

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

4

SENATE BILL 472

Transportation Committee Substitute Adopted 6/13/91

Finance Committee Substitute #2 Adopted 6/20/91

Fourth Edition Engrossed 6/26/91

Short Title: Drivers License Changes.

(Public)

Sponsors:

Referred to:

April 3, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE THE DRIVERS LICENSE LAW TO HARMONIZE THE COMMERCIAL DRIVERS LICENSE PROVISIONS WITH THE REGULAR DRIVERS LICENSE PROVISIONS, TO CLARIFY THE EFFECT OF A DISQUALIFICATION TO DRIVE A COMMERCIAL MOTOR VEHICLE, AND TO IMPOSE A FEE FOR A MOTORCYCLE ENDORSEMENT, A COMMERCIAL LEARNER'S PERMIT, AND THE RESTORATION OF A LICENSE AFTER DISQUALIFICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(3c) and (3d) read as rewritten:

"(3c) Commercial ~~Driver~~ Drivers License (CDL). - A license issued in accordance with the requirements of this Chapter to an individual which authorizes that by a state to an individual who resides in the state that authorizes the individual to drive a class of commercial motor vehicle. A 'nonresident commercial ~~driver~~ drivers license (NRCDL)' is issued by a state to an individual who resides in a foreign jurisdiction.

(3d) Commercial Motor Vehicle. - ~~A motor vehicle~~ Any of the following motor vehicles that are designed or used to transport passengers or property:

- 1 a. ~~If the vehicle has a gross vehicle weight rating of 26,001 or~~
2 ~~more pounds or a lesser rating as determined by federal or State~~
3 ~~regulation;~~ A Class A motor vehicle that has a combined
4 GVWR of at least 26,001 pounds and includes as part of the
5 combination a towed unit that has a GVWR of at least 10,001
6 pounds.
- 7 b. A Class B motor vehicle.
- 8 c. A Class C motor vehicle that meets either of the following
9 descriptions:
- 10 1. ~~If the vehicle is~~ Is designed to transport 16 or more
11 passengers, including the ~~driver;~~ driver.
- 12 e. 2. ~~If the vehicle is~~ Is transporting hazardous
13 materials and is required to be placarded in accordance
14 with 49 C.F.R. Part 172, Subpart F.
- 15 d. Any other motor vehicle included by federal regulation in the
16 definition of commercial motor vehicle pursuant to 49 U.S.C.
17 Appdx. § 2716."

18 Sec. 2. G.S. 20-4.01(12a) reads as rewritten:

19 "(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the
20 manufacturer as the maximum loaded weight of a single or combination
21 vehicle, or the registered gross weight of the vehicle, whichever is greater.
22 vehicle. The GVWR of a combination vehicle is the GVWR of the
23 power unit plus the GVWR of the towed unit or units."

24 Sec. 3. G.S. 20-4.01(41a) reads as rewritten:

25 "(41a) Serious Traffic Violation. – A conviction of one of the following
26 offenses when operating a commercial motor vehicle of:
27 a. Excessive speeding, involving a single charge of any speed 15
28 miles per hour or more above the posted speed ~~limit;~~ limit.

29 b. Careless and reckless ~~driving;~~ driving.

30 c. A violation of any State or local law relating to motor vehicle
31 traffic control, other than a parking violation, arising in
32 connection with a fatal accident.

33 d. Improper or erratic lane changes.

34 e. Following the vehicle ahead too closely."

35 Sec. 4. G.S. 20-4.01 is amended by adding the following definitions in the
36 appropriate order to read:

37 "(2a) Class A Motor Vehicle. – A combination of motor vehicles that
38 meets either of the following descriptions:

39 a. Has a combined GVWR of at least 26,001 pounds and includes
40 as part of the combination a towed unit that has a GVWR of at
41 least 10,001 pounds.

42 b. Has a combined GVWR of less than 26,001 pounds and
43 includes as part of the combination a towed unit that has a
44 GVWR of at least 10,001 pounds.

1 (2b) Class B Motor Vehicle. – Any of the following:

- 2 a. A single motor vehicle that has a GVWR of at least 26,001
3 pounds.
4 b. A combination of motor vehicles that includes as part of the
5 combination a towing unit that has a GVWR of at least 26,001
6 pounds and a towed unit that has a GVWR of less than 10,001
7 pounds.

8 (2c) Class C Motor Vehicle. – Any of the following:

- 9 a. A single motor vehicle not included in Class B.
10 b. A combination of motor vehicles not included in Class A or
11 Class B.

12 (4a) Conviction. – A conviction for an offense committed in North
13 Carolina or another state:

- 14 a. In-State. When referring to an offense committed in North
15 Carolina, the term means any of the following:
16 1. A final conviction of a criminal offense, including a no
17 contest plea.
18 2. A determination that a person is responsible for an
19 infraction, including a no contest plea.
20 3. An unvacated forfeiture of cash in the full amount of a
21 bond required by Article 26 of Chapter 15A of the
22 General Statutes.
23 4. A third or subsequent prayer for judgment continued
24 within any five-year period.
25 b. Out-of-State. When referring to an offense committed outside
26 North Carolina, the term means any of the following:
27 1. An unvacated adjudication of guilt.
28 2. A determination that a person has violated or failed to
29 comply with the law in a court of original jurisdiction or
30 an authorized administrative tribunal.
31 3. An unvacated forfeiture of bail or collateral deposited to
32 secure the person's appearance in court.
33 4. A violation of a condition of release without bail,
34 regardless of whether or not the penalty is rebated,
35 suspended, or probated.

36 (32a) Regular Drivers License. – A license to drive a commercial motor
37 vehicle that is exempt from the commercial drivers license
38 requirements or a noncommercial motor vehicle."

39 Sec. 5. G.S. 20-7 reads as rewritten:

40 "**§ 20-7. Drivers' licenses; expiration; examination; fees. Issuance and renewal of**
41 **drivers licenses.**

42 (a) ~~Except as otherwise provided in this Chapter, no person shall operate a motor~~
43 ~~vehicle on a highway unless such person is a resident of this State and has first been To~~
44 drive a motor vehicle on a highway, a person must be licensed by the Division under the

1 ~~provisions of this Article or Article 2C for the class of vehicle being driven. Driver~~
2 ~~licenses shall be classified under this Article as follows: of this Chapter to drive that~~
3 ~~vehicle. The Division issues regular drivers licenses under this Article and issues~~
4 ~~commercial drivers licenses under Article 2C.~~

5 A license authorizes the holder of the license to drive any vehicle included in the
6 class of the license and any vehicle included in a lesser class of license, except a vehicle
7 for which an endorsement is required. To drive a vehicle for which an endorsement is
8 required, a person must obtain both a license and an endorsement for the vehicle. A
9 regular drivers license is considered a lesser class of license than its commercial
10 counterpart.

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

13 (1) ~~Class "A" which entitles a licensee to drive any vehicle or~~
14 ~~combination of vehicles with a gross vehicle weight rating~~
15 ~~(GVWR) of 26,001 pounds or more, provided the GVWR of the~~
16 ~~vehicle or vehicle being towed are in excess of 10,000 pounds and~~
17 ~~are exempt from Article 2C of this Chapter. A Class A license~~
18 ~~entitles the licensee to operate Class B and C vehicles except~~
19 ~~motorcycles. A. A Class A license authorizes the holder to drive~~
20 ~~any of the following:~~

21 a. A Class A motor vehicle that is exempt under G.S. 20-37.16
22 from the commercial drivers license requirements.

23 b. A Class A motor vehicle that has a combined GVWR of less
24 than 26,001 pounds and includes as part of the combination a
25 towed unit that has a GVWR of at least 10,001 pounds.

26 (2) ~~Class "B" which entitles a licensee to drive a single vehicle with a~~
27 ~~GVWR of 26,001 pounds or more, or any such vehicle towing a~~
28 ~~single vehicle not in excess of 10,000 pounds provided the towed~~
29 ~~vehicle is exempt from Article 2C of this Chapter. A Class B~~
30 ~~license entitles the licensee to operate Class C vehicles except~~
31 ~~motorcycles. B. A Class B license authorizes the holder to drive~~
32 ~~any Class B motor vehicle that is exempt under G.S. 20-37.16 from~~
33 ~~the commercial drivers license requirements.~~

34 (3) ~~Class "C" which entitles a licensee to drive a single vehicle with a~~
35 ~~GVWR of less than 26,001 pounds or any such vehicle towing~~
36 ~~another vehicle with a GVWR not in excess of 10,000 pounds, both~~
37 ~~of which are exempt from Article 2C. A Class C license does not~~
38 ~~entitle the licensee to drive a motorcycle. C. A Class C license~~
39 ~~authorizes the holder to drive any of the following:~~

40 a. A Class C motor vehicle that is not a commercial motor vehicle.

41 b. When operated by a volunteer member of a fire department or a
42 rescue squad in the performance of duty, a Class A or Class B
43 fire-fighting or rescue motor vehicle.

1 Any unusual vehicle shall be assigned by the Commissioner to the most appropriate
2 class under this subsection or Article 2C with suitable special restrictions if they appear
3 to be necessary. The Commissioner may assign a unique motor vehicle to a class that is
4 different from the class in which it would otherwise belong.

5 Any person who takes up residence in this State on a permanent basis is exempt
6 from the provisions of this subsection for 30 days from the date that residence is
7 established, if he is properly licensed in the jurisdiction of which he is a former resident.
8 A new resident of North Carolina who has a drivers license issued by another
9 jurisdiction must obtain a license from the Division within 30 days after becoming a
10 resident.

11 (a1) ~~No operator's or chauffeur's license issued on or after October 1, 1979, shall~~
12 ~~authorize the licensee to operate a motorcycle unless the license has been appropriately~~
13 ~~endorsed by the Division to indicate that the licensee has passed special road and~~
14 ~~written (or oral) tests demonstrating competence to operate a motorcycle. Any person~~
15 ~~licensed prior to January 1, 1978, who has operated a motorcycle for at least two years~~
16 ~~prior to that date, will be exempt from the provisions of this subsection upon filing with~~
17 ~~the Division of Motor Vehicles an affidavit attesting to said two years' experience.~~
18 ~~Nothing contained in this subsection shall be construed to require a moped operator to~~
19 ~~have a driver's license. To drive a motorcycle, a person must have a drivers license and~~
20 ~~a motorcycle endorsement. To obtain a motorcycle endorsement, a person must~~
21 ~~demonstrate competence to drive a motorcycle by passing a road test and a written or~~
22 ~~oral test concerning a motorcycle and must pay the fee for a motorcycle endorsement.~~
23 Neither a drivers license nor a motorcycle endorsement is required to drive a moped.

24 (b) Every application for a ~~driver's~~ drivers license shall be made upon the
25 approved form furnished by the Division.

26 (c) ~~No person shall hereafter be issued a driver's license until it is determined that~~
27 ~~such person is physically and mentally capable of safely operating motor vehicles (of~~
28 ~~the type or class for which the person applied to be licensed) over the highways of the~~
29 ~~State. In determining whether or not a person is physically and mentally capable of~~
30 ~~safely operating motor vehicles over the highways of the State, the Division shall~~
31 ~~require such person to demonstrate his capability by passing an examination, which To~~
32 obtain a drivers license from the Division, a person must be a resident of this State and
33 must demonstrate his or her physical and mental ability to drive safely a motor vehicle
34 included in the class of license for which the person has applied. To obtain an
35 endorsement, a person must demonstrate his or her physical and mental ability to drive
36 safely the type of motor vehicle for which the endorsement is required. The Division
37 shall note an endorsement on the face of a drivers license.

38 To demonstrate physical and mental ability, a person must pass an examination. The
39 examination may include road tests, vision tests, oral and tests, and, in the case of
40 literate applicants written tests, and tests of vision, applicants, written tests as the Division
41 may require. The Commissioner may adopt regulations that allow employees of
42 governmental agencies or private businesses to receive a driver's drivers license without
43 taking a road test if the conditions specified in the regulations are complied with.
44 Provided, however, that persons 60 years of age and over, when being examined as

1 herein provided, shall not be required to parallel park a motor vehicle as part of any
2 such examination.

3 (c1) In addition to the other requirements of this section, no person shall be issued
4 a ~~driver's~~drivers license until ~~such~~the person has furnished proof ~~that he is financially~~
5 ~~responsible.~~of financial responsibility. Proof of financial responsibility shall be in one
6 of the following forms:

7 (1) A written certificate or electronically-transmitted facsimile thereof
8 from any insurance carrier duly authorized to do business in this
9 State certifying that there is in effect a nonfleet private passenger
10 motor vehicle liability policy for the benefit of the person required
11 to furnish proof of financial responsibility. The certificate or
12 facsimile shall state the effective date and expiration date of the
13 nonfleet private passenger motor vehicle liability policy and shall
14 state the date that the certificate or facsimile is issued. The
15 certificate or facsimile shall remain effective proof of financial
16 responsibility for a period of 30 consecutive days following the
17 date the certificate or facsimile is issued but shall not in and of
18 itself constitute a binder or policy of insurance or

19 (2) A binder for or policy of nonfleet private passenger motor vehicle
20 liability insurance under which the applicant is insured, provided
21 that the binder or policy states the effective date and expiration date
22 of the nonfleet private passenger motor vehicle liability policy.

23 The preceding provisions of this subsection do not apply to applicants who do not
24 own currently registered motor vehicles and who do not operate nonfleet private
25 passenger motor vehicles that are owned by other persons and that are not insured under
26 commercial motor vehicle liability insurance policies. In such cases, the applicant shall
27 sign a written certificate to that effect. Such certificate shall be furnished by the
28 Division and may be incorporated into the license application form. Any material
29 misrepresentation made by such person on such certificate shall be grounds for
30 suspension of that person's license for a period of 90 days.

31 For the purpose of this subsection, the term "nonfleet private passenger motor
32 vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.

33 The Commissioner may require that certificates required by this subsection be on a
34 form approved by the Commissioner.

35 Nothing in this subsection precludes any person from showing proof of financial
36 responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.

37 (d) The Division shall cause each person who has heretofore been issued a
38 ~~driver's~~drivers license to be examined or reexamined, as the case may be, to determine
39 whether or not such person is physically and mentally capable of safely operating motor
40 vehicles over the highways of the State. Those persons found, as a result of such
41 examination or reexamination, to be capable of safely operating motor vehicles over the
42 highways of the State shall be reissued ~~drivers'~~drivers licenses; and those persons found
43 to be incapable of safely operating motor vehicles over the highways of the State shall
44 not be reissued ~~drivers'~~drivers licenses. The examination required by this subsection

1 may include such road tests, oral and in the case of literate applicants written tests, and
2 tests of vision, as the Division may require and shall include such test as is necessary to
3 assure that applicants recognize the "international symbol of access" for the handicapped
4 (sign R7-8, Manual on Uniform Traffic Control Devices) and devices relative to
5 handicapped drivers as set forth in Article 2A of this Chapter. Provided, however, that
6 persons 60 years of age and over, when being examined as herein provided, shall not be
7 required to parallel park a motor vehicle as part of any such examination.

8 (e) ~~The Division is hereby authorized to grant unlimited licenses or licenses~~
9 ~~containing such limitations as it may deem advisable. Such limitation or limitations may~~
10 impose any restriction it finds advisable on a drivers license. A restriction shall be
11 noted on the face of the license, and it shall be license. It is unlawful for the holder of a
12 restricted license so limited to operate a motor vehicle without complying with the
13 limitations, and the operation of a motor vehicle without complying with the limitations
14 by a person holding a license with such limitations shall be the restriction and is the
15 equivalent of operating a motor vehicle without a driver's license. If any applicant shall
16 suffer from any physical defect or disease which affects his or her operation of a motor
17 vehicle, the Division may require to be filed with it a certificate of such applicant's
18 condition signed by some medical authority of the applicant's community designated by
19 the Division. This certificate shall in all cases be treated as confidential. Nothing in this
20 subsection shall be construed to prevent the Division from refusing to issue a license,
21 either limited or unlimited, restricted or unrestricted, to any person deemed to be
22 incapable of safely operating a motor vehicle with safety to himself and to the public:
23 Provided, that nothing herein shall prohibit vehicle. This subsection does not prohibit
24 deaf persons from operating motor vehicles who in every other way meet the
25 requirements of this section.

26 (f) ~~The drivers' licenses issued under this section shall automatically expire. A drivers~~
27 license expires on the birthday of the licensee in the fourth year following the year of
28 issuance; and no new license shall be issued to any operator after the expiration of his
29 license until such operator has again passed the examination specified in this section.
30 Any operator may at any time within 60 days prior to the expiration of his license apply
31 for a new license and if the applicant meets the requirements of this ~~Article, Chapter,~~ the
32 Division shall issue a new license to him. A new license issued within 60 days prior to
33 the expiration of an applicant's old license or within 12 months thereafter shall
34 automatically expire four years from the date of the expiration of the applicant's old
35 license.

36 Any person serving in the armed forces of the United States on active duty and
37 holding a valid ~~driver's~~ drivers license properly issued under this section and stationed
38 outside the State of North Carolina may renew his license by making application to the
39 Division by mail. Any other person, except a nonresident as defined in this Article, who
40 holds a valid ~~driver's~~ drivers license issued under this section and who is temporarily
41 residing outside North Carolina, may also renew by making application to the Division
42 by mail. For purposes of this section "temporarily" shall mean not less than 30 days
43 continuous absence from North Carolina. In either case, the Division may waive the
44 examination and color photograph ordinarily required for the renewal of a ~~driver's~~

1 drivers license, and may impose in lieu thereof such conditions as it may deem
2 appropriate to each particular application; provided that such license shall expire 30
3 days after the licensee returns to North Carolina, and such license shall be designated as
4 temporary.

5 Provided further, that no person who applies for the renewal of ~~his driver's~~ drivers
6 license shall be required to take a written examination or road test as a part of any such
7 examination unless such person has been convicted of a traffic violation or had prayer
8 for judgment continued with respect to any traffic violation within a four-year period
9 immediately preceding the date of such person's renewal application or unless such
10 person suffers from a mental or physical condition which impairs his ability to operate a
11 motor vehicle.

12 Provided further, that no person who applies for the renewal of his ~~driver's~~ drivers
13 license and who must take the written examination pursuant to this section shall be
14 issued a renewed license unless such person has furnished the proof that he is financially
15 responsible. ~~Proof of financial responsibility shall be in one of the following forms:~~

- 16 (1) ~~A written certificate or electronically transmitted facsimile thereof~~
17 ~~from any insurance carrier duly authorized to do business in this~~
18 ~~State certifying that there is in effect a nonfleet private passenger~~
19 ~~motor vehicle liability policy for the benefit of the person required~~
20 ~~to furnish proof of financial responsibility. The certificate or~~
21 ~~facsimile shall state the effective date and expiration date of the~~
22 ~~nonfleet private passenger motor vehicle liability policy and shall~~
23 ~~state the date that the certificate or facsimile is issued. The~~
24 ~~certificate or facsimile shall remain effective proof of financial~~
25 ~~responsibility for a period of 30 consecutive days following the~~
26 ~~date the certificate or facsimile is issued but shall not in and of~~
27 ~~itself constitute a binder or policy of insurance or~~
28 (2) ~~A binder for or policy of nonfleet private passenger motor vehicle~~
29 ~~liability insurance under which the applicant is insured, provided~~
30 ~~that the binder or policy states the effective date and expiration date~~
31 ~~of the nonfleet private passenger motor vehicle liability policy.~~

32 ~~The provisions of the preceding paragraph do not apply to applicants who do not~~
33 ~~own currently registered motor vehicles and who do not operate nonfleet private~~
34 ~~passenger motor vehicles that are owned by other persons and that are not insured under~~
35 ~~commercial motor vehicle liability insurance policies. In such cases, the applicant shall~~
36 ~~sign a written certificate to that effect. Such certificate shall be furnished by the~~
37 ~~Division and may be incorporated into the license application form. Any material~~
38 ~~misrepresentation made by such person on such certificate shall be grounds for~~
39 ~~suspension of that person's license for a period of 90 days.~~

40 ~~For the purpose of this subsection, the term "nonfleet private passenger motor~~
41 ~~vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.~~

42 ~~The Commissioner may require that certificates required by this subsection be on a~~
43 ~~form approved by the Commissioner.~~

1 ~~Nothing in this subsection precludes any person from showing proof of financial~~
 2 ~~responsibility in any other manner authorized by Articles 9A and 13 of this Chapter. of~~
 3 ~~financial responsibility specified in subsection (c1).~~

4 (g) Repealed by Session Laws 1979, c. 667, s. 6.

5 (h) Repealed by Session Laws 1979, c. 113, s. 1.

6 (i) ~~The fee for issuance or reissuance of a Class "C" license is ten dollars~~
 7 ~~(\$10.00). The fee for issuance or reissuance of a Class "B" or Class "A" license is fifteen~~
 8 ~~dollars (\$15.00). A person receiving at the same time a driver's license and an~~
 9 ~~endorsement pursuant to G.S. 20-7(a1) shall be charged only the fee required for the~~
 10 ~~class of driver's license he is receiving. following fees apply to a regular drivers license:~~

<u>Class of Regular License</u>	<u>Fee</u>
<u>Class A</u>	<u>\$15.00</u>
<u>Class B</u>	<u>15.00</u>
<u>Class C</u>	<u>10.00.</u>

15 The fee for a motorcycle endorsement is five dollars (\$5.00). The appropriate fee must
 16 be paid before a person receives a regular drivers license or an endorsement.

17 (i1) ~~Any person whose driver's-drivers license or other privilege to operate a motor~~
 18 ~~vehicle in this State has been suspended, canceled or has been revoked pursuant to the~~
 19 ~~provisions of this Chapter, other than G.S. 20-17(2), shall pay a restoration fee of~~
 20 ~~twenty-five dollars (\$25.00). A person whose driver's-drivers license has been revoked~~
 21 ~~under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the end of~~
 22 ~~the fiscal year in which the cumulative total amount of fees deposited under this~~
 23 ~~subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay~~
 24 ~~a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall be paid to the~~
 25 ~~Division prior to the issuance to such person of a new driver's-drivers license or the~~
 26 ~~restoration of such driver's license or privilege; such the drivers license. The restoration~~
 27 ~~fee shall be paid to the Division in addition to any and all fees which may be provided~~
 28 ~~by law. This restoration fee shall not be required from any licensee whose license was~~
 29 ~~suspended, canceled, revoked or voluntarily surrendered for medical or health reasons~~
 30 ~~whether or not a medical evaluation was conducted pursuant to this Chapter. The~~
 31 ~~twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-~~
 32 ~~dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-five~~
 33 ~~dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of~~
 34 ~~the State. The Office of State Budget and Management shall certify to the Department~~
 35 ~~of Transportation and the General Assembly when the cumulative total amount of fees~~
 36 ~~deposited in the General Fund under this subsection exceeds five million dollars~~
 37 ~~(\$5,000,000), and shall annually report to the General Assembly the amount of fees~~
 38 ~~deposited in the General Fund under this subsection.~~

39 It is the intent of the General Assembly to annually appropriate the funds deposited
 40 in the General Fund under this subsection to the Board of Governors of The University
 41 of North Carolina to be used for the Center for Alcohol Studies Endowment at The
 42 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of
 43 five million dollars (\$5,000,000).

1 (j) The fees collected under this section and G.S. 20-14 shall be placed in the
2 Highway Fund.

3 ~~(k) Any person operating a motor vehicle in violation of this section shall be~~
4 ~~guilty of a misdemeanor and upon conviction shall be punished as provided in this~~
5 ~~section.~~

6 (l) Any person who except for lack of instruction in operating a motor vehicle
7 would be qualified to obtain an operator's license under this Article may apply for a
8 temporary learner's permit, and the Division shall issue such permit, entitling the
9 applicant, while having such permit in his immediate possession, to drive a specified
10 type or class of motor vehicle upon the highways for a period of 18 months. The fee for
11 issuance of a temporary learner's permit shall be five dollars (\$5.00). Any such learner's
12 permit may be renewed, or a second learner's permit may be issued, for an additional
13 period of 18 months. The permittee must, while operating a motor vehicle over the
14 highways, be accompanied by a person who is licensed to operate the class or type of
15 vehicle being operated and who is seated in the seat beside the permittee.

16 The fee for the issuance of a renewal or a second temporary learner's permit shall be
17 five dollars (\$5.00).

18 ~~(l-1) The Division upon receiving proper application may in its discretion issue a~~
19 ~~restricted instruction permit effective for a school year or a lesser period to an applicant~~
20 ~~who is enrolled in a driver training program as provided for in G.S. 20-88.1 even though~~
21 ~~the applicant has not yet reached the legal age to be eligible for a driver's license. Such~~
22 ~~instruction permit shall entitle the permittee when he has such permit in his immediate~~
23 ~~possession to operate a specified type or class of motor vehicle subject to the restrictions~~
24 ~~imposed by the Division. The restrictions which the Division may impose on such~~
25 ~~permits include but are not limited to restrictions to designated areas and highways and~~
26 ~~restrictions prohibiting operation except when an approved instructor is occupying a~~
27 ~~seat beside the permittee.~~

28 (m) The Division upon receiving proper application may in its discretion issue a
29 restricted instruction permit effective for a school year or a lesser period to an applicant
30 who is enrolled in a driver training program approved by the State Superintendent of Public
31 Instruction even though the applicant has not yet reached the legal age to be eligible for a
32 driver's license. any of the following applicants:

33 (1) An applicant who is less than 18 years old and is enrolled in a drivers
34 education program that is approved by the State Superintendent of
35 Public Instruction and is offered at a public high school, a nonpublic
36 secondary school, or a licensed drivers training school.

37 (2) An applicant for certification under G.S. 20-218 as a school bus driver.
38 Such A restricted instruction permit shall entitle the permittee when he has such permit in his
39 immediate possession to operate authorizes the holder of the permit to drive a specified
40 type or class of motor vehicle when in possession of the permit, subject to the any
41 restrictions imposed by the Division. The restrictions which the Division may impose on
42 such permits include but are not limited to a permit include restrictions to designated areas
43 and highways and restrictions prohibiting operation except when an approved instructor

1 is occupying a seat beside the permittee. A restricted instruction permit is not required
 2 to have a distinguishing number or a picture of the person to whom the permit is issued.

3 (n) Every ~~driver's~~ drivers license issued by the Division shall bear thereon the
 4 distinguishing number assigned to the licensee and color photograph of the licensee of a
 5 size approved by the Commissioner and shall contain the name, age, residence address
 6 and a brief description of the licensee, who, for the purpose of identification and as a
 7 condition precedent to the validity of the license, immediately upon receipt thereof,
 8 shall endorse his or her regular signature in ink upon the same in the space provided for
 9 that purpose unless a facsimile of his or her signature appears thereon; provided the
 10 requirement that a color photograph of the licensee appear on the license may be waived
 11 by the Commissioner upon satisfactory proof that the taking of such photograph violates
 12 the religious convictions of the licensee. Drivers licenses shall be issued with differing
 13 color photographic backgrounds according to the licensee's age at time of issuance for
 14 the following age groups:

15 (1) Persons who have not attained the age of 21 years.

16 (2) Persons who have attained the age of 21 years.

17 The Division of Motor Vehicles shall determine the different colors to be used. Such
 18 license shall be carried by the licensee at all times while engaged in the operation of a
 19 motor vehicle. ~~However, no person charged with failing to carry a license shall be convicted if~~
 20 ~~he produces in court a driver's license issued to him which was valid at the time of his arrest for~~
 21 ~~the type or class of vehicle he was operating at the time of his arrest.~~

22 ~~(o) Any person convicted of violating any provision of this section shall be guilty~~
 23 ~~of a misdemeanor and punished in the discretion of the court. Provided, that no person~~
 24 ~~shall be convicted of operating a motor vehicle without a driver's license if he produces~~
 25 ~~in court at the time of his trial upon such charge an expired driver's license and a~~
 26 ~~renewed driver's license issued to him within 30 days of the expiration date of the~~
 27 ~~expired license and which would have been a defense to the charge had it been issued~~
 28 ~~prior to the time of the alleged offense."~~

29 Sec. 6. G.S. 20-9(a) reads as rewritten:

30 "(a) ~~A Class 'C' license shall not be issued to any person under 16 years of age~~
 31 ~~and no Class A, B, or C commercial driver license shall be issued to any person under~~
 32 ~~21 years of age except as provided in G.S. 20-37.13(a) and G.S. 20-218(a). An~~
 33 ~~endorsement to transport hazardous materials shall not be issued to any person under 21~~
 34 ~~years of age. To obtain a regular drivers license, a person must have reached the~~
 35 minimum age set in the following table for the class of license sought:

<u>Class of Regular License</u>	<u>Minimum Age</u>
<u>Class A</u>	<u>18</u>
<u>Class B</u>	<u>18</u>
<u>Class C</u>	<u>16</u>

40 G.S. 20-37.13 sets the age qualifications for a commercial drivers license."

41 Sec. 7. G.S. 20-17 reads as rewritten:

42 "**§ 20-17. Mandatory revocation of license by Division.**

1 The Division shall forthwith revoke the license of any driver upon receiving a record
2 of ~~such~~ the driver's conviction for any of the following offenses ~~when such conviction has~~
3 ~~become final~~ offenses:

- 4 (1) Manslaughter (or negligent homicide) resulting from the operation of a
5 motor vehicle.
- 6 (2) Either of the following impaired driving offenses:
 - 7 a. Impaired driving under G.S. 20-138.1.
 - 8 b. Impaired driving under G.S. 20-138.2 when the person
9 convicted did not take a chemical test at the time of the offense
10 or the person took a chemical test at the time of the offense and
11 the test revealed that the person had an alcohol concentration at
12 any relevant time after driving of less than 0.04 or of 0.10 or
13 more.
- 14 (3) Any felony in the commission of which a motor vehicle is used.
- 15 (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- 16 (5) Perjury or the making of a false affidavit or statement under oath to the
17 Division under this Article or under any other law relating to the
18 ownership of motor vehicles.
- 19 (6) ~~Conviction, or forfeiture of bail not vacated,~~ Conviction upon two charges
20 of reckless driving committed within a period of 12 months.
- 21 (7) ~~Conviction, or forfeiture of bail not vacated,~~ Conviction upon one charge
22 of reckless driving while engaged in the illegal transportation of
23 intoxicants for the purpose of sale.
- 24 (8) Conviction of using a false or fictitious name or giving a false or
25 fictitious address in any application for a ~~driver's~~ drivers license, or
26 learner's permit, or any renewal or duplicate thereof, or knowingly
27 making a false statement or knowingly concealing a material fact or
28 otherwise committing a fraud in any such application or procuring or
29 knowingly permitting or allowing another to commit any of the
30 foregoing acts.
- 31 (9) Death by vehicle as defined in G.S. 20-141.4.
- 32 (10) Speeding in excess of 55 miles per hour and at least 15 miles per hour
33 over the legal limit in violation of G.S. 20-141(j).
- 34 (11) Conviction of assault with a motor vehicle."

35 Sec. 8. G.S. 20-17.4 reads as rewritten:

36 "**§ 20-17.4. Disqualification and ~~cancellation of~~ to drive a commercial driver license.**
37 **motor vehicle.**

38 (a) One Year. – Any of the following disqualifies a person ~~is disqualified from~~
39 driving a commercial motor vehicle for a period of not less than one year ~~if convicted of a~~
40 ~~first violation of~~ year:

- 41 (1) A first conviction of G.S. 20-138.1 or G.S. 20-138.2(a)(1) – Driving a
42 commercial motor vehicle while subject to an impairing substance; 20-
43 138.1, driving while impaired, that occurred while the person was
44 driving a commercial motor vehicle.

- 1 (2) ~~G.S. 20-138.2(a)(2) — Driving a commercial motor vehicle while the~~
 2 ~~alcohol concentration of the person's blood or breath is 0.04 or more;~~
 3 A first conviction of G.S. 20-138.2, driving a commercial motor
 4 vehicle while impaired.
- 5 (3) A first conviction of G.S. 20-166, hit and run, G.S. 20-166(a) — Felonius
 6 ~~hit and run~~ involving a commercial motor vehicle driven by the person;
 7 person.
- 8 (4) A first conviction of a felony in the commission of which Using a
 9 commercial motor vehicle in the commission of any felony; or was used.
- 10 (5) Refusal to submit to a chemical test to determine the driver's alcohol
 11 concentration while when charged with an implied-consent offense, as
 12 defined in G.S. 20-16.2, that occurred while the person was driving a
 13 commercial motor vehicle.

14 If any of the above violations occurred while transporting a hazardous material
 15 required to be placarded, the person is disqualified for a period of not less than three
 16 years.

17 (b) Modified Life. — A person who has been disqualified from driving a
 18 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as
 19 the result of a separate incident, is subsequently convicted of an offense or commits an
 20 act requiring disqualification under subsection (a) is disqualified for life. A person is
 21 disqualified for life if convicted of two or more violations of any of the offenses specified in
 22 subsection (a) of this section, or any combination of those offenses, arising from two or more
 23 separate incidents.—The Division may issue regulations establishing adopt guidelines,
 24 including conditions, under which a disqualification for life under this paragraph
 25 subsection may be reduced to 10 years.

26 (c) Life. — A person is disqualified from driving a commercial motor vehicle for
 27 life if that person uses a commercial motor vehicle in the commission of any felony
 28 involving the manufacture, distribution, or dispensing of a controlled substance, or
 29 possession with intent to manufacture, distribute, or dispense a controlled substance.

30 (d) Less Than A Year. — A person is disqualified from driving a commercial
 31 motor vehicle for a period of not less than 60 days if that person is convicted of two
 32 serious traffic violations, or 120 days if convicted of three or more serious traffic
 33 violations, committed in a commercial motor vehicle arising from separate incidents
 34 occurring within a three-year period.

35 (e) ~~After suspending, revoking, or cancelling a commercial driver license, the~~
 36 ~~Division shall update its records to reflect that action within 10 days. After suspending,~~
 37 ~~revoking, or cancelling a nonresident commercial driver's privileges, the Division shall~~
 38 ~~forthwith notify the licensing authority of the State which issued the commercial driver~~
 39 ~~license or commercial driver instruction permit.~~ Three Years. — A person is disqualified
 40 from driving a commercial motor vehicle for three years if that person is convicted of an
 41 offense or commits an act requiring disqualification under subsection (a) and the offense
 42 or act occurred while the person was transporting a hazardous material that required the
 43 motor vehicle driven to be placarded."

44 Sec. 9. Article 2 of Chapter 20 is amended by adding a new section to read:

1 **"§ 20-17.5. Effect of disqualification.**

2 (a) When No Accompanying Revocation. – A person who is disqualified as the
3 result of a conviction that requires disqualification but not revocation may keep any
4 regular Class C drivers license the person had at the time of the offense resulting in
5 disqualification. If the person had a Class A or Class B regular drivers license or a
6 commercial drivers license when the offense occurred, all of the following apply:

7 (1) The person must give the license to the court that convicts the person
8 or, if the person is not present when convicted, to the Division.

9 (2) The person may apply for a regular Class C drivers license.

10 (b) When Revocation And Disqualification. – When a person is disqualified as
11 the result of a conviction that requires both disqualification and revocation, all of the
12 following apply:

13 (1) The person must give any drivers license the person has to the court
14 that convicts the person or, if the person is not present when convicted,
15 to the Division.

16 (2) The person may obtain limited driving privileges to drive a
17 noncommercial motor vehicle during the revocation period to the
18 extent the law would allow limited driving privileges if the person had
19 been driving a noncommercial motor vehicle when the offense
20 occurred. The same procedure, eligibility requirements, and
21 mandatory conditions apply to limited driving privileges authorized by
22 this subdivision that would apply if the person had been driving a
23 noncommercial motor vehicle when the offense occurred.

24 (3) If the disqualification period is longer than the revocation period, the
25 person may apply for a regular Class C drivers license at the end of the
26 revocation period.

27 (c) Refusal To Take Chemical Test. – When a person is disqualified for refusing
28 to take a chemical test, all of the following apply:

29 (1) The person must give any license the person has to a court, a law
30 enforcement officer, or the Division, in accordance with G.S. 20-16.2
31 and G.S. 20-16.5.

32 (2) The person may obtain limited driving privileges to drive a
33 noncommercial motor vehicle during the period the person's license is
34 revoked for the refusal that disqualified the person to the extent the
35 law would allow limited driving privileges if the person had been
36 driving a noncommercial motor vehicle at the time of the refusal. The
37 same procedure, eligibility requirements, and mandatory conditions
38 apply to limited driving privileges authorized by this subdivision that
39 would apply if the person had been driving a noncommercial motor
40 vehicle at the time of the refusal.

41 (3) If the disqualification period is longer than the revocation period, the
42 person may apply for a regular Class C drivers license at the end of the
43 revocation period.

1 (d) Obtaining Class C Regular License. – A person who is authorized by this
 2 section to apply for a regular Class C drivers license and who meets all of the following
 3 criteria may obtain a regular Class C drivers license without taking a test:

- 4 (1) The person must have had a Class A or Class B regular drivers license
 5 or a commercial drivers license when the person was disqualified.
 6 (2) The person's license must have been issued by the Division.
 7 (3) The person's license must not have expired by the date the person
 8 applies for a regular Class C drivers license.

9 Upon application and payment of the fee set in G.S. 20-14 for a duplicate license,
 10 the Division shall issue a person who meets these criteria a regular Class C drivers
 11 license. The license shall include the same endorsements and restrictions as the former
 12 Class A regular, Class B regular, or commercial drivers license, to the extent they apply
 13 to a regular Class C drivers license. A regular Class C drivers license issued to a person
 14 who meets these criteria expires the same day as the license it replaces.

15 G.S. 20-7 governs the issuance of a regular Class C drivers license to a person who
 16 is authorized by this section to apply for a regular Class C drivers license but who does
 17 not meet the listed criteria. In accordance with that statute, the Division may require the
 18 person to take a test and the person must pay the license fee.

19 (e) Restoration Fee. – A person who is disqualified must pay the restoration fee
 20 set in G.S. 20-7(i1) the first time any of the following events occurs as a result of the
 21 same disqualification:

- 22 (1) The Division reinstates a Class A regular drivers license, a Class B
 23 regular drivers license, or a commercial drivers license the person had
 24 at the time of the disqualification by issuing the person a duplicate
 25 license.
 26 (2) The Division issues a Class A regular drivers license, a Class B regular
 27 drivers license, or a commercial drivers license to the person.
 28 (3) If the person's license was revoked because of the conviction or act
 29 requiring disqualification, the Division issues a regular Class C drivers
 30 license to the person.

31 The restoration fee does not apply the second time any of these events occurs as a result
 32 of the same disqualification."

33 Sec. 10. G.S. 20-24 reads as rewritten:

34 "**§ 20-24. When court to forward license to Division and report convictions.**
 35 **convictions and prayers for judgment continued.**

36 (a) License. – Whenever any person is convicted of any offense for which this
 37 Article makes mandatory the revocation of the driver's license of such person by the
 38 Division, the court in which such conviction is had shall require the surrender to it of all
 39 drivers' licenses then held by the person so convicted and the court shall thereupon
 40 forward the same, together with a record of such conviction, to the Division within 30
 41 days.

42 The clerks of court, assistant clerks of court and deputy clerks of court in which any
 43 person is convicted, and as a result thereof the revocation or suspension of the driver's
 44 license of such person is required under the provisions of this Chapter, are hereby

1 designated as agents of the Division of Motor Vehicles for the purpose of receiving all
2 drivers' licenses required to be surrendered under this section, and are hereby authorized
3 to and shall give to such licensee a dated receipt for any such license surrendered, such
4 receipt to be upon such form as may be approved by the Commissioner of Motor
5 Vehicles. The original of such receipt shall be mailed forthwith to the Driver License
6 Section of the Division of Motor Vehicles together with the driver's license. Any
7 driver's license which has been surrendered and for which a receipt has been issued as
8 herein required shall be revoked or suspended as the case may be as of the date shown
9 upon the receipt issued to such person.

10 A court that convicts a person of an offense that requires revocation of the person's
11 drivers license shall require the person to give the court any regular or commercial
12 drivers license issued to that person. A court that convicts a person of an offense that
13 requires disqualification of the person but would not require revocation of a regular
14 drivers license issued to that person shall require the person to give the court any Class
15 A or Class B regular drivers license and any commercial drivers license issued to that
16 person.

17 The clerk of court shall accept a drivers license required to be given to the court
18 under this subsection. A clerk of court who receives a drivers license shall give the
19 person whose license is received a copy of a dated receipt for the license. The receipt
20 must be on a form approved by the Commissioner. A revocation or disqualification for
21 which a license is received under this subsection is effective as of the date on the receipt
22 for the license.

23 The clerk of court shall send to the Division any license received under this
24 subsection, a record of the conviction for which the license was received, and the
25 original dated receipt for the license. The clerk of court shall send these items to the
26 Division within 30 days after entry of the conviction for which the license was received.

27 ~~(b) Convictions and PJs. – Every court having jurisdiction over offenses~~
28 ~~committed under this Article, or any other law of this State regulating the operation of~~
29 ~~motor vehicles on highways, shall forward to the Division a record of the conviction of~~
30 ~~any person in said court for a violation of any [of] said laws, and may recommend the~~
31 ~~suspension of the driver's license of the person so convicted. Every court shall also~~
32 ~~forward to the Division a record of every conviction in which sentence is suspended on~~
33 ~~condition that the defendant not operate a motor vehicle for a period of time, and such~~
34 ~~report shall state the period of time for which such condition is imposed; provided that~~
35 ~~the punishment for the violation of this subsection shall be the same as provided in G.S.~~
36 ~~20-7(e). The clerk of court shall send the Division a record of any of the following:~~

- 37 (1) A conviction of a violation of a law regulating the operation of a
38 vehicle.
- 39 (2) A conviction for which the convicted person is placed on probation
40 and a condition of probation is that the person not drive a motor
41 vehicle for a period of time, stating the period of time for which the
42 condition applies.

- 1 (3) A conviction of a felony in the commission of which a motor vehicle is
2 used, when the judgment includes a finding that a motor vehicle was
3 used in the commission of the felony.
- 4 (4) A conviction that requires revocation of the drivers license of the
5 person convicted and is not otherwise reported under subdivision (1).
- 6 (5) An order entering prayer for judgment continued in a case involving an
7 alleged violation of a law regulating the operation of a vehicle.

8 With the approval of the Commissioner, the clerk of court may forward a record of
9 conviction or prayer for judgment continued to the Division by electronic data
10 processing means.

11 (b1) ~~In any case where the~~ in which the Division, for any reason, does not receive a
12 record of a conviction for any reason has been received by the Division for or a prayer for
13 judgment continued until more than one year after the date of the final conviction, it is
14 entered, the Division may, in its discretion, substitute a period of probation for all or any
15 part of a suspension or revocation or disqualification required because of the conviction.
16 conviction or prayer for judgment continued.

17 (c) ~~For purposes of this Chapter, the term "conviction" when referring to offenses~~
18 ~~committed in North Carolina shall mean: (i) a final conviction of a criminal offense~~
19 ~~including a no contest plea, (ii) a determination that a person is responsible for an~~
20 ~~infraction including a no contest plea, (iii) an order of forfeiture of cash in the full~~
21 ~~amount of a bond required by Article 26 of Chapter 15A of the General Statutes, which~~
22 ~~forfeiture has not been vacated, or (iv) a third or subsequent prayer for judgment~~
23 ~~continued within any five year period and to this end all orders entering prayer for~~
24 ~~judgments continued entered by the courts shall be reported to the Division of Motor~~
25 ~~Vehicles.~~

26 ~~For the purposes of this Chapter, the term "conviction" when referring to offenses~~
27 ~~committed outside of the State of North Carolina shall mean an unvacated adjudication~~
28 ~~of guilt, or a determination that a person has violated or failed to comply with the law in~~
29 ~~a court of original jurisdiction or an authorized administrative tribunal; an unvacated~~
30 ~~forfeiture of bail or collateral deposited to secure the person's appearance in court; or a~~
31 ~~violation of a condition of release without bail, regardless of whether or not the penalty~~
32 ~~is rebated, suspended, or probated.~~

33 (d) ~~After November 1, 1935, no driver's license shall be suspended or revoked~~
34 ~~except in accordance with the provisions of this Article. — Scope. — This Article governs~~
35 ~~drivers license revocation and disqualification. A drivers license may not be revoked~~
36 ~~and a person may not be disqualified except in accordance with this Article.~~

37 (e) Special Information. — When a court sends a report of a conviction of
38 homicide to the Division, it must indicate on that report whether the homicide
39 conviction is one involving impaired driving. — A judgment for a conviction for an
40 offense for which special information is required under this subsection shall, when
41 appropriate, include a finding of the special information. The convictions for which
42 special information is required and the specific information required is as follows:

- 43 (1) Homicide. — If a conviction of homicide involves impaired driving, the
44 judgment must indicate that fact.

- 1 (2) G.S. 20-138.1, Driving While Impaired. – If a conviction under G.S.
2 20-138.1 involves a commercial motor vehicle, the judgment must
3 indicate that fact. If a conviction under G.S. 20-138.1 involves a
4 commercial motor vehicle that was transporting a hazardous substance
5 required to be placarded, the judgment must indicate that fact.
- 6 (3) G.S. 20-138.2, Driving Commercial Motor Vehicle While Impaired. –
7 If the commercial motor vehicle involved in an offense under G.S. 20-
8 138.2 was transporting a hazardous material required to be placarded,
9 a judgment for that offense must indicate that fact.
- 10 (4) G.S. 20-166, Hit and Run. – If a conviction under G.S. 20-166
11 involves a commercial motor vehicle, the judgment must indicate that
12 fact. If a conviction under G.S. 20-166 involves a commercial motor
13 vehicle that was transporting a hazardous substance required to be
14 placarded, the judgment must indicate that fact.
- 15 (5) Felony Using Commercial Motor Vehicle. – If a conviction of a
16 felony in which a commercial motor vehicle was used involves the
17 manufacture, distribution, or dispensing of a controlled substance, or
18 possession with intent to manufacture, distribute, or dispense a
19 controlled substance, the judgment must indicate that fact. If a
20 commercial motor vehicle used in a felony was transporting a
21 hazardous substance required to be placarded, the judgment for that
22 felony must indicate that fact."

23 Sec. 11. G.S. 20-26(a) reads as rewritten:

24 "(a) ~~The Division shall keep a record of test, proceedings and orders pertaining to all~~
25 ~~driver's licenses granted, refused, suspended or revoked. all applications for a drivers~~
26 ~~license, all tests given an applicant for a drivers license, all applications for a drivers~~
27 ~~license that are denied, all drivers licenses issued, renewed, cancelled, or revoked, all~~
28 ~~disqualifications, all convictions affecting a drivers license, and all prayers for judgment~~
29 ~~continued that may lead to a license revocation. When the Division cancels or revokes a~~
30 ~~commercial drivers license or disqualifies a person, the Division shall update its records~~
31 ~~to reflect that action within 10 days after the cancellation, revocation, or disqualification~~
32 ~~becomes effective. When a person who is not a resident of this State is convicted of an~~
33 ~~offense or commits an act requiring revocation of the person's commercial drivers~~
34 ~~license or disqualification of the person, the Division shall notify the licensing authority~~
35 ~~of the person's state of residence.~~

36 The Division shall keep records of convictions as defined in G.S. 20-24(e) occurring
37 outside North Carolina ~~only~~ for the offenses of exceeding a stated speed limit of 55
38 miles per hour or more by more than 15 miles per hour, driving while license suspended
39 or revoked, careless and reckless driving, engaging in prearranged speed competition,
40 engaging willfully in speed competition, hit-and-run driving resulting in damage to
41 property, unlawfully passing a stopped school bus, illegal transportation of alcoholic
42 beverages, and the offenses included in G.S. 20-17. ~~Provided, the~~ The Division shall
43 also ~~record~~ keep records of convictions occurring outside North Carolina for speeding in
44 excess of 15 miles per hour over the posted speed limit occurring outside of North Carolina if

1 ~~the vehicle involved is a commercial motor vehicle. any serious traffic violation that~~
2 involves a commercial motor vehicle and is not otherwise required to be kept under this
3 subsection."

4 Sec. 12. G.S. 20-28 reads as rewritten:

5 "**§ 20-28. Unlawful to drive while license ~~suspended or revoked~~ or while**
6 **disqualified.**

7 (a) Driving While License Revoked. — Any person whose ~~driver's~~ drivers license
8 has been ~~suspended or revoked~~ revoked, other than permanently, as ~~provided in this~~
9 ~~Chapter,~~ who shall ~~drive~~ drives any motor vehicle upon the highways of the State while
10 such ~~the~~ license is ~~suspended or revoked~~ shall be is guilty of a misdemeanor and his
11 misdemeanor. Upon conviction, the person's license shall be ~~suspended or revoked,~~ as the
12 ~~ease may be,~~ revoked for an additional period of one year for the first offense, two years
13 for the second offense, and permanently for a third or subsequent offense.

14 ~~Provided, however, any person whose license has been suspended or revoked under~~
15 ~~this section for 12 months may apply for a license after 90 days; any person whose~~
16 ~~license has been suspended or revoked under this section for two years may apply for a~~
17 ~~license after 12 months; any person whose license has been suspended or revoked under~~
18 ~~this section permanently may apply for a license after three years. Upon the filing of~~
19 ~~such application the Division may, with or without a hearing, issue a new license upon~~
20 ~~satisfactory proof that the former licensee has not been convicted within the suspension~~
21 ~~or revocation period of a violation of any provision of the motor vehicle laws, alcoholic~~
22 ~~beverages laws or drug laws of North Carolina or any other state. The new license may~~
23 ~~be issued upon such terms and conditions as the Division may see fit to impose for the~~
24 ~~balance of the suspension or revocation period. When the suspension or revocation~~
25 ~~period is permanent the terms and conditions imposed by the Division may not exceed~~
26 ~~three years.~~

27 Upon conviction, a violator of this ~~section~~ subsection shall be punished by a fine of
28 not less than two hundred dollars (~~\$200.00~~) (\$200.00), ~~or~~ imprisonment in the discretion
29 of the court not to exceed two years, or ~~both;~~ provided, however, the both. The restoree of
30 a ~~suspended or revoked~~ driver's drivers license who operates a motor vehicle upon the
31 ~~streets or~~ highways of the State without maintaining financial responsibility as provided
32 by law shall be punished as for operating without a driver's drivers license.

33 (a1) Driving Without Reclaiming License. — A person convicted under subsection
34 (a) shall be punished as if he had been convicted of driving without a ~~driver's~~ license
35 under G.S. 20-7 if he demonstrates to the court that:

- 36 (1) At the time of the offense, his license was revoked solely under G.S.
37 20-16.5; and
38 (2) a. The offense occurred more than 30 days after the effective date of a
39 revocation order issued under G.S. 20-16.5(f) and the period of
40 revocation was 30 days as provided under subdivision (3) of that
41 subsection; or
42 b. The offense occurred more than 10 days after the effective date
43 of the revocation order issued under any other provision of G.S.
44 20-16.5.

1 In addition, a person punished under this subsection shall be treated for ~~driver's~~ drivers
2 license and insurance rating purposes as if he had been convicted of driving without a
3 license under G.S. 20-7, and the conviction report sent to the Division must indicate that
4 the person is to be so treated.

5 (b) Driving While License Permanently Revoked. – Any person whose license
6 has been permanently revoked ~~or permanently suspended, as provided in this Article,~~ who
7 ~~shall drive~~ drives any motor vehicle upon the highways of this State while ~~such~~ the
8 license is permanently revoked ~~or permanently suspended~~ shall be ~~is~~ is guilty of a
9 misdemeanor and shall be imprisoned for not less than 30 days nor more than two years
10 and fined not more than one thousand dollars (\$1,000) in the discretion of the court.
11 The first 30 days of imprisonment for a violation of this offense shall not be subject to
12 suspension or parole. This subsection shall not apply to any license revocations under
13 G.S. 20-17.1; penalty for violation of G.S. 20-17.1 shall be applied as prescribed under
14 ~~G.S. 20-28(a)~~ subsection (a).

15 (c) When Person May Apply For License. – ~~Any person whose commercial driver~~
16 ~~license has been suspended or revoked or who has been disqualified from operating a~~
17 ~~commercial motor vehicle as provided in this Chapter who shall drive a commercial~~
18 ~~motor vehicle upon the highways or public vehicular areas of this State while such~~
19 ~~license is under suspension, revocation, or disqualification shall be guilty of a~~
20 ~~misdemeanor. Upon receipt of a record of a violation of this section, the Division shall~~
21 ~~impose an additional disqualification period equal to the period for which the driver was~~
22 ~~suspended, revoked, or disqualified when he violated this section. A person whose~~
23 ~~license has been revoked under this section for one year may apply for a license after 90~~
24 ~~days. A person whose license has been revoked under this section for two years may~~
25 ~~apply for a license after 12 months. A person whose license has been revoked under~~
26 ~~this section permanently may apply for a license after three years. Upon the filing of an~~
27 ~~application the Division may, with or without a hearing, issue a new license upon~~
28 ~~satisfactory proof that the former licensee has not been convicted within the revocation~~
29 ~~period of a moving violation under this Chapter or the laws of another state, a violation~~
30 ~~of any provision of the alcoholic beverage laws of this State or another state, or a~~
31 ~~violation of any provision of the drug laws of this State or another state. The Division~~
32 ~~may impose any restrictions or conditions on the new license that the Division considers~~
33 ~~appropriate for the balance of the revocation period. When the revocation period is~~
34 ~~permanent, the restrictions and conditions imposed by the Division may not exceed~~
35 ~~three years.~~

36 (d) Driving While Disqualified. – A person who was convicted of a violation that
37 disqualified the person and required the person's drivers license to be revoked who
38 drives a motor vehicle during the revocation period is punishable as provided in the
39 other subsections of this section. A person who has been disqualified who drives a
40 commercial motor vehicle during the disqualification period is guilty of a misdemeanor
41 and is disqualified for an additional period as follows:

- 42 (1) For a first offense of driving while disqualified, a person is
43 disqualified for a period equal to the period for which the person was
44 disqualified when the offense occurred.

1 (2) For a second offense of driving while disqualified, a person is
2 disqualified for a period equal to two times the period for which the
3 person was disqualified when the offense occurred.

4 (3) For a third offense of driving while disqualified, a person is
5 disqualified for life.

6 The Division may reduce a disqualification for life under this subsection to 10 years
7 in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives
8 a commercial motor vehicle while the person is disqualified and the person's drivers
9 license is revoked is punishable for both driving while the person's license was revoked
10 and driving while disqualified."

11 Sec. 13. G.S. 20-30(8) reads as rewritten:

12 "(8) To possess more than one commercial ~~driver license~~ drivers license or
13 to possess a commercial drivers license and a regular drivers license.
14 Any commercial ~~driver~~ drivers license other than the one most recently
15 issued is subject to immediate seizure by any law enforcement officer
16 or judicial official. Any regular drivers license possessed at the same
17 time as a commercial drivers license is subject to immediate seizure by
18 any law enforcement officer or judicial official."

19 Sec. 14. G.S. 20-35 is amended by adding a new subsection to read:

20 "(c) A person may not be convicted of failing to carry a regular drivers license if,
21 when tried for that offense, the person produces in court a regular drivers license issued
22 to the person that was valid when the person was charged with the offense. A person
23 may not be convicted of driving a motor vehicle without a regular drivers license if,
24 when tried for that offense, the person shows all the following:

25 (1) That, at the time of the offense, the person had an expired license.

26 (2) The person renewed the expired license within 30 days after it expired
27 and now has a drivers license.

28 (3) The person could not have been charged with driving without a license
29 if the person had the renewed license when charged with the offense."

30 Sec. 15. G.S. 20-37.12 reads as rewritten:

31 "**§ 20-37.12. Commercial ~~driver~~ drivers license required.**

32 (a) On or after April 1, 1992, no person shall operate a commercial motor vehicle
33 on the highways of this State unless he has first been issued and is in immediate
34 possession of a commercial ~~driver~~ drivers license with applicable endorsements valid for
35 the vehicle he is driving; provided, a person may operate a commercial motor vehicle
36 after being issued and while in possession of a commercial driver learner's permit and
37 while accompanied by the holder of a commercial ~~driver~~ drivers license valid for the
38 vehicle being driven.

39 (b) The out-of-service criteria in 49 C.F.R. §§ 392.5 and 395.13, as adopted by
40 the Division, apply to a person who drives a commercial motor vehicle. No person shall
41 drive a commercial motor vehicle on the highways of this State while his driving privilege
42 is revoked, suspended, cancelled, subject to a disqualification, or in violation of an out-of-
43 service order.

1 (e) ~~No person who drives a commercial motor vehicle may have more than one~~
2 ~~driver license.~~

3 (d) Any person who is not a resident of this State, who has been issued a
4 commercial ~~driver~~drivers license by his state of residence, who has that license in his
5 immediate possession, whose privilege to drive any motor vehicle is not suspended,
6 revoked, or cancelled, and who has not been disqualified from driving a commercial
7 motor vehicle shall be permitted without further examination or licensure by the
8 Division to drive a commercial motor vehicle in this State.

9 (e) ~~Any person who takes up residence in this State on a permanent basis is~~
10 ~~exempt from the provisions of this section for 30 days from the date residence is~~
11 ~~established if he is properly licensed to operate a commercial motor vehicle in the~~
12 ~~jurisdiction of which he is a former resident. In accordance with G.S. 20-7, a new~~
13 ~~resident of North Carolina has 30 days to obtain a license from the Division. The~~
14 ~~Commissioner may establish by rule the conditions under which the test requirements~~
15 ~~for a commercial driver license may be waived for any person applying for a~~
16 ~~license pursuant to this subsection: a new resident who is licensed in another state."~~

17 Sec. 16. G.S. 20-37.13 reads as rewritten:

18 **"§ 20-37.13. Commercial ~~driving~~drivers license qualification standards.**

19 (a) No person shall be issued a commercial ~~driver~~drivers license unless he:

20 (1) Is a resident of this State;

21 (2) Is 21 years of age;

22 (3) Has passed a knowledge test and a skills test for driving a commercial
23 motor vehicle ~~which complies that comply~~ with minimum federal
24 standards established by federal regulation enumerated in 49 C.F.R.,
25 Part 383, Subparts G and H; and

26 (4) Has satisfied all other requirements of the Commercial Motor Vehicle
27 Safety Act in addition to other requirements of this Chapter or federal
28 regulation.

29 The tests shall be prescribed and conducted by the ~~Division of Motor Vehicles.~~
30 Division. Provided, a person who is at least 18 years of age may be issued a commercial
31 ~~driver~~drivers license if he is exempt from, or not subject to, the age requirements of the
32 federal Motor Carrier Safety Regulations contained in 49 C.F.R., Part 391, as adopted
33 by the Division.

34 (b) The Division may permit a person, including an agency of this or another
35 state, an employer, a private driver training facility, or an agency of local government,
36 to administer the skills test specified by this section, provided:

37 (1) The test is the same as that administered by the Division; and

38 (2) The third party has entered into an agreement with the Division which
39 complies with the requirements of 49 ~~C.F.R., Part~~C.F.R. § 383.75. The
40 Division may charge a fee to applicants for third-party testing
41 authority in order to investigate the applicants' qualifications and to
42 monitor their program as required by federal law.

43 (c) Prior to ~~April 1, October 1, 1992,~~ the Division may waive the skills test for
44 applicants licensed at the time they apply for a commercial ~~driver~~drivers license if:

- 1 (1) For an application submitted by April 1, 1992, the ~~The~~ applicant has
2 not, and certifies that he has not, at any time during the two years
3 immediately preceding the date of ~~application~~: application done any of
4 the following and for an application submitted after April 1, 1992, the
5 applicant has not, and certifies that he has not, at any time during the
6 two years preceding April 1, 1992:
- 7 a. Had more than one ~~driver~~ drivers license, except during the 10-
8 day period beginning on the date he is issued a ~~driver~~ drivers
9 license, or unless, prior to December 31, 1989, he was required
10 to have more than one license by a State law enacted prior to
11 June 1, 1986;
- 12 b. Had any ~~driver~~ drivers license or driving privilege suspended,
13 revoked, or cancelled;
- 14 c. Had any convictions involving any kind of motor vehicle for
15 the offenses listed in G.S. ~~20-17~~; ~~or~~ ~~20-17~~ or had any
16 convictions for the offenses listed in G.S. 20-17.4;
- 17 d. Been convicted of a violation of State or local laws relating to
18 motor vehicle traffic control, other than a parking violation,
19 which violation arose in connection with any reportable traffic
20 accident; ~~and~~ ~~or~~
- 21 e. Refused to take a chemical test when charged with an implied
22 consent offense, as defined in G.S. 20-16.2; and
- 23 (2) The applicant certifies, and provides satisfactory evidence, that he is
24 regularly employed in a job requiring the operation of a commercial
25 motor vehicle, and he either:
- 26 a. Has previously taken and successfully completed a skills test
27 that was administered by a state with a classified licensing and
28 testing system and the test was behind the wheel in a vehicle
29 representative of the class and, if applicable, the type of
30 commercial motor vehicle for which the applicant seeks to be
31 licensed; or
- 32 b. Has operated for ~~at least two years immediately preceding the~~
33 ~~application date~~, the relevant two-year period under subpart (1)a.
34 of this subsection, a vehicle representative of the class and, if
35 applicable, the type of commercial motor vehicle for which the
36 applicant seeks to be licensed.
- 37 (d) A commercial ~~driver~~ drivers license or learner's permit shall not be issued to a
38 person while he is subject to a disqualification from driving a commercial motor
39 vehicle, or while his ~~driver~~ drivers license is suspended, revoked, or cancelled in any
40 state; nor shall a commercial ~~driver~~ drivers license be issued by ~~any other state unless he~~
41 unless the person who has applied for the license first surrenders all other driver licenses,
42 ~~which must be returned to the issuing states~~ drivers licenses issued by the Division or by
43 another state. If a person surrenders a drivers license issued by another state, the
44 Division must return the license to the issuing state for cancellation.

1 (e) A commercial driver learner's permit may be issued to an individual who
2 holds a ~~valid-regular~~ Class C ~~driver-drivers~~ license who has passed the ~~necessary tests~~
3 ~~required for that license.~~ knowledge test for the class and type of commercial motor
4 vehicle the individual will be driving. The permit is valid for a period not to exceed six
5 months and may be renewed or reissued only once within a two-year period. The fee
6 for a commercial driver learner's permit is five dollars (\$5.00). G.S. 20-7(m) governs
7 the issuance of a restricted instruction permit for a prospective school bus driver."

8 Sec. 17. G.S. 20-37.15 reads as rewritten:

9 **"§ 20-37.15. Application for commercial ~~driver-drivers~~ license.**

10 (a) The application for a commercial ~~driver-drivers~~ license must include the
11 following:

- 12 (1) The full name, current mailing address, and current residence address
13 of the applicant;
- 14 (2) A physical description of the person including sex, height, and eye and
15 hair color;
- 16 (3) Date of birth;
- 17 (4) The applicant's social security number;
- 18 (5) The applicant's signature;
- 19 ~~(6) The applicant's color photograph;~~
- 20 ~~(7)(6)~~ Certifications including those required by 49 C.F.R., ~~Part C.F.R. §~~
21 383.71(a);
- 22 ~~(8)(7)~~ A consent to release driving record information; and
- 23 ~~(9)(8)~~ Any other information required by the Division.

24 (b) The application must be accompanied by a nonrefundable application fee of
25 twenty dollars ~~(\$20.00).~~ (\$20.00). This fee does not apply in any of the following
26 circumstances:

- 27 (1) When an individual surrenders a commercial driver learner's permit
28 issued by the Division when submitting the application.
- 29 (2) When the application is to renew a commercial drivers license issued
30 by the Division.

31 This fee shall entitle the applicant to three attempts to pass the written knowledge test
32 without payment of a new fee. No application fee shall be charged to an applicant
33 eligible for a waiver under G.S. 20-37.13(c).

34 ~~(b)~~ (c) When the holder of a commercial ~~driver-drivers~~ license changes his ~~name,~~
35 ~~mailing address,~~ name or residence address, an application for a duplicate shall be made
36 as provided in G.S. 20-7.1 and a fee paid as provided in G.S. 20-14."

37 Sec. 18. G.S. 20-37.16 reads as rewritten:

38 **"§ 20-37.16. Content of license; classifications and endorsements; fees.**

39 (a) ~~The A~~ commercial ~~driver-drivers~~ license must be marked 'Commercial ~~Driver~~
40 Drivers License' or 'CDL' and shall, to the maximum extent practicable, be tamper
41 proof. It must include:

- 42 (1) The person's name and residential address;
- 43 (2) The person's color photograph;

- 1 (3) A physical description of the person including sex, height, eye color,
2 and hair color;
- 3 (4) The person's date of birth;
- 4 (5) The person's social security number or any number or identifier
5 deemed appropriate by the Division;
- 6 (6) The person's signature;
- 7 (7) The class of commercial motor vehicle or vehicles which the person is
8 authorized to drive together with any endorsements or restrictions;
- 9 (8) The name of this State; and
- 10 (9) The dates between which the license is valid.

11 (b) ~~Commercial driver licenses may be issued with the following classifications,
12 endorsements, and restrictions; the holder of a valid commercial driver license may
13 drive all vehicles in the class for which that license is issued, and all lesser classes of
14 vehicles except motorcycles. Vehicles that require an endorsement shall not be driven
15 unless the proper endorsement appears on the license. The classes of commercial drivers
16 licenses are:~~

- 17 (1) ~~Class A CDL - Any combination of vehicles with a gross vehicle
18 weight rating, GVWR, of 26,001 pounds or more, provided the
19 GVWR of the vehicle or vehicles being towed is in excess of 10,000
20 pounds. A Class A commercial drivers license authorizes the holder to
21 drive any Class A motor vehicle.~~
- 22 (2) ~~Class B CDL - Any single vehicle with a GVWR of 26,001 pounds or
23 more, and any such vehicle towing a vehicle not in excess of 10,000
24 pounds. A Class B commercial drivers license authorizes the holder to
25 drive any Class B motor vehicle.~~
- 26 (3) ~~Class C CDL - Any single vehicle with a GVWR of less than 26,001
27 pounds or any such vehicle towing a vehicle with a GVWR not in
28 excess of 10,000 pounds comprising:~~
 - 29 (1) ~~Vehicles designed to transport 16 or more passengers, including the
30 driver; and~~
 - 31 (2) ~~Vehicles used in the transportation of hazardous materials that require
32 the vehicle to be placarded under 49 C.F.R., Part 172, Subpart F. A
33 Class C commercial drivers license authorizes the holder to drive any
34 Class C motor vehicle.~~

35 (c) ~~Endorsements and restrictions will be noted on the license when appropriate
36 in the following categories: The endorsements required to drive certain motor vehicles
37 are as follows:~~

- 38 (1) ~~'H'—Authorizes the driver to drive a vehicle transporting hazardous
39 materials.~~
- 40 (2) ~~"K"—Restricts the driver to vehicles not equipped with airbrakes.~~
- 41 (3) ~~'T'—Authorizes driving double trailers.~~
- 42 (4) ~~'P'—Authorizes driving vehicles carrying passengers.~~
- 43 (5) ~~'N'—Authorizes driving tank vehicles.~~

- (6) ~~'X'—Represents a combination of hazardous materials and tank vehicle endorsements.~~
- (7) ~~'M'—Authorizes driving a motoreyele.~~
- (8) ~~" S"—Authorizes driving a school bus.~~

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
<u>H</u>	<u>Vehicles carrying hazardous materials, other than tank vehicles</u>
<u>M</u>	<u>Motorcycles</u>
<u>N</u>	<u>Tank vehicles not carrying hazardous materials</u>
<u>P</u>	<u>Vehicles carrying passengers</u>
<u>T</u>	<u>Double trailers</u>
<u>X</u>	<u>Tank vehicles carrying hazardous materials.</u>

To obtain an H or an X endorsement, an applicant must take a written test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a written test unless the person has passed a written test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years.

~~(d) The fee for issuance of a Class A, B, or C commercial driver-drivers license is forty dollars (\$40.00). Any person applying for a special endorsement or renewal under subsection (c) of this section shall pay an additional five dollars (\$5.00) for each endorsement. The fee for each endorsement is five dollars (\$5.00). The fee-fees required under this section shall be waived for persons who drive do not apply to a person whose license is restricted to driving a school bus or school activity bus or to employees of the Driver License Section of the Division who are designated by the Commissioner.~~

(e) The requirements for a commercial driver-drivers license do not apply to vehicles used for personal use such as recreational vehicles. A commercial driver-drivers license is also waived for the following classes of vehicles as permitted by regulation of the United States Department of Transportation:

- (1) Vehicles owned or operated by the Department of Defense, including the National Guard, while they are driven by active duty military personnel, or members of the National Guard when on active duty, in the pursuit of military purposes;
- (2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute emergency governmental functions; and
- (3) Farm vehicles that meet all of the following criteria:
 - a. Controlled and operated by the farmer or the farmer's employee and used exclusively for farm use;
 - b. Used to transport either agricultural products, farm machinery, or farm supplies, both to or from a farm;

1 c. Not used in the operations of a common or contract motor
2 carrier; and

3 d. Used within 150 miles of the farmer's farm.

4 A farm vehicle includes a forestry vehicle that meets the listed criteria
5 when applied to the forestry operation."

6 Sec. 19. G.S. 20-138.2 reads as rewritten:

7 **"§ 20-138.2. Impaired driving in commercial vehicle.**

8 (a) Offense. – A person commits the offense of impaired driving in a commercial
9 motor vehicle if he drives a commercial motor vehicle upon any highway, any street, or
10 any public vehicular area within the State:

11 (1) While appreciably under the influence of an impairing substance; or

12 (2) After having consumed sufficient alcohol that he has, at any relevant
13 time after the driving, an alcohol concentration of 0.04 or more.

14 (b) Defense Precluded. – The fact that a person charged with violating this
15 section is or has been legally entitled to use alcohol or a drug is not a defense to a
16 charge under this section.

17 (c) Pleading. – To charge a violation of this section, the pleading is sufficient if it
18 states the time and place of the alleged offense in the usual form and charges the
19 defendant drove a commercial motor vehicle on a highway, street, or public vehicular
20 area while subject to an impairing substance.

21 (d) Implied Consent Offense. – An offense under this section is an implied
22 consent offense subject to the provisions of G.S. 20-16.2.

23 (e) Punishment; Effect When Impaired Driving Offense Also Charged. – The
24 offense in this section is a misdemeanor punishable by a fine of not less than one
25 hundred dollars (\$100.00), up to two years imprisonment, or both. This offense is not a
26 lesser included offense of impaired driving under G.S. 20-138.1, but if a person is
27 convicted under this section and of an offense involving impaired driving under G.S.
28 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the
29 Court may not exceed the maximum punishment applicable to the offense involving
30 impaired driving under G.S. 20-138.1.

31 ~~(f) Limited Driving Privilege. – A person convicted of the offense of impaired~~
32 ~~driving under this section is not eligible for a limited driving privilege to operate a~~
33 ~~commercial motor vehicle. If a person is convicted under this section and under G.S.~~
34 ~~20-138.1, he may be considered for a limited driving privilege for a noncommercial~~
35 ~~motor vehicle if he meets the requirements of G.S. 20-179.3(b). Such a privilege shall~~
36 ~~be for the purposes specified in G.S. 20-179.3(a) and issued according to the procedure~~
37 ~~in G.S. 20-179.3(d) and subsections (f) through (k).~~

38 ~~If a person is convicted under this section and he had a blood alcohol concentration~~
39 ~~below 0.10, he is nonetheless eligible to apply for a Class C noncommercial license.~~

40 (g) Chemical Analysis Provisions. – The provisions of G.S. 20-139.1 shall apply
41 to the offense of impaired driving in a commercial motor vehicle."

42 Sec. 20. G.S. 20-179(q) and G.S. 20-279.1(2) are repealed.

43 Sec. 21. G.S. 20-179(m) reads as rewritten:

1 "(m) Assessment and Treatment Required in Certain Cases. – If a defendant being
2 sentenced under this section is placed on probation, he shall be required as a condition
3 of that probation to obtain a substance abuse assessment.

4 The judge shall require the defendant to obtain the assessment from an area mental
5 health agency, its designated agent, or a private facility licensed by the State for the
6 treatment of alcoholism and substance abuse. Unless a different time limit is specified in
7 the court's judgment, the defendant shall schedule the assessment within 30 days from
8 the date of the judgment. Any agency performing assessments shall give written
9 notification of its intention to do so to the area mental health authority in the catchment
10 area in which it is located and to the Department of Human Resources. The Secretary
11 of the Department of Human Resources may adopt rules to implement the provisions of
12 this subsection, and these rules may include provisions to allow defendant to obtain
13 assessments and treatment from agencies not located in North Carolina. The assessing
14 agency shall give the client a standardized test capable of providing uniform research
15 data, including, but not limited to, demographic information, defendant history,
16 assessment results and recommended interventions, approved by the Department of
17 Human Resources to determine chemical dependency. A clinical interview concerning
18 the general status of the defendant with respect to chemical dependency shall be
19 conducted by the assessing agency before making any recommendation for further
20 treatment. A recommendation made by the assessing agency shall be signed by a
21 'Certified Alcoholism, Drug Abuse or Substance Abuse Counselor', as defined by the
22 Department of Human Resources.

23 If the assessing agency recommends that the defendant participate in a treatment
24 program, the judge may require the defendant to do so, and he shall require the
25 defendant to execute a Release of Information authorizing the treatment agency to
26 report his progress to the court or the Department of Correction. The judge may order
27 the defendant to participate in an appropriate treatment program at the time he is
28 ordered to obtain an assessment, or he may order him to reappear in court when the
29 assessment is completed to determine if a condition of probation requiring participation
30 in treatment should be imposed. An order of the court shall not require the defendant to
31 participate in any treatment program for more than 90 days unless a longer treatment
32 program is recommended by the assessing agency and his alcohol concentration was .15
33 or greater as indicated by a chemical analysis taken when he was charged or this was a
34 second or subsequent offense within five years. At the time of sentencing the judge
35 shall require the defendant to pay one hundred twenty-five dollars (\$125.00). The
36 payment of the fee of one hundred twenty-five dollars (\$125.00) shall be (i) fifty dollars
37 (\$50.00) to the assessing agency and (ii) seventy-five dollars (\$75.00) to either a
38 treatment facility or to an alcohol and drug education traffic school depending upon the
39 recommendation made by the assessing agency. ~~G.S. 20-179(i) shall not apply to~~
40 ~~defendants sentenced under this section.~~ Fees received by the Area Mental Health, Mental
41 Retardation, and Substance Abuse Authorities under this section shall be administered
42 pursuant to G.S. 20-179.2(e), provided, however that the provisions of G.S. 20-179.2(c)
43 shall not apply to monies received under this section. The operators of the local alcohol
44 and drug education traffic school may change the length of time required to complete

1 the school in accordance with administrative costs, provided, however that the length
2 and the curriculum of the school shall be approved by the Commission for Mental
3 Health, Mental Retardation and Substance Abuse Services and in no event shall the
4 school be less than five hours in length. If the defendant is treated by an area mental
5 health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00)
6 fee. If an area mental health facility or its contractor is providing treatment or education
7 services to a defendant pursuant to this subsection, the area facility or its contractor may
8 require that the defendant pay the fees prescribed by law for the services before it
9 certifies that the defendant has completed the recommended treatment or educational
10 program. Any determinations with regard to the defendant's ability to pay the
11 assessment fee shall be made by the judge.

12 In those cases in which no substance abuse handicap is identified, that finding shall
13 be filed with the court and the defendant shall be required to attend an alcohol and drug
14 education traffic school. When treatment is required, the treatment agency's progress
15 reports shall be filed with the court or the Department of Correction at intervals of no
16 greater than six months until the termination of probation or the treatment agency
17 determines and reports that no further treatment is appropriate. If the defendant is
18 required to participate in a treatment program and he completes the recommended
19 treatment, he does not have to attend the alcohol and drug education traffic school.
20 Upon the completion of the court-ordered assessment and court-ordered treatment or
21 school, the assessing or treatment agency or school shall give the Division of Motor
22 Vehicles the original of the certificate of completion, shall provide the defendant with a
23 copy of that certificate, and shall retain a copy of the certificate on file for a period of
24 five years. The Division of Motor Vehicles shall not reissue the ~~driver's~~ drivers license
25 of a defendant ordered to obtain assessment, participate in a treatment program or
26 school unless it has received the original certificate of completion from the assessing or
27 treatment agency or school or a certificate of completion sent by the agency subsequent
28 to a court order as hereinafter provided; provided, however that a defendant may be
29 issued a limited driving privilege pursuant to G.S. 20-179.3. Unless the judge has
30 waived the fee, no certificate shall be issued unless the agency or school has received
31 the fifty dollar (\$50.00) fee and the seventy-five dollar (\$75.00) fee as appropriate. A
32 defendant may within 90 days after an agency decision to decline to certify, by filing a
33 motion in the criminal case, request that a judge presiding in the court in which he was
34 convicted review the decision of an assessment or treatment agency to decline to certify
35 that the defendant has completed the assessment or treatment. The agency whose
36 decision is being reviewed shall be notified at least 10 days prior to any hearing to
37 review its decision. If the judge determines that the defendant has obtained an
38 assessment, has completed the treatment, or has made an effort to do so that is
39 reasonable under the circumstances, as the case may be, the judge shall order that the
40 agency send a certificate of completion to the Division of Motor Vehicles.

41 The Department of Human Resources may approve programs offered in another
42 state if they are substantially similar to programs approved in this State, and if that state
43 recognizes North Carolina programs for similar purposes. The defendant shall be
44 responsible for the fees at the approved program."

1 Sec. 22. G.S. 20-218 reads as rewritten:

2 "**§ 20-218. Standard qualifications for school bus drivers; speed limit.**

3 (a) No person shall drive ~~or operate~~ a school bus over the ~~public roads~~ highways or
4 public vehicular areas of North Carolina while ~~the same~~ it is occupied by children unless
5 ~~said the person shall be fully trained in the operation of motor vehicles, and shall furnish~~
6 furnishes to the superintendent of the schools of the county in which ~~said the~~ bus shall
7 be operated a certificate from any representative duly designated by the Commissioner
8 ~~of Motor Vehicles, and from the chief mechanic~~ Director of Transportation or a designee
9 of the Director in charge of school buses in said the county showing that ~~he the person~~
10 has been examined by them ~~a representative duly designated by the Commissioner of Motor~~
11 ~~Vehicles, and said chief mechanic in charge of school buses in said county and that he is a fit~~
12 and competent ~~person to operate or drive~~ a school bus over the ~~public roads~~ highways and
13 public vehicular areas of the State. The driver of a school bus ~~or school activity bus~~ must
14 be at least 18 years of age and hold a Class 'A', 'B', or 'C' ~~commercial driver~~ A, B, or C
15 commercial drivers license and a school bus driver's certificate. The driver of a school
16 activity bus must meet the same qualifications as a school bus driver or must have a
17 license appropriate for the class of vehicle being driven.

18 (b) It shall be unlawful for any person to operate or drive a school bus loaded
19 with children over the ~~public roads~~ highways or public vehicular areas of North Carolina
20 at a greater rate of speed than 35 miles per hour, with the following exceptions:

21 (1) For school activity buses which are painted a different color from
22 regular school buses and which are being used for transportation of
23 students or others to or from places for participation in events other
24 than regular classroom work, it shall be unlawful to operate such a
25 school activity bus at a greater rate of speed than 55 miles per hour.

26 (2) For school buses or special buses with a capacity of 16 pupils or less
27 that are used to transport students who are children with special needs,
28 it shall be unlawful to operate the buses at a greater rate of speed than
29 45 miles per hour.

30 (3) For private school buses that pick up children at a central point and
31 deposit the children at a single school, without picking up children
32 along the way, it shall be unlawful to operate the buses at a greater rate
33 of speed than 45 miles per hour.

34 (c) Any person violating this section shall, upon conviction, be fined not more
35 than fifty dollars (\$50.00) or imprisoned for not more than 30 days."

36 Sec. 23. This act becomes effective October 1, 1991.