

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 149*
Judiciary Committee Substitute Adopted 3/5/97

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to: Finance.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

3 The General Assembly of North Carolina enacts:

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

5 "**§ 20-11. Application of minors. Issuance of limited learner's permit and provisional**
6 **drivers license to person who is less than 18 years old.**

7 (a) ~~The Division shall not grant the application of any minor between the ages of~~
8 ~~16 and 18 years for a driver's license or a learner's permit unless such application is~~
9 ~~signed both by the applicant and by the parent, guardian, husband, wife or employer of~~
10 ~~the applicant, or, if the applicant has no parent, guardian, husband, wife or employer~~
11 ~~residing in this State, by some other responsible adult person. It shall be unlawful for any~~
12 ~~person to sign the application of a minor under the provisions of this section when such~~
13 ~~application misstates the age of the minor and any person knowingly violating this~~
14 ~~provision shall be guilty of a Class 2 misdemeanor.~~

15 ~~The Division shall not grant the application of any minor between the ages of 16 and~~
16 ~~18 years for a driver's license unless such minor presents evidence of having satisfactorily~~
17 ~~completed the driver training and safety education courses offered at the public high~~
18 ~~schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of~~
19 ~~driving instruction offered at a licensed commercial driver training school or an approved~~

1 nonpublic secondary school, provided instruction offered in such schools shall be
2 approved by the State Commissioner of Motor Vehicles and the State Superintendent of
3 Public Instruction and all expenses for such instruction shall be paid by the persons
4 enrolling in such courses and/or by the schools offering them.

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

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

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

33 (1) Level 1: Driving with a limited learner's permit.

34 (2) Level 2: Driving with a limited provisional license.

35 (3) Level 3: Driving with a full provisional license.

36 The permits and licenses will bear a distinctive color photographic background or border
37 indicating the level of driving experience of the permit holder or licensee.

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

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

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

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

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

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

- 17 (1) Has held a limited learner's permit issued by the Division for at least 12
18 months.
19 (2) Has not been convicted of a motor vehicle moving violation or seat belt
20 infraction during the preceding 12 months.
21 (3) Passes a road test administered by the Division.

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

- 25 (1) The license holder must be in possession of the license.
26 (2) The license holder may drive without supervision from 5:00 a.m. to
27 9:00 p.m. and when driving to or from work.
28 (3) The license holder may drive with supervision at any time. When the
29 license holder is driving with supervision, the supervising driver must
30 be seated beside the license holder in the front seat of the vehicle when
31 it is in motion. The supervising driver need not be the only other
32 occupant of the front seat, but must be the person seated next to the
33 license holder.
34 (4) Every person occupying the vehicle being driven by the license holder
35 must have a safety belt properly fastened about his or her body, or be
36 restrained by a child passenger restraint system as provided in G.S. 20-
37 137.1(a), when the vehicle is in motion.

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

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

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

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

5 (h) Out-of-State Exceptions. – A person who is at least 16 years old but less than
6 18 years old, who was a resident of another state and has an unrestricted drivers license
7 issued by that state and who becomes a resident of this State, may obtain one of the
8 following:

9 (1) A temporary permit, if the person has not completed a drivers education
10 program that meets the requirements of the Superintendent of Public
11 Instruction but is currently enrolled in a drivers education program that
12 meets these requirements. A temporary permit is valid for the period
13 specified in the permit and authorizes the holder of the permit to drive a
14 specified type or class of motor vehicle when in possession of the
15 permit, subject to any restrictions imposed by the Division concerning
16 time of driving, supervision, and passenger limitations. The period
17 must end within 10 days after the expected completion date of the
18 drivers education program in which the applicant is enrolled.

19 (2) A full provisional license, if the person has completed a drivers
20 education program that meets the requirements of the Superintendent of
21 Public Instruction, has held the license issued by the other state for at
22 least 12 months, and has not been convicted during the preceding 12
23 months of a motor vehicle moving violation or seat belt infraction or of
24 any offense committed in another jurisdiction that would be a motor
25 vehicle moving violation or seat belt infraction if committed in this
26 State.

27 (3) A limited provisional license, if the person has completed a drivers
28 education program that meets the requirements of the Superintendent of
29 Public Instruction but either did not hold the license issued by the other
30 state for at least 12 months or was convicted during the preceding 12
31 months of a motor vehicle moving violation or seat belt infraction or of
32 any offense committed in another jurisdiction that would be a motor
33 vehicle moving violation or seat belt infraction if committed in this
34 State.

35 (i) Application. – An application for a permit or license authorized by this section
36 must be signed by both the applicant and by the applicant's parent or guardian or, if a
37 parent or guardian is not available, by an adult approved by the Division.

38 (j) Duration and Fee. – A limited learner's permit expires on the eighteenth
39 birthday of the permit holder. A limited provisional license expires on the eighteenth
40 birthday of the license holder. A full provisional license expires on the date set under
41 G.S. 20-7(f). The fee for a permit or license issued under this section is ten dollars
42 (\$10.00).

1 (k) Supervising Driver. – The supervising driver must be the parent or guardian of
2 the permit holder or the license holder or, if a parent or guardian is not available, by an
3 adult approved by the Division. The supervising driver must be a licensed driver who has
4 been licensed to drive for at least five years.

5 (l) Violations. – It is unlawful for the holder of a limited learner's permit,
6 temporary permit, or a limited provisional license to operate a motor vehicle without
7 complying with applicable restrictions. Failure to comply with restrictions concerning
8 the time of driving or the presence of a supervising driver in the vehicle constitutes
9 operating a motor vehicle without a license. Failure to comply with other restrictions,
10 including seating and passenger limitations, is an infraction punishable by a fine as
11 provided in G.S. 20-176.

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

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

16 "(a) Each front seat occupant who is 16 years of age or older and each driver of a
17 passenger motor vehicle manufactured with seat safety belts in compliance with Federal
18 Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened
19 about his body at all times when the vehicle is in forward motion on a street or highway
20 in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts
21 in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting
22 in the front seat a person who is (1) under 16 years of age and (2) not required to be
23 restrained in accordance with G.S. 20-137.1, shall have the person secured by such a
24 safety belt at all times when the vehicle is operated in forward motion on a street or
25 highway in this State. Persons required to be restrained in accordance with ~~G.S. 20-137.1~~
26 G.S. 20-11 and G.S. 20-137.1 shall be secured as required by that section. ~~those sections.~~"

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

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

37 The driver education program established pursuant to this section shall include
38 instructions the following:

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

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

3 (3) At least six hours of actual driving experience."

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

5 "(b) Regulations adopted by the Commissioner shall state the requirements for a
6 school license, including requirements concerning location, equipment, courses of
7 instruction, instructors, financial statements, schedule of fees and charges, character and
8 reputation of the operators, insurance, bond or other security in such sum and with such
9 provisions as the Commissioner deems necessary to protect adequately the interests of the
10 public, and such other matters as the Commissioner may prescribe. All driver training
11 and safety education courses and courses of driving instruction must include at least six
12 hours of actual driving experience."

13 Section 5. G.S. 20-7(a1) reads as rewritten:

14 "(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person must have ~~a~~either
15 a full provisional license issued under G.S. 20-11 or a regular drivers license issued under
16 this section and a motorcycle endorsement. To obtain a motorcycle endorsement, a
17 person must demonstrate competence to drive a motorcycle by passing a road test and a
18 written or oral test concerning a motorcycle and must pay the fee for a motorcycle
19 endorsement. Neither a drivers license nor a motorcycle endorsement is required to drive
20 a moped."

21 Section 6. This act does not appropriate funds to the Division to implement
22 this act nor does it obligate the General Assembly to appropriate funds to implement this
23 act.

24 Section 7. This act becomes effective December 1, 1997, if the General
25 Assembly appropriates the necessary funds from the Highway Fund to the Department of
26 Transportation, Division of Motor Vehicles, to administer the provisional license
27 program. The act does not apply to any person who holds a valid North Carolina limited
28 learner's permit issued before the effective date of this act, a valid North Carolina
29 learner's permit issued before the effective date of this act, or who is a provisional
30 licensee holding a valid North Carolina drivers license issued before the effective date of
31 this act.