

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 761  
Committee Substitute Favorable 6/7/11

Short Title: Ignition Interlock Systems/Record Checks. (Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REMOVE COLORED BORDER REQUIREMENTS FROM CERTAIN  
3 LICENSES, TO CLARIFY THAT SPECIAL IDENTIFICATION CARDS ARE SUBJECT  
4 TO VIOLATION PROVISIONS, AND TO ALLOW THE DIVISION OF MOTOR  
5 VEHICLES TO CONDUCT BACKGROUND INVESTIGATIONS ON EVERY PERSON  
6 APPLYING FOR A RESTORATION OF A REVOKED LICENSE, A DEALER'S  
7 LICENSE, MECHANIC'S LICENSE, OR ANY OTHER LICENSE ISSUED BY THE  
8 DIVISION EXCEPT FOR A DRIVERS LICENSE UNLESS IT IS BEING RESTORED  
9 AFTER A REVOCATION.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 20-7(n) reads as rewritten:

12 "(n) Format. – A drivers license issued by the Division must be tamperproof and must  
13 contain all of the following information:

- 14 (1) An identification of this State as the issuer of the license.
- 15 (2) The license holder's full name.
- 16 (3) The license holder's residence address.
- 17 (4) A color photograph, or a properly applied laser engraved picture on  
18 polycarbonate material, of the license holder, taken by the Division.
- 19 (5) A physical description of the license holder, including sex, height, eye color,  
20 and hair color.
- 21 (6) The license holder's date of birth.
- 22 (7) An identifying number for the license holder assigned by the Division. The  
23 identifying number may not be the license holder's social security number.
- 24 (8) Each class of motor vehicle the license holder is authorized to drive and any  
25 endorsements or restrictions that apply.
- 26 (9) The license holder's signature.
- 27 (10) The date the license was issued and the date the license expires.

28 ~~In taking photographs of license holders, the Division must distinguish between license~~  
29 ~~holders who are less than 21 years old and license holders who are at least 21 years old by~~  
30 ~~using different color backgrounds or borders for each group. The Division shall determine the~~  
31 ~~different colors to be used.~~ The Commissioner shall ensure that applicants 21 years old or older  
32 are issued drivers licenses and special identification cards that are printed in a horizontal  
33 format. The Commissioner shall ensure that applicants under the age of 21 are issued drivers  
34 licenses and special identification cards that are printed in a vertical format, that distinguishes  
35 them from the horizontal format, for ease of identification of individuals under age 21 by



1 members of industries that regulate controlled products that are sale restricted by age and law  
2 enforcement officers enforcing these laws.

3 At the request of an applicant for a drivers license, a license issued to the applicant must  
4 contain the applicant's race."

5 **SECTION 2.** G.S. 20-11(a) reads as rewritten:

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

- 10 (1) Level 1. – Driving with a limited learner's permit.
- 11 (2) Level 2. – Driving with a limited provisional license.
- 12 (3) Level 3. – Driving with a full provisional license.

13 A permit or license issued under this section must ~~have a color background or border that~~  
14 ~~indicates~~ indicate the level of driving privileges granted by the permit or license."

15 **SECTION 3.** G.S. 20-30 reads as rewritten:

16 "**§ 20-30. Violations of ~~license or license, learner's permit-permit, or special identification~~**  
17 **card provisions.**

18 It shall be unlawful for any person to commit any of the following acts:

- 19 (1) To display or cause to be displayed or to have in possession a driver's ~~license~~  
20 ~~or license, learner's permit, or special identification card~~, knowing the same  
21 to be fictitious or to have been canceled, revoked, suspended or altered.
- 22 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not  
23 entitled thereto, a driver's ~~license or license, learner's permit-permit, or~~  
24 ~~special identification card.~~
- 25 (3) To display or to represent as one's own a ~~license or drivers license, learner's~~  
26 ~~permit-permit, or special identification card~~ not issued to the person so  
27 displaying same.
- 28 (4) To fail or refuse to surrender to the Division upon demand any driver's  
29 ~~license or license, learner's permit-permit, or special identification card~~ that  
30 has been suspended, canceled or revoked as provided by law.
- 31 (5) To use a false or fictitious name or give a false or fictitious address in any  
32 application for a driver's ~~license or license, learner's permit, or special~~  
33 ~~identification card~~, or any renewal or duplicate thereof, or knowingly to  
34 make a false statement or knowingly conceal a material fact or otherwise  
35 commit a fraud in any such application, or for any person to procure, or  
36 knowingly permit or allow another to commit any of the foregoing acts. Any  
37 ~~license or license, learner's permit-permit, or special identification card~~  
38 procured as aforesaid shall be void from the issuance thereof, and any  
39 moneys paid therefor shall be forfeited to the State. Any person violating the  
40 provisions of this subdivision shall be guilty of a Class 1 misdemeanor.
- 41 (6) To make a color photocopy or otherwise make a color reproduction of a  
42 drivers license, learner's permit, or special identification card which has been  
43 color-photocopied or otherwise reproduced in color, unless such color  
44 photocopy or other color reproduction was authorized by the Commissioner.  
45 It shall be lawful to make a black and white photocopy of a drivers license,  
46 learner's permit, or special identification card or otherwise make a black and  
47 white reproduction of a drivers license, learner's permit, or special  
48 identification card.
- 49 (7) To sell or offer for sale any reproduction or facsimile or simulation of a  
50 driver's ~~license or license, learner's permit-permit, or special identification~~  
51 ~~card.~~ The provisions of this subdivision shall not apply to agents or

1 employees of the Division while acting in the course and scope of their  
2 employment. Any person, firm or corporation violating the provisions of this  
3 subsection shall be guilty of a Class I felony.

4 (8) To possess more than one commercial drivers license or to possess a  
5 commercial drivers license and a regular drivers license. Any commercial  
6 drivers license other than the one most recently issued is subject to  
7 immediate seizure by any law enforcement officer or judicial official. Any  
8 regular drivers license possessed at the same time as a commercial drivers  
9 license is subject to immediate seizure by any law enforcement officer or  
10 judicial official.

11 (9) To present, display, or use a drivers ~~license or license~~, learner's ~~permit~~  
12 permit, or special identification card that contains a false or fictitious name  
13 in the commission or attempted commission of a felony. Any person  
14 violating the provisions of this subdivision shall be guilty of a Class I  
15 felony."

16 **SECTION 4.** Article 4 of Chapter 114 of the General Statutes is amended by  
17 adding a new section to read:

18 "**§ 114-19.31. Criminal history record checks of applicants for a dealer's license, a**  
19 **mechanic's license, and all other licenses issued by the Division of Motor**  
20 **Vehicles.**

21 The Department of Justice may provide to the Division of Motor Vehicles, from the State  
22 and National Repositories of Criminal Histories, the criminal history record of any applicant for  
23 licensure under Chapter 20 of the General Statutes, including, but not limited to, a restoration  
24 of a revoked driving privilege, a nonrenewal of a dealer's license, a mechanic's inspection  
25 license, or a station inspection license, as dictated by the licensing guidelines for each  
26 application under Chapter 20 of the General Statutes. The provisions of this section shall not  
27 apply to (i) an applicant for a drivers license, unless the application is for a restoration of a  
28 drivers license that has been revoked or (ii) an applicant for renewal of a dealer's license. Along  
29 with the request, the Division shall provide to the Department of Justice the fingerprints of the  
30 applicant, a form signed by the applicant consenting to the criminal history record check and  
31 use of fingerprints, other identifying information required by the State and National  
32 Repositories, and any additional information required by the Department of Justice. The  
33 applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of  
34 the State's criminal history record file, and the State Bureau of Investigation shall forward a set  
35 of fingerprints to the Federal Bureau of Investigation for a national criminal history record  
36 check. The Division shall keep all information obtained pursuant to this section confidential.  
37 The Department of Justice may charge a fee to offset the cost incurred by it to conduct a  
38 criminal history record check under this section. The fee shall not exceed the actual cost of  
39 locating, editing, researching, and retrieving the information. Fees and other costs incurred by  
40 the Division under this statute may be charged to the applicant."

41 **SECTION 5.** Sections 1, 2, and 4 of this act become effective December 1, 2011,  
42 and apply to licenses issued on or after that date. Section 3 of this act becomes effective  
43 December 1, 2011, and applies to offenses committed on or after that date. The remainder of  
44 this act becomes effective December 1, 2011. Prosecutions for offenses committed before the  
45 effective date of this act are not abated or affected by this act, and the statutes that would be  
46 applicable but for this act remain applicable to those prosecutions.