

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2391*
Second Edition Engrossed 6/12/08

Short Title: No Auto. Revoke/Driv. Lic./Incompetent Person. (Public)

Sponsors: Representatives Bordsen, Goodwin, Farmer-Butterfield, Pierce (Primary Sponsors); Bryant, Carney, England, Hughes, Hurley, Johnson, Lucas, Underhill, and Weiss.

Referred to: Judiciary III.

May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO CONSIDER
2 RECOMMENDATIONS FROM THE CLERK OF COURT IN DETERMINING
3 WHETHER TO REVOKE THE DRIVERS LICENSE OF A PERSON
4 ADJUDICATED INCOMPETENT UNDER THE GUARDIANSHIP LAWS, AS
5 RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE
6 GUARDIANSHIP LAWS AND THE STUDY COMMISSION ON AGING.
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8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 20-17.1(a) reads as rewritten:

10 "(a) The Commissioner, upon receipt of notice that any person has been legally
11 adjudicated incompetent or has been involuntarily committed to an institution for the
12 treatment of alcoholism or drug addiction, shall forthwith make inquiry into the facts for
13 the purpose of determining whether such person is competent to operate a motor
14 vehicle. If a person has been adjudicated incompetent pursuant to the guardianship laws
15 under Chapter 35A of the General Statutes, in making an inquiry into the facts, the
16 Commissioner shall consider the clerk of court's recommendation regarding whether the
17 incompetent person should be allowed to retain his or her driving privilege. Unless the
18 Commissioner is satisfied that such person is competent to operate a motor vehicle with
19 safety to persons and property, he shall revoke such person's driving privilege. Provided
20 that if such person requests, in writing, a hearing, he shall retain his license until after
21 the hearing, and if the revocation is sustained after such hearing, the person whose
22 driving privilege has been revoked under the provisions of this section, shall have the
23 right to a review by the review board as provided in G.S. 20-9(g)(4) upon written
24 request filed with the Division."

25 **SECTION 2.** This act is effective October 1, 2008 and applies to persons
26 adjudicated incompetent under Chapter 35A of the General Statutes on or after that date.