

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 28

Short Title: Weapon at School/No Drivers Lic.

(Public)

Sponsors: Representatives DeVane; Bowman, Culp, Cummings, Decker, Gardner, Hightower, McCombs, McLawhorn, Miner, Mitchell, Moore, Morgan, Nichols, J. Preston, Russell, Smith, Spears, Stamey, Warner, and Wood.

Referred to: Judiciary III.

February 2, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON CONVICTED OF POSSESSING OR CARRYING A WEAPON ON SCHOOL GROUNDS OR A JUVENILE ADJUDICATED DELINQUENT FOR THE SAME OFFENSE SHALL HAVE HIS DRIVERS LICENSE REVOKED AND SUSPENDED FOR A PERIOD OF FIVE YEARS OR UNTIL THE PERSON IS TWENTY-ONE YEARS OF AGE, WHICHEVER IS LONGER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.2 reads as rewritten:

"§ 14-269.2. Weapons on campus or other educational property.

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this section a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase 'weapon of like kind' includes razors and razor blades (except solely

1 for personal shaving) and any sharp pointed or edged instrument except unaltered nail
2 files and clips and tools used solely for preparation of food, instruction and
3 maintenance. This section shall not apply to the following persons: Officers and
4 enlisted personnel of the armed forces of the United States when in discharge of their
5 official duties as such and acting under orders requiring them to carry arms or weapons,
6 civil officers of the United States while in the discharge of their official duties, officers
7 and soldiers of the militia and the national guard when called into actual service,
8 officers of the State, or of any county, city, or town, charged with the execution of the
9 laws of the State, when acting in the discharge of their official duties, any pupils who
10 are members of the Reserve Officer Training Corps and who are required to carry arms
11 or weapons in the discharge of their official class duties, and any private police
12 employed by the administration or board of trustees of any public or private institution
13 of higher education when acting in the discharge of their duties.

14 Any person violating the provisions of this section shall be guilty of a misdemeanor
15 and upon conviction shall be punished in the discretion of the court. In addition, a
16 conviction under this section is grounds for denial and revocation of a drivers license
17 under Chapter 20 of the General Statutes."

18 Sec. 2. G.S. 20-9 is amended by adding a new subsection to read:

19 "(a1) The Division shall not issue a drivers license to any person who was
20 convicted of an offense under G.S. 14-269.2, or who was adjudicated delinquent for acts
21 that would constitute a violation of G.S. 14-269.2 if committed by an adult, until that
22 person reaches 21 years of age or until five years after the conviction or adjudication of
23 delinquency, whichever is longer."

24 Sec. 3. G.S. 20-13.2 reads as rewritten:

25 "**§ 20-13.2. Grounds for revoking provisional license.**

26 (a) The Division must revoke the license of a person convicted of violating the
27 provisions of G.S. 20-138.3 or G.S. 20-269.2 upon receipt of a record of the licensee's
28 conviction.

29 (b) If a person is convicted of an offense involving impaired driving and the
30 offense occurs while he is a provisional licensee, his license must be revoked under this
31 section in addition to any other revocation required or authorized by law.

32 (c) If a person willfully refuses to submit to a chemical analysis pursuant to G.S.
33 20-16.2 while he is a provisional licensee, his license must be revoked under this
34 section, in addition to any other revocation required or authorized by law. A revocation
35 order entered under authority of this subsection becomes effective at the same time as a
36 revocation order issued under G.S. 20-16.2 for the same willful refusal.

37 (d) A revocation under this section for a reason other than a violation of G.S. 14-
38 269.2 continues until the provisional licensee reaches 18 years of age or 45 days have
39 elapsed, whichever occurs last. A revocation for a violation of G.S. 14-269.2 continues
40 until the provisional licensee reaches 21 or five years have elapsed since the conviction
41 whichever occurs last. Revocations under this section run concurrently with any other
42 revocations, but a limited driving privilege issued pursuant to law does not authorize a
43 provisional licensee to drive if his license is revoked under this section.

1 (e) Before the Division restores a driver's license that has been suspended or
 2 revoked under any provision of this Article, other than G.S. 20-24.1, the person seeking
 3 to have his driver's license restored shall submit to the Division proof that he has
 4 notified his insurance agent or company of his seeking the restoration and that he is
 5 financially responsible. Proof of financial responsibility shall be in one of the following
 6 ~~forms; [-]forms:~~

7 (1) A written certificate or electronically-transmitted facsimile thereof
 8 from any insurance carrier duly authorized to do business in this State
 9 certifying that there is in effect a nonfleet private passenger motor
 10 vehicle liability policy for the benefit of the person required to furnish
 11 proof of financial responsibility. The certificate or facsimile shall state
 12 the effective date and expiration date of the nonfleet private passenger
 13 motor vehicle liability policy and shall state the date that the certificate
 14 or facsimile is issued. The certificate or facsimile shall remain
 15 effective proof of financial responsibility for a period of 30
 16 consecutive days following the date the certificate or facsimile is
 17 issued but shall not in and of itself constitute a binder or policy of
 18 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 that
 21 the binder or policy states the effective date and expiration date of the
 22 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 restoration 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 purposes 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. The financial responsibility required by this
 35 subsection shall be kept in effect for not less than three years after the date that the
 36 license is restored. Failure to maintain financial responsibility as required by this
 37 subsection shall be grounds for suspending the restored driver's license for a period of
 38 ~~thirty (30)~~ 30 days. Nothing in this subsection precludes any person from showing proof
 39 of financial responsibility in any other manner authorized by Articles 9A and 13 of this
 40 Chapter."

41 Sec. 4. G.S. 20-17 is amended by adding a new subdivision to read:

42 "(12) Possessing or carrying a weapon on a public or private school campus
 43 or other educational property in violation of G.S. 14-269.2."

44 Sec. 5. G.S. 20-27(a) reads as rewritten:

1 "(a) All records of the Division pertaining to application and to drivers' licenses,
2 except the confidential medical report referred to in G.S. ~~20-7, 20-7~~ and the records of
3 acts of delinquency that would constitute a violation of G.S. 14-269.2, of the current or
4 previous five years shall be open to public inspection at any reasonable time during
5 office hours and copies shall be provided pursuant to the provisions of G.S. 20-26."

6 Sec. 6. This act becomes effective October 1, 1993, and applies to offenses
7 or acts of delinquency committed on or after that date.