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SENATE BILL DRS45106-NE-34

Short Title: Restricted DL for Undocumented Immigrants. (Public)

Sponsors: Senators Fitch and Mayfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 RESTRICTED DRIVERS LICENSES TO UNDOCUMENTED IMMIGRANTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-7 reads as rewritten:

6 "§ 20-7. Issuance and renewal of drivers licenses.

7 (a) License Required. – To drive a motor vehicle on a highway, a person must be licensed
8 by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must
9 carry the license while driving the vehicle. The Division issues regular drivers licenses under this
10 Article and issues commercial drivers licenses under Article 2C.

11 A license authorizes the holder of the license to drive any vehicle included in the class of the
12 license and any vehicle included in a lesser class of license, except a vehicle for which an
13 endorsement is required. To drive a vehicle for which an endorsement is required, a person must
14 obtain both a license and an endorsement for the vehicle. A regular drivers license is considered
15 a lesser class of license than its commercial counterpart.

16 The classes of regular drivers licenses and the motor vehicles that can be driven with each
17 class of license are:

18 ...

19 (3) Class C. – A Class C license authorizes the holder to drive any of the
20 following:

- 21 a. A Class C motor vehicle that is not a commercial motor vehicle.
22 b. When operated by a volunteer member of a fire department, a rescue
23 squad, or an emergency medical service (EMS) in the performance of
24 duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle
25 or a combination of these vehicles. This sub-subdivision does not
26 apply to a person with a restricted drivers license authorized under
27 subsection (e1) of this section.
28 c. A combination of noncommercial motor vehicles that have a GVWR
29 of more than 10,000 pounds but less than 26,001 pounds. This
30 sub-subdivision does not apply to a Class C license holder less than 18
31 years of age.

32 The Commissioner may assign a unique motor vehicle to a class that is different from the
33 class in which it would otherwise belong.

34 A person holding a commercial drivers license issued by another jurisdiction must apply for
35 a transfer and obtain a North Carolina issued commercial drivers license within 30 days of
36 becoming a resident. Any other new resident of North Carolina who has a drivers license issued



1 by another jurisdiction must obtain a license from the Division within 60 days after becoming a
2 resident.

3 ...

4 (b1) Application. – To obtain an identification card, learners permit, or drivers license
5 from the Division, a person shall complete an application form provided by the Division, present
6 at least two forms of identification approved by the Commissioner, be a resident of this State,
7 and, except for an identification card, demonstrate his or her physical and mental ability to drive
8 safely a motor vehicle included in the class of license for which the person has applied. At least
9 one of the forms of identification shall indicate the applicant's residence address. The Division
10 may copy the identification presented or hold it for a brief period of time to verify its authenticity.
11 To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to
12 drive safely the type of motor vehicle for which the endorsement is required.

13 The application form shall request all of the following information, and it shall contain the
14 disclosures concerning the request for an applicant's social security number required by section
15 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 16 (1) The applicant's full name.
- 17 (2) The applicant's mailing address and residence address.
- 18 (3) A physical description of the applicant, including the applicant's sex, height,
19 eye color, and hair color.
- 20 (4) The applicant's date of birth.
- 21 (5) The applicant's valid social security number.
- 22 (6) The applicant's signature.

23 ~~The Except as otherwise provided in subsection (e1) of this section, the~~ Division shall not
24 issue an identification card, learners permit, or drivers license to an applicant who fails to provide
25 the applicant's valid social security number.

26 ...

27 (e1) Restricted License. – Notwithstanding the requirements of subsection (b1) of this
28 section that an applicant present a valid social security number, the Division shall issue a Class
29 C drivers license under subsection (f) of this section to an applicant present in the United States
30 who meets all of the following requirements:

- 31 (1) The applicant has limited legal status or is not lawfully present in the United
32 States.
- 33 (2) The applicant provides (i) a valid Individual Taxpayer Identification Number,
34 (ii) a current passport issued by the United States or a foreign government, or
35 (iii) a valid, unexpired consular identification document issued by a consulate
36 from the applicant's country of citizenship.
- 37 (3) The applicant resided in North Carolina for at least one year prior to the date
38 of application.
- 39 (4) The applicant complied with the requirements of G.S. 105-153.8 in the
40 preceding 12 months.
- 41 (5) The applicant meets all other requirements for a drivers license, including
42 proof of financial responsibility.

43 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
44 pursuant to the provisions of this subsection:

45 ...

- 46 (3) Duration of license for certain other drivers. – The durations listed in
47 subdivisions (1), (2) and (2a) of this subsection are valid unless ~~the~~ either of
48 the following conditions is satisfied:

- 49 a. The Division determines that a license of shorter duration should be
50 issued when the applicant holds valid documentation issued by, or
51 under the authority of, the United States government that demonstrates

1 the applicant's legal presence of limited duration in the United States.
 2 In no event shall a license of limited duration expire later than the
 3 expiration of the authorization for the applicant's legal presence in the
 4 United States.

5 b. The Division issues a restricted drivers license to a person qualifying
 6 under subsection (e1) of this section. An initial restricted drivers
 7 license issued to a person qualifying under subsection (e1) of this
 8 section expires on the birthday of the licensee in the second year after
 9 issuance. A renewed restricted drivers license issued to a person
 10 qualifying under subsection (e1) of this section expires two years after
 11 the expiration date of the license that is renewed.

12 ...
 13 (6) Remote renewal. – Subject to the following requirements and limitations, the
 14 Division may offer remote renewal of a drivers license issued by the Division:

15 a. Requirements. – To be eligible for remote renewal under this
 16 subdivision, a person must meet all of the following requirements:

- 17 1. The license holder possesses a valid, unexpired Class C drivers
 18 license that was issued when the person was at least 18 years
 19 old.
- 20 2. The license holder's current license includes no restrictions
 21 other than a restriction for corrective lenses.
- 22 3. The license holder attests, in a manner designated by the
 23 Division, that (i) the license holder is a resident of the State and
 24 currently resides at the address on the license to be renewed,
 25 (ii) the license holder's name as it appears on the license to be
 26 renewed has not changed, and (iii) all other information
 27 required by the Division for an in-person renewal under this
 28 Article has been provided completely and truthfully.
- 29 4. The most recent renewal was an in-person renewal and not a
 30 remote renewal under this subdivision.
- 31 5. The license holder is otherwise eligible for renewal under this
 32 subsection.
- 33 6. The license holder does not have a restricted drivers license
 34 under subsection (e1) of this section.

35 ...
 36 (i) Fees. – The fee for a regular drivers license is the amount set in the following table
 37 multiplied by the number of years in the period for which the license is issued:

<u>Class of Regular License</u>	<u>Fee for Each Year</u>
39 Class A	\$5.00
40 Class B	\$5.00
41 Class C	\$5.00

42 The fee for a motorcycle endorsement is two dollars and thirty cents (\$2.30) for each year of the
 43 period for which the endorsement is issued. The appropriate fee shall be paid before a person
 44 receives a regular drivers license or an endorsement. The fee for an initial restricted drivers
 45 license issued to a person qualifying under subsection (e1) of this section is fifty dollars (\$50.00).
 46 The fee for a renewal of a restricted drivers license issued to a person qualifying under subsection
 47 (e1) of this section is fifty dollars (\$50.00).

48 ...
 49 (n1) Additional Format Requirements for Restricted Drivers License. – In addition to the
 50 requirements set forth in subsection (n) of this section, a restricted drivers license issued to a

1 person qualifying under subsection (e1) of this section shall be of a unique design or color
2 distinguishing it from Real ID compliant drivers licenses.

3"

4 **SECTION 2.** Article 2 of Chapter 20 of the General Statutes is amended by adding
5 a new section to read:

6 **"§ 20-10.2. Restrictions on limited purpose drivers licenses issued to persons without a**
7 **social security number.**

8 A restricted drivers license issued under G.S. 20-7(e1) is not valid for any purpose other than
9 demonstrating licensure to drive a motor vehicle in this State and (i) does not establish identity
10 for purposes of access to federal buildings or property, (ii) is not valid as a means of
11 demonstrating eligibility for employment, voter registration, or public benefits, and (iii) does not
12 legitimize the holder's presence in the United States or the State of North Carolina."

13 **SECTION 3.** Article 2 of Chapter 20 of the General Statutes is amended by adding
14 a new section to read:

15 **"§ 20-10.3. Privacy of restricted drivers license.**

16 The information provided by an applicant to obtain a restricted drivers license under
17 G.S. 20-7(e1) shall not be admissible in any criminal, civil, or immigration trial, action, or
18 proceeding. Possession of a restricted drivers license issued under G.S. 20-7(e1), standing alone,
19 shall not be used as a basis for a criminal investigation, arrest, or detention in circumstances in
20 which a person who possesses some other form of identification would not be criminally
21 investigated, arrested, or detained."

22 **SECTION 4.** G.S. 20-15(a) reads as rewritten:

23 "(a) The Division shall have authority to cancel any driver's license upon determining any
24 of the following:

25 ...

- 26 (3) The licensee is no longer authorized under federal law to be legally present in
27 the United States, States and does not otherwise qualify for licensure under
28 G.S. 20-7(e1).

29"

30 **SECTION 5.** G.S. 163-82.19 reads as rewritten:

31 **"§ 163-82.19. Voter registration at drivers license offices; coordination on data interface.**

32 ...

33 (a1) The Division of Motor Vehicles shall not offer an applicant for a restricted license
34 under G.S. 20-7(e1) an opportunity to register to vote. The Division of Motor Vehicles shall
35 provide monthly to the Board of Elections a complete list of all persons who applied for a
36 restricted license under G.S. 20-7(e1).

37"

38 **SECTION 6.** This act becomes effective October 1, 2021.