

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 708

Short Title: License Revoked for Drug Conviction.

(Public)

Sponsors: Senators Daniel, Basnight, Rauch, Barker, Kaplan, Plyler, Conder, Soles, Winner, Goldston, Taft, Staton, Murphy, Marvin, Block, Guy, Harris, Speed, Royall, Sherron, Parnell, Ward, Martin of Guilford, Walker, Martin of Pitt; Ezzell, Hunt of Durham, Hunt of Moore, Johnson of Wake, Raynor, Richardson, and Sands.

Referred to: Judiciary I.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REVOCATION OF THE DRIVER'S LICENSE OF A PERSON WHO PLEADS GUILTY, IS CONVICTED OF, OR IS ADJUDICATED DELINQUENT FOR CERTAIN DRUG OFFENSES.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-95.5. Revocation of driver's license for certain drug convictions.

(a) A person who pleads guilty, is convicted of, or adjudicated delinquent for any violation of G.S. 90-95, except G.S. 90-95(a)(3), or G.S. 90-95.1 shall have his license to operate a motor vehicle revoked for a period to be fixed by the court at not less than six months nor more than two years, or, after the expiration of six months, until the license shall be restored to him in the discretion of the Commissioner of Motor Vehicles upon application to and after certification by a physician to the Commissioner that the person is not a drug dependent person. If a person at the time of sentencing is under 16 years of age, the period of revocation shall not begin to run until the person becomes 16 years of age.

(b) A person sentenced under this section is eligible for a limited driving privilege for proper purposes reasonably connected with the health, education and welfare of the person convicted and his family. The judge may impose upon the limited driving privilege any restrictions as in his discretion are deemed advisable including,

1 but not limited to, conditions of days, hours, types of vehicles, routes, geographical
2 boundaries and specific purposes for which the limited driving privilege is allowed.
3 Any limited driving privilege that is allowed and restrictions imposed on the privilege
4 shall be specifically recorded in a written judgment signed by the trial judge, affixed
5 with the seal of the court, and shall be made a part of the records of the court. A copy
6 of the judgment shall be transmitted to the Division of Motor Vehicles along with any
7 driver's license in the possession of the person convicted and a notice of the conviction.
8 The permit for the limited driving privilege shall constitute a valid license to operate
9 motor vehicles of the class or type that would be allowed by the person's license if it
10 were not currently revoked upon the streets and highways of this or any other state in
11 accordance with the restrictions noted in the permit and shall be subject to all provisions
12 of law relating to driver's license, not by their nature, rendered inapplicable.

13 (c) A person sentenced under this section may apply for a limited driving
14 privilege at the time the judgment is entered. If the judgment does not require the person
15 to complete a period of nonoperation, the privilege may be issued at the time the
16 judgment is issued. If the judgment requires the person to complete a period of
17 nonoperation, the limited driving privilege may not be effective until the person
18 successfully completes that period of nonoperation. A person whose license is revoked
19 because of a conviction in another jurisdiction substantially equivalent to a violation of
20 G.S. 90-95 or G.S. 90-95.1 may apply to the resident judge of the superior court of the
21 district in which he resides for a limited driving privilege as provided above. Upon such
22 application the judge shall have the authority to issue a limited driving privilege in the
23 same manner as if he were the trial judge.

24 (d) Any violation of the restrictive driving privileges as set forth in the judgment
25 of the trial judge allowing such privileges shall constitute the offense of driving while
26 license has been suspended as set forth in G.S. 20-28. Whenever a person is charged
27 with operating a motor vehicle in violation of the restrictions, the limited driving
28 privilege shall be suspended pending the final disposition of the charge.

29 (e) As used in this section, 'license' shall have the meaning as defined in G.S. 20-
30 4.01(17) and 'drug dependent person' shall have the meaning as defined in G.S. 90-
31 87(13). This section is supplemental and in addition to existing law and shall not be
32 construed to repeal any existing provision contained in the General Statutes of North
33 Carolina."

34 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
35 offenses occurring on or after that date.