitute #2 Favorable 5/7/97
Fourth Edition Engrossed 5/29/97
Senate Education/Higher Committee Substitute Adopted 6/26/97

Short Title: Dropout Prevention/Drivers License.

(Public)

Sponsors:

Referred to: Finance.

April 3, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT CERTAIN STUDENTS WHO DROP OUT OF
2 SCHOOL OR DO NOT MAKE PROGRESS TOWARD GRADUATION SHALL
3 NOT BE ELIGIBLE FOR DRIVERS PERMITS OR LICENSES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-11, as amended by Chapter 16 of the 1997 Session Laws,
7 reads as rewritten:

8 **"§ 20-11. Issuance of limited learner's permit and provisional drivers license to**
9 **person who is less than 18 years old.**

10 (a) Process. – Safe driving requires instruction in driving and experience. To
11 ensure that a person who is less than 18 years old has both instruction and experience
12 before obtaining a drivers license, driving privileges are granted first on a limited basis
13 and are then expanded in accordance with the following process:

- 14 (1) Level 1. – Driving with a limited learner's permit.
15 (2) Level 2. – Driving with a limited provisional license.
16 (3) Level 3. – Driving with a full provisional license.

1 A permit or license issued under this section must have a color background or border that
2 indicates the level of driving privileges granted by the permit or license.

3 (b) Level 1. – A person who is at least 15 years old but less than 18 years old may
4 obtain a limited learner's permit if the person meets all of the following requirements:

- 5 (1) Passes a course of driver education prescribed in G.S. 20-88.1 or a
6 course of driver instruction at a licensed commercial driver training
7 school.
- 8 (2) Passes a written test administered by the Division.
- 9 (3) Has a driving eligibility certificate or a high school diploma or its
10 equivalent.

11 (c) Level 1 Restrictions. – A limited learner's permit authorizes the permit holder
12 to drive a specified type or class of motor vehicle only under the following conditions:

- 13 (1) The permit holder must be in possession of the permit.
- 14 (2) A supervising driver must be seated beside the permit holder in the front
15 seat of the vehicle when it is in motion. No person other than the
16 supervising driver can be in the front seat.
- 17 (3) For the first six months after issuance, the permit holder may drive only
18 between the hours of 5:00 a.m. and 9:00 p.m.
- 19 (4) After the first six months after issuance, the permit holder may drive at
20 any time.
- 21 (5) Every person occupying the vehicle being driven by the permit holder
22 must have a safety belt properly fastened about his or her body, or be
23 restrained by a child passenger restraint system as provided in G.S. 20-
24 137.1(a), when the vehicle is in motion.

25 (d) Level 2. – A person who is at least 16 years old but less than 18 years old may
26 obtain a limited provisional license if the person meets all of the following requirements:

- 27 (1) Has held a limited learner's permit issued by the Division for at least 12
28 months.
- 29 (2) Has not been convicted of a motor vehicle moving violation or seat belt
30 infraction during the preceding six months.
- 31 (3) Passes a road test administered by the Division.
- 32 (4) Has a driving eligibility certificate or a high school diploma or its
33 equivalent.

34 (e) Level 2 Restrictions. – A limited provisional license authorizes the license
35 holder to drive a specified type or class of motor vehicle only under the following
36 conditions:

- 37 (1) The license holder must be in possession of the license.
- 38 (2) The license holder may drive without supervision in any of the
39 following circumstances:
 - 40 a. From 5:00 a.m. to 9:00 p.m.
 - 41 b. When driving to or from work.

- 1 c. When driving to or from an activity of a volunteer fire
2 department, volunteer rescue squad, or volunteer emergency
3 medical service, if the driver is a member of the organization.
- 4 (3) The license holder may drive with supervision at any time. When the
5 license holder is driving with supervision, the supervising driver must
6 be seated beside the license holder in the front seat of the vehicle when
7 it is in motion. The supervising driver need not be the only other
8 occupant of the front seat, but must be the person seated next to the
9 license holder.
- 10 (4) Every person occupying the vehicle being driven by the license holder
11 must have a safety belt properly fastened about his or her body, or be
12 restrained by a child passenger restraint system as provided in G.S. 20-
13 137.1(a), when the vehicle is in motion.
- 14 (f) Level 3. – A person who is at least 16 years old but less than 18 years old may
15 obtain a full provisional license if the person meets all of the following requirements:
- 16 (1) Has held a limited provisional license issued by the Division for at least
17 six months.
- 18 (2) Has not been convicted of a motor vehicle moving violation or seat belt
19 infraction during the preceding six months.
- 20 (3) Has a driving eligibility certificate or a high school diploma or its
21 equivalent.
- 22 A person who meets these requirements may obtain a full provisional license by mail.
- 23 (g) Level 3 Restrictions. – The restrictions on Level 1 and Level 2 drivers
24 concerning time of driving, supervision, and passenger limitations do not apply to a full
25 provisional license.
- 26 (h) Out-of-State Exceptions. – A person who is at least 16 years old but less than
27 18 years old, who was a resident of another state and has an unrestricted drivers license
28 issued by that state, and who becomes a resident of this State may obtain one of the
29 ~~following:~~ following upon the submission of a driving eligibility certificate or a high
30 school diploma or its equivalent:
- 31 (1) A temporary permit, if the person has not completed a drivers education
32 program that meets the requirements of the Superintendent of Public
33 Instruction but is currently enrolled in a drivers education program that
34 meets these requirements. A temporary permit is valid for the period
35 specified in the permit and authorizes the holder of the permit to drive a
36 specified type or class of motor vehicle when in possession of the
37 permit, subject to any restrictions imposed by the Division concerning
38 time of driving, supervision, and passenger limitations. The period
39 must end within 10 days after the expected completion date of the
40 drivers education program in which the applicant is enrolled.
- 41 (2) A full provisional license, if the person has completed a drivers
42 education program that meets the requirements of the Superintendent of
43 Public Instruction, has held the license issued by the other state for at

1 least 12 months, and has not been convicted during the preceding six
2 months of a motor vehicle moving violation, a seat belt infraction, or an
3 offense committed in another jurisdiction that would be a motor vehicle
4 moving violation or seat belt infraction if committed in this State.

5 (3) A limited provisional license, if the person has completed a drivers
6 education program that meets the requirements of the Superintendent of
7 Public Instruction but either did not hold the license issued by the other
8 state for at least 12 months or was convicted during the preceding six
9 months of a motor vehicle moving violation, a seat belt infraction, or an
10 offense committed in another jurisdiction that would be a motor vehicle
11 moving violation or seat belt infraction if committed in this State.

12 (i) Application. – An application for a permit or license authorized by this section
13 must be signed by both the applicant and another person. That person must be the
14 applicant's parent or guardian if the parent or guardian resides in this State and is
15 qualified to be a supervising driver. In all other circumstances, that person must be an
16 adult approved by the Division.

17 (j) Duration and Fee. – A limited learner's permit expires on the eighteenth
18 birthday of the permit holder. A limited provisional license expires on the eighteenth
19 birthday of the license holder. A full provisional license expires on the date set under
20 G.S. 20-7(f). The fee for a limited learner's permit or a limited provisional license is ten
21 dollars (\$10.00). The fee for a full provisional license is the amount set under G.S. 20-
22 7(i).

23 (k) Supervising Driver. – A supervising driver must be a parent or guardian of the
24 permit holder or license holder if a parent or guardian signed the application for the
25 permit or license. If a parent or guardian did not sign the application, the supervising
26 driver must be the adult who signed the application. A supervising driver must be a
27 licensed driver who has been licensed to drive for at least five years.

28 (l) Violations. – It is unlawful for the holder of a limited learner's permit, a
29 temporary permit, or a limited provisional license to drive a motor vehicle in violation of
30 the restrictions that apply to the permit or license. Failure to comply with a restriction
31 concerning the time of driving or the presence of a supervising driver in the vehicle
32 constitutes operating a motor vehicle without a license. Failure to comply with any other
33 restriction, including seating and passenger limitations, is an infraction punishable by a
34 monetary penalty as provided in G.S. 20-176.

35 (m) Insurance Status. – The holder of a limited learner's permit is not considered a
36 licensed driver for the purpose of determining the inexperienced operator premium
37 surcharge under automobile insurance policies.

38 (n) Driving Eligibility Certificate. – A person who desires to obtain a permit or
39 license issued under this section and who does not have a high school diploma or its
40 equivalent must have a driving eligibility certificate. A driving eligibility certificate
41 must meet the following conditions:

- 1 (1) The person who is required to sign the certificate under subdivision (4)
2 of this subsection must show that he or she has determined that one of
3 the following requirements is met:
- 4 a. The person is currently enrolled in school and is making progress
5 toward obtaining a high school diploma or its equivalent.
- 6 b. A substantial hardship would be placed on the person or the
7 person's family if the person does not receive a certificate.
- 8 c. The person cannot make progress toward obtaining a high school
9 diploma or its equivalent.
- 10 (2) It must be on a form approved by the Division.
- 11 (3) It must be dated within 30 days of the date the person applies for a
12 permit or license issuable under this section.
- 13 (4) It must be signed by the applicable person named below:
- 14 a. The principal, or the principal's designee, of the public school in
15 which the person is enrolled.
- 16 b. The administrator, or the administrator's designee, of the
17 nonpublic school in which the person is enrolled.
- 18 c. The person who provides the academic instruction in the home
19 school in which the person is enrolled.
- 20 d. The designee of the board of directors of the charter school in
21 which the person is enrolled.
- 22 e. The president, or the president's designee, of the community
23 college in which the person is enrolled.

24 Notwithstanding any other law, the decision concerning whether a driving eligibility
25 certificate was properly issued or improperly denied shall be appealed only as provided
26 under the rules adopted in accordance with G.S. 115C-12(27), G.S. 115D-5(a3), or G.S.
27 115C-566, whichever is applicable, and may not be appealed under this Chapter."

28 Section 2. G.S. 20-13.2 is amended by adding a new subsection to read:

29 "(c1) The Division must revoke the permit or license of a person under the age of 18
30 if the proper school authority notifies the Division that the person no longer meets the
31 requirements for a driving eligibility certificate under G.S. 20-11(n). Notwithstanding
32 subsection (d) of this section, the length of revocation must last until the person's
33 eighteenth birthday or until the Division restores the permit or license under this
34 subsection. The Division must restore a person's permit or license before the person's
35 eighteenth birthday, if the person submits to the Division one of the following:

36 (1) A high school diploma or its equivalent.

37 (2) A driving eligibility certificate as required under G.S. 20-11(n).

38 Notwithstanding any other law, the decision concerning whether a driving eligibility
39 certificate was properly issued or improperly denied shall be appealed only as provided
40 under the rules adopted in accordance with G.S. 115C-12(27), G.S. 115D-5(a3), or G.S.
41 115C-566, whichever is applicable, and may not be appealed under this Chapter."

42 Section 3. G.S. 115C-12 is amended by adding a new subdivision to read:

1 "(27) Duty to Develop Rules for Issuance of Driving Eligibility Certificates. –
2 The State Board of Education shall issue rules defining what is
3 equivalent to a high school diploma for the purposes of G.S. 20-11.
4 These rules shall apply to all educational programs offered in the State
5 by public schools, charter schools, nonpublic schools, or community
6 colleges.

7 The State Board also shall issue rules for the procedures a person
8 who is or was enrolled in a public school, in a charter school, or in a
9 nonpublic school accredited by the Board must follow and the
10 requirements that person must meet to obtain a driving eligibility
11 certificate. The person required under G.S. 20-11(n) to sign the driving
12 eligibility certificate must provide the certificate if he or she determines
13 that one of the following requirements is met:

- 14 a. The person seeking the certificate is currently enrolled in school
15 and is making progress toward obtaining a high school diploma
16 or its equivalent.
17 b. A substantial hardship would be placed on the person seeking the
18 certificate or the person's family if the person does not receive
19 the certificate.
20 c. The person seeking the certificate cannot make progress toward
21 obtaining a high school diploma or its equivalent.

22 These rules shall provide for an appeal to an appropriate education
23 authority by a person who is denied a driving eligibility certificate. The
24 State Board also shall develop policies as to when it is appropriate to
25 notify the Division of Motor Vehicles that a person who is or was
26 enrolled in a public school, in a charter school, or in a nonpublic school
27 accredited by the Board no longer meets the requirements for a driving
28 eligibility certificate."

29 Section 4. G.S. 115D-5 is amended by adding the following new subsection to
30 read:

31 "(a3) The State Board of Community Colleges shall issue rules for the procedures a
32 person who is or was enrolled in a community college must follow and the requirements
33 that person must meet to obtain a driving eligibility certificate. The person required
34 under G.S. 20-11(n) to sign the driving eligibility certificate must provide the certificate
35 if he or she determines that one of the following requirements is met:

- 36 (1) The person seeking the certificate is currently enrolled in school and is
37 making progress toward obtaining a high school diploma or its
38 equivalent.
39 (2) A substantial hardship would be placed on the person seeking the
40 certificate or the person's family if the person does not receive the
41 certificate.
42 (3) The person seeking the certificate cannot make progress toward
43 obtaining a high school diploma or its equivalent.

1 The rules shall provide for an appeal through the grievance procedures established by
2 the board of trustees of each community college by a person who is denied a driving
3 eligibility certificate. The State Board also shall develop policies as to when it is
4 appropriate to notify the Division of Motor Vehicles that a person who is or was enrolled
5 in a community college no longer meets the requirements for a driving eligibility
6 certificate. The State Board also shall adopt guidelines to assist the presidents of
7 community colleges in their designation of representatives to sign driving eligibility
8 certificates."

9 Section 5. Article 39 of Chapter 115C of the General Statutes is amended by
10 adding the following new Part:

11 **"PART 4. MISCELLANEOUS REQUIREMENTS.**

12 **"§ 115C-566. Driving eligibility certificates; requirements.**

13 The Secretary of Administration, upon consideration of the advice of the Division of
14 Nonpublic Education in the Office of the Governor, shall issue rules for the procedures a
15 person who is or was enrolled in a home school or in a nonpublic school that is not
16 accredited by the State Board of Education must follow and the requirements that person
17 must meet to obtain a driving eligibility certificate. The person required under G.S. 20-
18 11(n) to sign the driving eligibility certificate must provide the certificate if he or she
19 determines that one of the following requirements is met:

- 20 (1) The person seeking the certificate is currently enrolled in school and is
21 making progress toward obtaining a high school diploma or its
22 equivalent.
23 (2) A substantial hardship would be placed on the person seeking the
24 certificate or the person's family if the person does not receive the
25 certificate.
26 (3) The person seeking the certificate cannot make progress toward
27 obtaining a high school diploma or its equivalent.

28 The rules shall provide for an appeal to an appropriate educational entity by a person
29 who is denied a driving eligibility certificate. The Division of Nonpublic Education also
30 shall develop policies as to when it is appropriate to notify the Division of Motor
31 Vehicles that a person who is or was enrolled in a home school or in a nonpublic school
32 that is not accredited by the State Board of Education no longer meets the requirements
33 for a driving eligibility certificate."

34 Section 6. The State Board of Education shall initiate and coordinate meetings
35 with the Division of Nonpublic Education in the Office of the Governor and with the
36 State Board of Community Colleges in order to develop coordinated rules, policies, and
37 guidelines needed to implement this act.

38 Section 7. The State Board of Education shall study the effectiveness of this
39 act on the dropout rates and progress toward graduation of students under the age of 18
40 and shall report the results of this study to the Joint Legislative Education Oversight
41 Committee and the Fiscal Research Division by November 15, 2002.

42 Section 8. This act constitutes a recent act of the General Assembly within the
43 meaning of G.S. 150B-21.1. Every agency to which this act applies that is authorized to

1 adopt rules to implement this act may adopt temporary rules to implement this act. This
2 section shall continue in effect until all rules necessary to implement this act have
3 become effective as either temporary or permanent rules.

4 Section 9. If any section or provision of this act is declared unconstitutional or
5 invalid by the courts, the unconstitutional or invalid section or provision does not affect
6 the validity of this act as a whole or any part of this act other than the part declared to be
7 unconstitutional or invalid.

8 Section 10. Sections 1 and 2 of this act become effective August 1, 1998. The
9 remainder of this act is effective when it becomes law. Sections 1 and 2 of this act do not
10 apply to any person who holds a valid North Carolina limited learner's permit issued
11 before December 1, 1997, who holds a valid North Carolina learner's permit issued
12 before December 1, 1997, or who is a provisional licensee and holds a valid North
13 Carolina drivers license issued before December 1, 1997.