

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 77

Short Title: Drivers License Designation/Autism. (Public)

Sponsors: Representative Penny.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

February 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO DEVELOP A
3 DESIGNATION FOR DRIVERS LICENSES THAT MAY BE GRANTED UPON
4 REQUEST TO A PERSON WITH AUTISM SPECTRUM DISORDER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-7 is amended by adding a new subsection to read:

7 "(q3) Autism Spectrum Disorder Designation. – The Division shall develop, in consultation
8 with the Department of Public Safety, the Division of Mental Health, Developmental Disabilities,
9 and Substance Abuse Services, and the State Highway Patrol, and pursuant to this subsection, a
10 drivers license designation that may, upon request, be granted to a person with autism spectrum
11 disorder, as defined in G.S. 58-3-192(a)(2). The Division shall comply with the following
12 requirements applicable to the designation:

13 (1) At the request of a person with autism spectrum disorder, the Division shall
14 enter the designation into the electronic record associated with the person's
15 drivers license.

16 (2) For the purposes of this subsection, a person shall be considered to have
17 autism spectrum disorder if the person provides verification or documentation
18 substantiating a diagnosis of autism spectrum disorder that is recommended
19 by the Division of Mental Health, Developmental Disabilities, and Substance
20 Abuse Services as acceptable. The Division of Motor Vehicles shall consult
21 with the Division of Mental Health, Developmental Disabilities, and
22 Substance Abuse Services to identify acceptable forms of verification that do
23 not result in undue burden to the person requesting the designation of autism
24 spectrum disorder. Acceptable documentation shall include any of the
25 following:

26 a. Documentation of certification or examination by a medical, health, or
27 mental health professional showing evidence of autism spectrum
28 disorder.

29 b. An affidavit executed by the person, their parent, or guardian attesting
30 to the person's autism spectrum disorder.

31 c. Documentation deemed by the Division of Motor Vehicles to qualify
32 as satisfactory proof of the person's autism spectrum disorder.

33 (3) Nothing in this subsection shall be construed as authorizing the issuance of a
34 drivers license to a person ineligible under G.S. 20-9.



- 1 (4) Nothing in this subsection shall be construed as prohibiting the issuance of a
2 drivers license to a person otherwise eligible under the law.
- 3 (5) Any individual who chooses to register or not to register shall not be deemed
4 to have waived any protections under the law.
- 5 (6) Information collected under this subsection shall only be available to law
6 enforcement and only for the purpose of ensuring mutually safe interactions
7 between law enforcement and persons with autism spectrum disorder. It shall
8 not be accessed or used for any other purpose.
- 9 (7) The right to make the decision for inclusion or removal of the designation
10 from the database is entirely voluntary and shall only be made by the person
11 who holds the drivers license associated with the designation.
- 12 (8) The Division, in conjunction with the Department of Health and Human
13 Services, shall develop a process for removal of the designation authorized by
14 this subsection that is available online, by mail, or in person."

15 **SECTION 2.** G.S. 17C-6 reads as rewritten:

16 "**§ 17C-6. Powers of Commission.**

17 (a) In addition to powers conferred upon the Commission elsewhere in this Article, the
18 Commission shall have the following powers, which shall be enforceable through its rules and
19 regulations, certification procedures, or the provisions of G.S. 17C-10:

- 20 ...
- 21 (17) Establish minimum educational and training standards for employment and
22 continuing education for criminal justice officers ~~concerning~~concerning both
23 of the following:
- 24 a. Recognizing and appropriately interacting with (i) persons who are
25 deaf or hard of hearing-hearing and (ii) persons with autism spectrum
26 disorder.
- 27 b. Drivers license and vehicle registration identifiers of (i) persons who
28 are deaf or hard of hearing, as authorized by G.S. 20-7(q2), or (ii)
29 persons with autism spectrum disorder, as authorized by
30 G.S. 20-7(q3), including that those identifiers are optional.

31 "

32 **SECTION 3.** G.S. 17E-4 reads as rewritten:

33 "**§ 17E-4. Powers and duties of the Commission.**

34 (a) The Commission shall have the following powers, duties, and responsibilities, which
35 are enforceable through its rules and regulations, certification procedures, or the provisions of
36 G.S. 17E-8 and G.S. 17E-9:

- 37 ...
- 38 (13) Establish minimum educational and training standards for employment and
39 continuing education for officers ~~concerning~~concerning both of the
40 following:
- 41 a. Recognizing and appropriately interacting with (i) persons who are
42 deaf or hard of hearing-hearing and (ii) persons with autism spectrum
43 disorder.
- 44 b. Drivers license and vehicle registration identifiers of (i) persons who
45 are deaf or hard of hearing, as authorized by G.S. 20-7(q2), or (ii)
46 persons with autism spectrum disorder, as authorized by
47 G.S. 20-7(q3), including that those identifiers are optional.

48 "

49 **SECTION 4.** This act is effective when it becomes law and applies to drivers licenses
50 issued on or after January 1, 2024.