

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION
RATIFIED BILL

RESOLUTION 30
SENATE JOINT RESOLUTION 1017

A JOINT RESOLUTION EXPRESSING OPPOSITION TO A FEDERAL REQUIREMENT TO WITHHOLD FEDERAL-AID HIGHWAY FUNDS UNLESS CERTAIN STATUTES ARE ENACTED TO SUSPEND THE DRIVERS LICENSE OF FELONY CONVICTIONS OF DRUG-RELATED OFFENSES.

Whereas, Section 333 of Public Law 102-143, "Revocation or Suspension of the Drivers' Licenses of Individuals Convicted of Drug Offenses", requires states to enact legislation requiring the revocation or suspension of an individual's drivers license upon conviction of any drug-related offense; and

Whereas, Section 333 requires withholding 5% of certain federal-aid highway funds in the 1994-95 fiscal year and 10% in subsequent years from states that fail to enact legislation; and

Whereas, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor for the State –

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)."; and

Whereas, Senate Bill 154, "License Revoked-Drug Offenses", providing for the revocation of an individual's drivers license upon conviction of any drug-related offense, was introduced during the 1991 Session of the General Assembly and failed to pass; and

Whereas, the federal government should not dictate policy or legislation of this kind for the State of North Carolina; and

Whereas, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly opposes the enactment or enforcement in this State of a law requiring the revocation or suspension of an individual's drivers license upon conviction on any drug-related offense.

Sec. 2. The Secretary of State shall transmit a certified copy of this resolution to the Governor of the State of North Carolina and the Governor shall submit to the United States Secretary of Transportation:

- (1) A written certification that he is opposed to the enactment or enforcement of a law related to revocation of a person's drivers license for any drug-related offense; and
- (2) A written certification that the legislature has adopted this resolution.
- Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the United States Secretary of Transportation.
- Sec. 4. This resolution is effective upon ratification.
- In the General Assembly read three times and ratified this the 24th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives