

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 615
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80227-ML-15A (12/10)

Short Title: Remove Revocation for DWLR/No PJC. (Public)

Sponsors: Representatives Ramsey and Baskerville (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS
3 LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED
4 OFFENSES; TO PREVENT A PERSON WHO IS GUILTY OF DRIVING WHILE
5 LICENSE REVOKED FROM RECEIVING A PRAYER FOR JUDGMENT
6 CONTINUED; TO MAKE DRIVING WHILE LICENSE REVOKED A NON-MOVING
7 VIOLATION FOR CERTAIN PURPOSES; AND TO MAKE OTHER CONFORMING
8 CHANGES.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 20-28 reads as rewritten:

11 "§ 20-28. Unlawful to drive while license revoked, after notification, or while disqualified.

12 (a) Driving While License Revoked. – Except as provided in subsection (a1) of this
13 section, any person whose drivers license has been revoked who drives any motor vehicle upon
14 the highways of the State while the license is revoked is guilty of a Class 1 ~~misdemeanor~~. ~~Upon~~
15 ~~conviction, the person's license shall be revoked for an additional period of one year for the~~
16 ~~first offense, two years for the second offense, and permanently for a third or subsequent~~
17 ~~offense-misdemeanor. If the person's drivers license was revoked for an impaired driving~~
18 ~~license revocation as defined in G.S. 20-28.2(a) or pursuant to G.S. 20-16(a)(5) or the person~~
19 ~~was charged with violating this subsection based upon a violation of any restriction of~~
20 ~~G.S. 20-179.3 or any restriction relating to the installation or use of an ignition interlock~~
21 ~~pursuant to G.S. 20-17.8, upon conviction of violating this subsection, the person's license shall~~
22 ~~be revoked for an additional period of one year for the first offense, two years for the second~~
23 ~~offense, and permanently for a third or subsequent offense.~~

24 If the person's license was originally revoked for an impaired driving revocation, the court
25 may order as a condition of probation that the offender abstain from alcohol consumption and
26 verify compliance by use of a continuous alcohol monitoring system, of a type approved by the
27 Division of Adult Correction of the Department of Public Safety, for a minimum period of 90
28 days.

29 The restoree of a revoked drivers license who operates a motor vehicle upon the highways
30 of the State without maintaining financial responsibility as provided by law shall be punished
31 as for driving without a license.

32 A person who violates this subsection shall not receive a prayer for judgment continued
33 under any circumstances.

34 ...

35 (c) When Person May Apply for License. – A person whose license has been revoked
36 may apply for a license as follows:



- 1 (1) If revoked under subsection (a) of this section for one year, the person may
 2 apply for a license after 90 days.
- 3 (2) If punished under subsection (a1) of this section and the original revocation
 4 was pursuant to G.S. 20-16.5, in order to obtain reinstatement of a drivers
 5 license, the person must obtain a substance abuse assessment and show proof
 6 of financial responsibility to the Division. If the assessment recommends
 7 education or treatment, the person must complete the education or treatment
 8 within the time limits specified by the Division.
- 9 (3) If revoked under subsection (a2) of this section for one year, the person may
 10 apply for a license after one year.
- 11 (4) If revoked under this section for two years, the person may apply for a
 12 license after one year.
- 13 (5) If revoked under this section permanently, the person may apply for a
 14 license after three years.

15 (c1) Upon the filing of an application the Division may, with or without a hearing, issue
 16 a new license upon satisfactory proof that the former licensee has not been convicted of a
 17 moving violation under this Chapter or the laws of another state, a violation of any provision of
 18 the alcoholic beverage laws of this State or another state, or a violation of any provisions of the
 19 drug laws of this State or another state when any of these violations occurred during the
 20 revocation period. For purposes of this subsection, a violation of subsection (a) of this section
 21 that does not require an additional period of license revocation shall not be considered a
 22 moving violation.

23 ...

24 (c3) A person whose license is revoked for violation of subsection (a) of this section
 25 where the person's license was originally revoked for an impaired driving ~~revocation~~, license
 26 revocation as defined in G.S. 20-28.2(a), or the person was charged with violating subsection
 27 (a) of this section based upon a violation of any restriction of G.S. 20-179.3 or any restriction
 28 relating to the installation or use of an ignition interlock pursuant to G.S. 20-17.8, or a person
 29 whose license is revoked for a violation of subsection (a2) of this section, may only have the
 30 license conditionally restored by the Division pursuant to the provisions of subsection (c4) of
 31 this section.

32"

33 **SECTION 2.** G.S. 20-28.1(a) reads as rewritten:

34 "(a) Upon receipt of notice of conviction of any person of a motor vehicle moving
 35 offense, ~~except a conviction punishable under G.S. 20-28(a1)~~, such offense having been
 36 committed while such person's driving privilege was in a state of suspension or revocation, the
 37 Division shall revoke such person's driving privilege for an additional period of time as set
 38 forth in subsection (b) ~~hereof~~. hereof. For purposes of this subsection, the following shall not be
 39 considered a "motor vehicle moving offense":

- 40 (1) A violation of G.S. 20-28(a) that does not require an additional period of
 41 license revocation.
- 42 (2) A violation of G.S. 20-28(a1).
- 43 (3) A violation of G.S. 20-7 for driving a motor vehicle without a regular drivers
 44 license."

45 **SECTION 3.** G.S. 20-20.1(b) reads as rewritten:

46 "(b) Eligibility. – A person is eligible to apply for a limited driving privilege under this
 47 section if all of the following conditions apply:

- 48 (1) The person's license is currently revoked under G.S. 20-28(a) or
 49 G.S. 20-28.1.

- 1 (2) The person has complied with the revocation for the period required in
2 subsection (c) of this section immediately preceding the date the person files
3 a petition for a limited driving privilege under this section.
- 4 (3) The person's underlying offense is not an ~~offense involving impaired~~
5 ~~driving~~ offense that would result in an impaired driving license revocation as
6 defined in G.S. 20-28.2(a), or an offense involving a violation of any
7 restriction of G.S. 20-179.3 or any restriction relating to the installation or
8 use of an ignition interlock pursuant to G.S. 20-17.8, and, if the person's
9 license is revoked under G.S. 20-28.1 for committing a motor vehicle
10 moving offense while driving with a revoked license, the moving offense is
11 not an offense involving impaired driving.
- 12 (4) The revocation period for the underlying offense has expired.
- 13 (5) The revocation under G.S. 20-28(a) or G.S. 20-28.1 is the only revocation in
14 effect.
- 15 (6) The person is not eligible to receive a limited driving privilege under any
16 other law.
- 17 (7) The person has not held a limited driving privilege issued under this section
18 anytime during the three years prior to the date the person files the current
19 petition.
- 20 (8) The person has no pending charges for any motor vehicle offense in this or
21 in any other state and has no unpaid motor vehicle fines or penalties in this
22 or in any other state.
- 23 (9) The person's drivers license issued by another state has not been revoked by
24 that state.
- 25 (10) G.S. 20-9(e) or G.S. 20-9(f) does not prohibit the Division from issuing the
26 person a license."

27 **SECTION 4.** This act becomes effective December 1, 2013, and applies to
28 offenses on or after that date.