

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

6

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97
Committee Substitute #2 Favorable 2/27/97
Fourth Edition Engrossed 3/10/97
Senate Finance Committee Substitute Adopted 3/25/97
Sixth Edition Engrossed 3/27/97

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to: Appropriations.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND
MOTORCYCLE LEARNERS' PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-11 reads as rewritten:

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

(a) ~~The Division shall not grant the application of any minor between the ages of 16 and 18 years for a driver's license or a learner's permit unless such application is signed both by the applicant and by the parent, guardian, husband, wife or employer of the applicant, or, if the applicant has no parent, guardian, husband, wife or employer residing in this State, by some other responsible adult person. It shall be unlawful for any person to sign the application of a minor under the provisions of this section when such application misstates the age of the minor and any person knowingly violating this provision shall be guilty of a Class 2 misdemeanor.~~

1 The Division shall not grant the application of any minor between the ages of 16 and
2 18 years for a driver's license unless such minor presents evidence of having satisfactorily
3 completed the driver training and safety education courses offered at the public high
4 schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of
5 driving instruction offered at a licensed commercial driver training school or an approved
6 nonpublic secondary school, provided instruction offered in such schools shall be
7 approved by the State Commissioner of Motor Vehicles and the State Superintendent of
8 Public Instruction and all expenses for such instruction shall be paid by the persons
9 enrolling in such courses and/or by the schools offering them.

10 (b) The Division may issue a limited learner's permit to a minor who is at least 15
11 years old but is less than 16 years old and who otherwise meets the requirements of this
12 section. An application for a limited learner's permit must be signed by both the
13 applicant and the applicant's parent or guardian or some other responsible adult with
14 whom the applicant resides and who is approved by the Division. A limited learner's
15 permit authorizes the permit holder to drive a specified type or class of motor vehicle
16 while in possession of the permit and accompanied by a parent, guardian, or other person
17 approved by the Division who is licensed to operate the motor vehicle being driven and is
18 seated beside the permit holder. A limited learner's permit is valid for a period of 18
19 months. The fee for a limited learner's permit is ten dollars (\$10.00). In the event a
20 minor who holds a limited learner's permit drives a motor vehicle in violation of law, the
21 permit shall be canceled. A driver who holds a limited learner's permit only shall not be
22 deemed a licensed driver for the purpose of determining the inexperienced operator
23 premium surcharge under automobile insurance policies.

24 (c) The Division may, upon satisfactory proof that a minor between the ages of 16
25 and 18 years has become a resident of North Carolina and holds a valid motor vehicle
26 driver's license from his prior state of residence but has not completed a course in
27 driver education which meets the requirements of this State, grant to such minor a
28 temporary driver's permit under such terms and conditions as shall be deemed necessary
29 by the Division to allow the minor to operate a motor vehicle of a specified type or class
30 in this State in order to obtain the driver education courses necessary for license in North
31 Carolina. Every application for a temporary driver's permit shall be made upon the
32 approved form furnished by the Division. A temporary driver's permit issued pursuant to
33 this section shall be subject to all provisions of law relating to a driver's license.

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

38 (1) Level 1. – Driving with a limited learner's permit.

39 (2) Level 2. – Driving with a limited provisional license.

40 (3) Level 3. – Driving with a full provisional license.

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

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

3 **(1)** Passes a course of driver education prescribed in G.S. 20-88.1 or a
4 course of driver instruction at a licensed commercial driver training
5 school.

6 **(2)** Passes a written test administered by the Division.

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

9 **(1)** The permit holder must be in possession of the permit.

10 **(2)** A supervising driver must be seated beside the permit holder in the front
11 seat of the vehicle when it is in motion. No person other than the
12 supervising driver can be in the front seat.

13 **(3)** For the first six months after issuance, the permit holder may drive only
14 between the hours of 5:00 a.m. and 9:00 p.m.

15 **(4)** After the first six months after issuance, the permit holder may drive at
16 any time.

17 **(5)** Every person occupying the vehicle being driven by the permit holder
18 must have a safety belt properly fastened about his or her body, or be
19 restrained by a child passenger restraint system as provided in G.S. 20-
20 137.1(a), when the vehicle is in motion.

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

23 **(1)** Has held a limited learner's permit issued by the Division for at least 12
24 months.

25 **(2)** Has not been convicted of a motor vehicle moving violation or seat belt
26 infraction during the preceding six months.

27 **(3)** Passes a road test administered by the Division.

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

31 **(1)** The license holder must be in possession of the license.

32 **(2)** The license holder may drive without supervision in any of the
33 following circumstances:

34 a. From 5:00 a.m. to 9:00 p.m.

35 b. When driving to or from work.

36 c. When driving to or from an activity of a volunteer fire
37 department, volunteer rescue squad, or volunteer emergency
38 medical service, if the driver is a member of the organization.

39 **(3)** The license holder may drive with supervision at any time. When the
40 license holder is driving with supervision, the supervising driver must
41 be seated beside the license holder in the front seat of the vehicle when
42 it is in motion. The supervising driver need not be the only other

1 occupant of the front seat, but must be the person seated next to the
2 license holder.

- 3 (4) Every person occupying the vehicle being driven by the license holder
4 must have a safety belt properly fastened about his or her body, or be
5 restrained by a child passenger restraint system as provided in G.S. 20-
6 137.1(a), when the vehicle is in motion.

7 (f) Level 3. – A person who is at least 16 years old but less than 18 years old may
8 obtain a full provisional license if the person meets all of the following requirements:

- 9 (1) Has held a limited provisional license issued by the Division for at least
10 six months.
11 (2) Has not been convicted of a motor vehicle moving violation or seat belt
12 infraction during the preceding six months.

13 A person who meets these requirements may obtain a full provisional license by mail.

14 (g) Level 3 Restrictions. – The restrictions on Level 1 and Level 2 drivers
15 concerning time of driving, supervision, and passenger limitations do not apply to a full
16 provisional license.

17 (h) Out-of-State Exceptions. – A person who is at least 16 years old but less than
18 18 years old, who was a resident of another state and has an unrestricted drivers license
19 issued by that state, and who becomes a resident of this State may obtain one of the
20 following:

- 21 (1) A temporary permit, if the person has not completed a drivers education
22 program that meets the requirements of the Superintendent of Public
23 Instruction but is currently enrolled in a drivers education program that
24 meets these requirements. A temporary permit is valid for the period
25 specified in the permit and authorizes the holder of the permit to drive a
26 specified type or class of motor vehicle when in possession of the
27 permit, subject to any restrictions imposed by the Division concerning
28 time of driving, supervision, and passenger limitations. The period
29 must end within 10 days after the expected completion date of the
30 drivers education program in which the applicant is enrolled.
31 (2) A full provisional license, if the person has completed a drivers
32 education program that meets the requirements of the Superintendent of
33 Public Instruction, has held the license issued by the other state for at
34 least 12 months, and has not been convicted during the preceding six
35 months of a motor vehicle moving violation, a seat belt infraction, or an
36 offense committed in another jurisdiction that would be a motor vehicle
37 moving violation or seat belt infraction if committed in this State.
38 (3) A limited provisional license, if the person has completed a drivers
39 education program that meets the requirements of the Superintendent of
40 Public Instruction but either did not hold the license issued by the other
41 state for at least 12 months or was convicted during the preceding six
42 months of a motor vehicle moving violation, a seat belt infraction, or an

1 offense committed in another jurisdiction that would be a motor vehicle
2 moving violation or seat belt infraction if committed in this State.

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

8 (j) Duration and Fee. – A limited learner's permit expires on the eighteenth
9 birthday of the permit holder. A limited provisional license expires on the eighteenth
10 birthday of the license holder. A full provisional license expires on the date set under
11 G.S. 20-7(f). The fee for a limited learner's permit or a limited provisional license is ten
12 dollars (\$10.00). The fee for a full provisional license is the amount set under G.S. 20-
13 7(i).

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

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

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

29 Section 2. G.S. 20-135.2A(a) reads as rewritten:

30 "(a) Each front seat occupant who is 16 years of age or older and each driver of a
31 passenger motor vehicle manufactured with seat safety belts in compliance with Federal
32 Motor Vehicle Safety Standard No. 208 ~~shall~~must have such a safety belt properly
33 fastened about his or her body at all times when the vehicle is in forward motion on a
34 street or highway in this State. Each driver of a passenger motor vehicle manufactured
35 with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208,
36 who is transporting in the front seat a person who is ~~(1)~~(i) under 16 years of age and ~~(2)~~
37 (ii) not required to be restrained in accordance with G.S. 20-137.1, ~~shall~~must have the
38 person secured by such a safety belt at all times when the vehicle is operated in forward
39 motion on a street or highway in this State. Persons required to be restrained in
40 accordance with ~~G.S. 20-137.1~~ ~~shall~~ G.S. 20-11 and G.S. 20-137.1 must be secured as
41 required by ~~that section.~~ those sections."

42 Section 3. G.S. 20-88.1(a) reads as rewritten:

1 "(a) In accordance with criteria and standards approved by the State Board of
2 Education, the State Superintendent of Public Instruction shall organize and administer a
3 program of driver education to be offered at the public high schools of this State for all
4 physically and mentally qualified persons who (i) are older than 14 years and six months,
5 (ii) are approved by the principal of the school, pursuant to rules adopted by the State
6 Board of Education, (iii) are enrolled in a public or private high school within the State,
7 and (iv) have not previously enrolled in the program. The State Board of Education shall
8 use for such purpose all funds appropriated to it for said purpose, and may use all other
9 funds that become available for its use for said purpose. ~~The~~

10 The driver education program established pursuant to this section shall ~~shall~~ must include
11 instructions the following:

12 (1) Instruction on the rights and privileges of the handicapped and the signs
13 and symbols used to assist the handicapped relative to motor vehicles,
14 including the 'international symbol of accessibility' and other symbols
15 and devices as provided in Article 2A of this Chapter. ~~In addition, this~~
16 program shall include at

17 (2) At least six hours of instruction on the offense of driving while impaired
18 and related subjects.

19 (3) At least six hours of actual driving experience. To the extent
20 practicable, this experience may include at least one hour of instruction
21 on the techniques of defensive driving."

22 Section 4. G.S. 20-322(b) reads as rewritten:

23 "(b) Regulations adopted by the Commissioner shall state the requirements for a
24 school license, including requirements concerning location, equipment, courses of
25 instruction, instructors, financial statements, schedule of fees and charges, character and
26 reputation of the operators, insurance, bond or other security in such sum and with such
27 provisions as the Commissioner deems necessary to protect adequately the interests of the
28 public, and such other matters as the Commissioner may prescribe. A driver education
29 course offered to prepare an individual for a limited learner's permit or another
30 provisional license must meet the requirements set in G.S. 20-88.1 for the program of
31 driver education offered in the public schools."

32 Section 5. G.S. 20-7(l) reads as rewritten:

33 "(l) ~~Learner's Permit. —Any person who except for lack of instruction in operating~~
34 ~~a motor vehicle would be qualified to obtain a drivers license under this Article~~ A person
35 who is at least 18 years old may obtain a learner's permit. A learner's permit authorizes
36 the permit holder to drive a specified type or class of motor vehicle while in possession of
37 the permit. A learner's permit is valid for a period of 18 months after it is issued. The fee
38 for a learner's permit is ten dollars (\$10.00). A learner's permit may be renewed, or a
39 second learner's permit may be issued, for an additional period of 18 months. The permit
40 holder must, while operating a motor vehicle over the highways, be accompanied by a
41 person who is licensed to operate the motor vehicle being driven and is seated beside the
42 permit holder."

43 Section 6. G.S. 20-12 is repealed.

1 Section 7. G.S. 20-12.1 reads as rewritten:

2 **"§ 20-12.1. Impaired supervision or instruction.**

3 (a) ~~It is unlawful for any person to accompany another person driving a motor~~
4 ~~vehicle, in accordance with G.S. 20-11, or instruct another person driving a motor~~
5 ~~vehicle, in accordance with G.S. 20-7(1-1) and (m) or G.S. 20-12: a person to serve as a~~
6 supervising driver under G.S. 20-7(l) or G.S. 20-11 or as an approved instructor under
7 G.S. 20-7(m) in any of the following circumstances:

8 (1) ~~While the person accompanying or instructing is under the influence of an~~
9 ~~impairing substance; or substance.~~

10 (2) After having consumed sufficient alcohol ~~that he has, to have,~~ at any
11 relevant time after the driving, an alcohol concentration of 0.08 or more.

12 (b) An offense under this section is an implied-consent offense under G.S. 20-
13 16.2."

14 Section 8. G.S. 20-7(a1) reads as rewritten:

15 "(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person must have a
16 motorcycle learner's permit, a full provisional license and a motorcycle endorsement, or a
17 regular drivers license and a motorcycle endorsement. Subsection (a2) of this section sets
18 the requirements for a motorcycle learner's permit. To obtain a motorcycle endorsement,
19 a person must demonstrate competence to drive a motorcycle by passing a road test and a
20 written or oral test concerning a motorcycle and must pay the fee for a motorcycle
21 endorsement. Neither a drivers license nor a motorcycle endorsement is required to drive
22 a moped."

23 Section 9. G.S. 20-7 is amended by adding a new subsection to read:

24 "(a2) Motorcycle Learner's Permit. – The following persons are eligible for a
25 motorcycle learner's permit:

26 (1) A person who is at least 16 years old but less than 18 years old and has
27 a limited provisional license or a full provisional license issued by the
28 Division.

29 (2) A person who is at least 18 years old and has a license issued by the
30 Division.

31 To obtain a motorcycle learner's permit, an applicant must pass a vision test, a road
32 sign test, and a written test specified by the Division. A motorcycle learner's permit
33 expires 18 months after it is issued. The holder of a motorcycle learner's permit may not
34 drive a motorcycle with a passenger. The holder of a motorcycle learner's permit who
35 has a limited provisional license may drive the motorcycle only at a time when the
36 license holder could drive a motor vehicle without supervision under G.S. 20-11. The fee
37 for a motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's
38 permit."

39 Section 10. This act does not appropriate funds to the Division to implement
40 this act nor does it obligate the General Assembly to appropriate funds to implement this
41 act.

42 Section 11. This act becomes effective December 1, 1997, if the General
43 Assembly appropriates the necessary funds from the Highway Fund to the Department of

1 Transportation, Division of Motor Vehicles, to administer the provisional license
2 program. Sections 1 through 7 of this act do not apply to any person who holds a valid
3 North Carolina limited learner's permit issued before the effective date of this act, who
4 holds a valid North Carolina learner's permit issued before the effective date of this act,
5 or who is a provisional licensee and holds a valid North Carolina drivers license issued
6 before the effective date of this act.