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SESSION 1997

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HOUSE BILL 769

Committee Substitute Favorable 4/21/97

Committee Substitute #2 Favorable 5/7/97

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Short Title: Dropout Prevention/Drivers License.

(Public)

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Sponsors:

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Referred to: Appropriations.

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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.

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

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

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

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

7 (1) Passes a course of driver education prescribed in G.S. 20-88.1 or a  
8 course of driver instruction at a licensed commercial driver training  
9 school.

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

11 (3) Has a driving eligibility certificate or a high school diploma or its  
12 equivalent.

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

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

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

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

21 (4) After the first six months after issuance, the permit holder may drive at  
22 any time.

23 (5) Every person occupying the vehicle being driven by the permit holder  
24 must have a safety belt properly fastened about his or her body, or be  
25 restrained by a child passenger restraint system as provided in G.S. 20-  
26 137.1(a), when the vehicle is in motion.

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

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

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

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

34 (4) Has a driving eligibility certificate or a high school diploma or its  
35 equivalent.

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

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

40 (2) The license holder may drive without supervision in any of the  
41 following circumstances:

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

43 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 and  
4           G.S. 20-13.2. These rules shall apply to all educational programs  
5           offered in the State by public schools, charter schools, nonpublic  
6           schools, or community 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 and representatives of nonpublic  
15 schools, shall issue rules for the procedures a person who is or was enrolled in a home  
16 school or in a nonpublic school that is not accredited by the State Board of Education  
17 must follow and the requirements that person must meet to obtain a driving eligibility  
18 certificate. The person required under G.S. 20-11(n) to sign the driving eligibility  
19 certificate must provide the certificate if he or she determines that one of the following  
20 requirements is met:

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

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

35               Section 6. The State Board of Education shall initiate and coordinate meetings  
36 with the Division of Nonpublic Education in the Office of the Governor, with  
37 representatives of nonpublic schools, and with the State Board of Community Colleges in  
38 order to develop coordinated rules, policies, and guidelines needed to implement this act.  
39 Before defining what is equivalent to a high school diploma for purposes of G.S. 115C-  
40 12(27), as amended in Section 3 of this act, the State Board of Education shall consult  
41 with the State Board of Community Colleges and with representatives of nonpublic  
42 schools as designated by the Division of Nonpublic Education in the Office of the  
43 Governor.

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

5           Section 8. This act constitutes a recent act of the General Assembly within the  
6 meaning of G.S. 150B-21.1. Every agency to which this act applies that is authorized to  
7 adopt rules to implement this act may adopt temporary rules to implement this act. This  
8 section shall continue in effect until all rules necessary to implement this act have  
9 become effective as either temporary or permanent rules.

10          Section 9. If any section or provision of this act is declared unconstitutional or  
11 invalid by the courts, the unconstitutional or invalid section or provision does not affect  
12 the validity of this act as a whole or any part of this act other than the part declared to be  
13 unconstitutional or invalid.

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