

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1566
Transportation Committee Substitute Adopted 6/16/94
Third Edition Engrossed 6/29/94
House Committee Substitute Favorable 7/7/94

Short Title: Uniform License & Registration Info.

(Public)

Sponsors:

Referred to:

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR UNIFORM DRIVERS LICENSE AND VEHICLE
REGISTRATION INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7 reads as rewritten:

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

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

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

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

- (1) Class A. – A Class A license authorizes the holder to drive any of the following:

- 1 a. A Class A motor vehicle that is exempt under G.S. 20-37.16
2 from the commercial drivers license requirements.
- 3 b. A Class A motor vehicle that has a combined GVWR of less
4 than 26,001 pounds and includes as part of the combination a
5 towed unit that has a GVWR of at least 10,001 pounds.
- 6 (2) Class B. – A Class B license authorizes the holder to drive any Class B
7 motor vehicle that is exempt under G.S. 20-37.16 from the commercial
8 drivers license requirements.
- 9 (3) Class C. – A Class C license authorizes the holder to drive any of the
10 following:
- 11 a. A Class C motor vehicle that is not a commercial motor vehicle.
12 b. When operated by a volunteer member of a fire department, a
13 rescue squad, or an emergency medical service (EMS) in the
14 performance of duty, a Class A or Class B fire-fighting, rescue,
15 or EMS motor vehicle or a combination of these vehicles.

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

18 A new resident of North Carolina who has a drivers license issued by another
19 jurisdiction must obtain a license from the Division within 30 days after becoming a
20 resident.

21 (a1) Motorcycles and Mopeds. – To drive a motorcycle, a person must have a
22 drivers license and a motorcycle endorsement. To obtain a motorcycle endorsement, a
23 person must demonstrate competence to drive a motorcycle by passing a road test and a
24 written or oral test concerning a motorcycle and must pay the fee for a motorcycle
25 endorsement. Neither a drivers license nor a motorcycle endorsement is required to
26 drive a moped.

27 (b) Repealed by Session Laws 1993, c. 368, s. 1, c. 533, s. 12, effective January
28 1, 1995.

29 ~~(e) (b1) Application and Tests. Application.~~ – To obtain a drivers license from the
30 Division, a person must complete an application form provided by the Division, present
31 at least two forms of identification approved by the Commissioner, be a resident of this
32 State, and demonstrate his or her physical and mental ability to drive safely a motor
33 vehicle included in the class of license for which the person has applied. The Division
34 may copy the identification presented or hold it for a brief period of time to verify its
35 ~~authenticity. To authenticity.~~ To obtain an endorsement, a person must demonstrate his
36 or her physical and mental ability to drive safely the type of motor vehicle for which the
37 endorsement is required. ~~The Division shall note an endorsement on the face of a drivers~~
38 ~~license.~~

39 The application form must request all of the following information and may request
40 other information the Division considers necessary:

- 41 (1) The applicant's full name.
42 (2) The applicant's mailing address and residence address.
43 (3) A physical description of the applicant, including the applicant's sex,
44 height, eye color, and hair color.

- 1 (4) The applicant's date of birth.
- 2 (5) The applicant's social security number.
- 3 (6) The applicant's signature.

4 The application form must also contain the disclosures concerning the request for an
5 applicant's social security number required by section 7 of the federal Privacy Act of
6 1974, Pub. L. No. 93-579.

7 (c) Tests. – To demonstrate physical and mental ability, a person must pass an
8 examination. The examination may include road tests, vision tests, oral tests, and, in the
9 case of literate applicants, written tests, as the Division may require. The tests must
10 ensure that an applicant recognizes the handicapped international symbol of access, as
11 defined in G.S. 20-37.5. The Division may not require a person who applies to renew a
12 license that has not expired to take a written test or a road test unless one or more of the
13 following applies:

- 14 (1) The person has been convicted of a traffic violation since the person's
15 license was last issued.
- 16 (2) The applicant suffers from a mental or physical condition that impairs
17 the person's ability to drive a motor vehicle.

18 The Division may not require a person who is at least 60 years old to parallel park a
19 motor vehicle as part of a road test.

20 (c1) Insurance. – The Division may not issue a drivers license to a person until the
21 person has furnished proof of financial responsibility. Proof of financial responsibility
22 shall be in one of the following forms:

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

39 The preceding provisions of this subsection do not apply to applicants who do not
40 own currently registered motor vehicles and who do not operate nonfleet private
41 passenger motor vehicles that are owned by other persons and that are not insured under
42 commercial motor vehicle liability insurance policies. In such cases, the applicant shall
43 sign a written certificate to that effect. Such certificate shall be furnished by the
44 Division and may be incorporated into the license application form. Any material

1 misrepresentation made by such person on such certificate shall be grounds for
2 suspension of that person's license for a period of 90 days.

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

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

7 The requirement of furnishing proof of financial responsibility does not apply to a
8 person who applies for a renewal of his drivers license and who is not required to take
9 the written examination.

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

12 (d) Repealed by Session Laws 1993, c. 368, s. 1, effective January 1, 1995.

13 (e) Restrictions. – The Division may impose any restriction it finds advisable on
14 a drivers license. ~~A restriction shall be noted on the face of the license.~~ It is unlawful for
15 the holder of a restricted license to operate a motor vehicle without complying with the
16 restriction and is the equivalent of operating a motor vehicle without a license. If any
17 applicant shall suffer from any physical defect or disease which affects his or her
18 operation of a motor vehicle, the Division may require to be filed with it a certificate of
19 such applicant's condition signed by some medical authority of the applicant's
20 community designated by the Division. This certificate shall in all cases be treated as
21 confidential. Nothing in this subsection shall be construed to prevent the Division from
22 refusing to issue a license, either restricted or unrestricted, to any person deemed to be
23 incapable of safely operating a motor vehicle. This subsection does not prohibit deaf
24 persons from operating motor vehicles who in every other way meet the requirements of
25 this section.

26 (f) Expiration and Temporary License. – The first drivers license the Division
27 issues to a person expires on the person's fourth or subsequent birthday that occurs after
28 the license is issued and on which the individual's age is evenly divisible by five, unless
29 this subsection sets a different expiration date. The first drivers license the Division
30 issues to a person who is at least 17 years old but is less than 18 years old expires on the
31 person's twentieth birthday. The first drivers license the Division issues to a person who
32 is at least 62 years old expires on the person's birthday in the fifth year after the license
33 is issued, whether or not the person's age on that birthday is evenly divisible by five.

34 A drivers license that was issued by the Division and is renewed by the Division
35 expires five years after the expiration date of the license that is renewed. A person may
36 apply to the Division to renew a license during the 60-day period before the license
37 expires. The Division may not accept an application for renewal made before the 60-
38 day period begins.

39 Any person serving in the armed forces of the United States on active duty and
40 holding a valid drivers license properly issued under this section and stationed outside
41 the State of North Carolina may renew the license by making application to the Division
42 by mail. Any other person, except a nonresident, who holds a valid drivers license
43 issued under this section and who is temporarily residing outside North Carolina, may
44 also renew by making application to the Division by mail. For purposes of this section

1 'temporarily' shall mean not less than 30 days continuous absence from North Carolina.
 2 In either case, the Division may waive the examination and color photograph otherwise
 3 required for the renewal of a drivers license, and may impose in lieu thereof any
 4 conditions it considers appropriate to each particular application. A license renewed by
 5 mail is a temporary license that expires 30 days after the person to whom it is issued
 6 returns to this State.

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

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

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

<u>Class of Regular License</u>	<u>Fee For Each Year</u>
13 Class A \$ 3.75	
14 Class B 3.75	
15 Class C 2.50	

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 17 The fee for a motorcycle endorsement is one dollar and twenty-five cents (\$1.25) for
 18 each year of the period for which the endorsement is issued. The appropriate fee must
 19 be paid before a person receives a regular drivers license or an endorsement.

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

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

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

3 (k) Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991.

4 (l) Learner's Permit. – Any person who except for lack of instruction in
5 operating a motor vehicle would be qualified to obtain a drivers license under this
6 Article may obtain a learner's permit. A learner's permit authorizes the permit holder to
7 drive a specified type or class of motor vehicle while in possession of the permit. A
8 learner's permit is valid for a period of 18 months after it is issued. The fee for a
9 learner's permit is ten dollars (\$10.00). A learner's permit may be renewed, or a second
10 learner's permit may be issued, for an additional period of 18 months. The permit
11 holder must, while operating a motor vehicle over the highways, be accompanied by a
12 person who is licensed to operate the motor vehicle being driven and is seated beside
13 the permit holder.

14 (l-1) Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991.

15 (m) Instruction Permit. – The Division upon receiving proper application may in
16 its discretion issue a restricted instruction permit effective for a school year or a lesser
17 period to any of the following applicants:

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

22 (2) An applicant for certification under G.S. 20-218 as a school bus driver.

23 A restricted instruction permit authorizes the holder of the permit to drive a specified
24 type or class of motor vehicle when in possession of the permit, subject to any
25 restrictions imposed by the Division. The restrictions the Division may impose on a
26 permit include restrictions to designated areas and highways and restrictions prohibiting
27 operation except when an approved instructor is occupying a seat beside the permittee.
28 A restricted instruction permit is not required to have a distinguishing number or a
29 picture of the person to whom the permit is issued.

30 (n) ~~Format. — Every A drivers license issued by the Division shall bear thereon~~
31 ~~the distinguishing number assigned to the licensee and color photograph of the licensee~~
32 ~~of a size approved by the Commissioner and shall contain the name, age, residence~~
33 ~~address and a brief description of the licensee, who, for the purpose of identification and~~
34 ~~as a condition precedent to the validity of the license, immediately upon receipt thereof,~~
35 ~~shall endorse his or her regular signature in ink upon the same in the space provided for~~
36 ~~that purpose unless a facsimile of his or her signature appears thereon; provided the~~
37 ~~must be designed to be tamper proof, must contain all of the following information, and~~
38 ~~may contain other information the Commissioner considers necessary:~~

39 (1) An identification of this State as the issuer of the license.

40 (2) The license holder's full name.

41 (3) The license holder's residence address.

42 (4) A color photograph of the license holder, taken by the Division.

43 (5) A physical description of the license holder, including sex, height, eye
44 color, and hair color.

- 1 (6) The license holder's date of birth.
 2 (7) The license holder's social security number or another identifying
 3 number assigned by the Division.
 4 (8) Each class of motor vehicle the license holder is authorized to drive
 5 and any endorsements or restrictions that apply.
 6 (9) The license holder's signature.
 7 (10) The date the license was issued and the date the license expires.

8 The Commissioner may waive the requirement that of a color photograph of the
 9 licensee appear on the a license may be waived by the Commissioner upon satisfactory proof
 10 if the license holder proves to the satisfaction of the Commissioner that the taking of
 11 such the photograph violates would violate the license holder's religious convictions of the
 12 licensee. Drivers licenses shall be issued with differing color photographic backgrounds
 13 according to the licensee's age at time of issuance for the following age groups:

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

16 convictions. In taking photographs of license holders, the Division must distinguish
 17 between license holders who are less than 21 years old and license holders who are at
 18 least 21 years old by using different color backgrounds for each group. The Division
 19 shall determine the different colors to be used. Such license shall be carried by the licensee
 20 at all times while engaged in the operation of a motor vehicle.

21 At the request of an applicant for a drivers license, a license issued to the applicant
 22 must contain the applicant's race.

- 23 (o) Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991."
 24 Sec. 2. G.S. 20-37.7 reads as rewritten:

25 **"§ 20-37.7. Special identification card.**

26 (a) Eligibility. –The Division of Motor Vehicles shall upon satisfactory proof of
 27 identification issue a special identification card to any person 11 years or older who is a
 28 resident of the State of North Carolina. A person who is a resident of this State is
 29 eligible for a special identification card.

30 (b) Application. –Every application for a special identification card shall be made
 31 on the approved form furnished by the Division and shall be accompanied by a birth
 32 certificate and other proof of identification which shall be returned when the special
 33 identification card is issued. To obtain a special identification card from the Division, a
 34 person must complete the application form used to obtain a drivers license.

35 (c) Format. –Special A special identification cards shall be issued with differing
 36 color photographic backgrounds according to the holder's age at time of issuance for the
 37 following age groups:

- 38 (1) Persons who have not attained the age of 21 years.
 39 (2) Persons who have attained the age of 21 years.

40 The card shall be similar in size, shape, and design to a driver's drivers license, but shall
 41 clearly state that it does not entitle the person to whom it is issued to operate a motor
 42 vehicle. A special identification card issued to an applicant must have the same
 43 background color that a drivers license issued to the applicant would have.

1 (d) Expiration and Fee. – A special identification card issued to a person for the
2 first time under this section expires when a drivers license issued on the same day to
3 that person would expire. A special identification card renewed under this section
4 expires when a drivers license renewed by the card holder on the same day would
5 expire.

6 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
7 duplicate license. The fee does not apply to a special identification card issued to a
8 resident of this State who is legally blind, is at least 70 years old, or is homeless. To
9 obtain a special identification card without paying a fee, a homeless person must present
10 a letter to the Division from the director of a facility that provides care or shelter to
11 homeless persons verifying that the person is homeless.

12 (e) Offense. – Any fraud or misrepresentation in the application for or use of a
13 special identification card issued under this section is a Class 2 misdemeanor.

14 (f) Records. – ~~The Division of Motor Vehicles shall maintain a record of all~~
15 ~~recipients of a special identification card. The Division may promulgate any rules and~~
16 ~~regulations it deems necessary for the effective implementation of the provisions of this~~
17 ~~section.~~

18 (g) No State Liability. – The fact of issuance of a special identification card
19 pursuant to this section shall not place upon the State of North Carolina or any agency
20 thereof any liability for the misuse thereof and the acceptance thereof as valid
21 identification is a matter left entirely to the discretion of any person to whom such card
22 is presented.

23 (h) Advertising. – The Division may utilize the various communications media
24 throughout the State to inform North Carolina residents of the provisions of this
25 section."

26 Sec. 3. G.S. 20-37.15(a) reads as rewritten:

27 "(a) ~~The application for a commercial drivers license must include the following:~~

28 (1) ~~The full name, current mailing address, and current residence address~~
29 ~~of the applicant;~~

30 (2) ~~A physical description of the person including sex, height, and eye and~~
31 ~~hair color;~~

32 (3) ~~Date of birth;~~

33 (4) ~~The applicant's social security number;~~

34 (5) ~~The applicant's signature;~~

35 (6) ~~Repealed by Session Laws 1991, c. 726, s. 17.~~

36 (7) ~~Certifications including those required by 49 C.F.R. § 383.71(a);~~

37 (8) ~~A consent to release driving record information; and~~

38 (9) ~~Any other information required by the Division.~~

39 An application for a commercial drivers license must include the information
40 required by G.S. 20-7 for a regular drivers license and a consent to release driving
41 record information."

42 Sec. 4. G.S. 20-37.16(a) reads as rewritten:

1 "(a) A commercial drivers license must be marked 'Commercial Drivers License'
2 or 'CDL' and shall, to the maximum extent practicable, be tamper proof. It must
3 include:

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

16 'CDL' and must contain the information required by G.S. 20-7 for a regular drivers
17 license."

18 Sec. 5. G.S. 20-52(a) reads as rewritten:

19 "(a) Every An owner of a vehicle subject to registration hereunder shall make
20 application to the Division for the registration thereof and issuance of must apply to the
21 Division for a certificate of title for such vehicle upon the appropriate form or forms
22 furnished by the Division, and every such application shall bear the signature of the
23 owner written with pen and ink, and said signature shall be acknowledged by the owner
24 before a person authorized to administer oaths, and said application shall contain: title, a
25 registration plate, and a registration card for the vehicle. To apply, an owner must
26 complete an application form provided by the Division. The application form must
27 request all of the following information and may request other information the Division
28 considers necessary:

- 29 (1) The name, bona fide residence and mail address of the owner or
30 business address of the owner if a firm, association or corporation;
31 owner's name.
- 32 (1a) If the owner is an individual, the following information:
 - 33 a. The owner's mailing address and residence address.
 - 34 b. The owner's social security number.
- 35 (1b) If the owner is a firm, a partnership, a corporation, or another entity,
36 the address of the entity.
- 37 (2) A description of the vehicle, including, insofar as the hereinafter
38 specified data may exist with respect to a given vehicle, the including
39 the following:
 - 40 a. The make, model, type of body, the serial number of the
41 vehicle, the engine and other identifying numbers of the vehicle
42 and whether and vehicle identification number of the vehicle.
 - 43 b. Whether the vehicle is new or used, and used and, if a new
44 vehicle, the date of sale and actual date of delivery of vehicle by

1 ~~the manufacturer or dealer to the person intending to operate~~
2 ~~such vehicle; the manufacturer or dealer sold the vehicle to the~~
3 ~~owner and the date the manufacturer or dealer delivered the~~
4 ~~vehicle to the owner.~~

5 (3) A statement of the ~~applicant's~~ owner's title and of all liens upon the
6 vehicle, including the names and addresses of all lienholders in the
7 order of their priority, and the date and nature of each ~~lien~~; lien.

8 (4) ~~Such further information as may reasonably be required by the~~
9 ~~Division to enable it to determine whether the vehicle is lawfully~~
10 ~~entitled to registration and the owner entitled to a certificate of title.~~

11 The application form must contain the disclosures concerning the request for an
12 applicant's social security number required by section 7 of the federal Privacy Act of
13 1974, Pub. L. No. 93-579."

14 Sec. 6. This act becomes effective January 1, 1995.