

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 264

Short Title: Graduated Drivers Licenses/AB.

(Public)

Sponsors: Representatives Brawley, Wright (Co-Sponsors); Hayes and Luebke.

Referred to: Transportation, if favorable, Finance.

February 23, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR GRADUATED MOTOR VEHICLES DRIVERS
2 LICENSES AS RECOMMENDED BY THE NORTH CAROLINA CHILD
3 FATALITY TASK FORCE.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-11 reads as rewritten:

7 **"§ 20-11. Application of minors.**

8 (a) The Division shall not grant the application of any minor between the ages of
9 16 and 18 years for a ~~driver's~~drivers license or a learner's permit unless such application
10 is signed both by the applicant and by the parent, guardian, husband, wife or employer of
11 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer
12 residing in this State, by some other responsible adult person. It shall be unlawful for any
13 person to sign the application of a minor under the provisions of this section when such
14 application misstates the age of the minor and any person knowingly violating this
15 provision shall be guilty of a Class 2 misdemeanor.

16 The Division shall not grant the application of any minor between the ages of 16 and
17 18 years for a ~~driver's~~drivers license unless such minor presents evidence of having
18 satisfactorily completed the driver training and safety education courses offered at the
19 public high schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a
20 course of driving instruction offered at a licensed commercial driver training school or an

1 approved nonpublic secondary school, provided instruction offered in such schools shall
2 be approved by the State Commissioner of Motor Vehicles and the State Superintendent
3 of Public Instruction and all expenses for such instruction shall be paid by the persons
4 enrolling in such courses and/or by the schools offering them. All approved driver
5 training and safety education courses and courses of driving instruction shall include at
6 least six hours of actual driving experience.

7 (b) The Division may issue a Level 1 limited learner's permit to a minor who is at
8 least 15 years old ~~but is less than 16 years old~~ and who otherwise meets the requirements of
9 this section. An application for a Level 1 limited learner's permit ~~must~~ shall be signed by
10 both the applicant and the applicant's parent or guardian or some other responsible adult
11 with whom the applicant resides and who is approved by the Division. A Level 1 limited
12 learner's permit authorizes the permit holder to drive a specified type or class of motor
13 vehicle under the conditions specified in subdivision (d)(1) of this section while in
14 possession of the permit and accompanied by a parent, guardian, or other person
15 approved by the Division who is licensed to operate the motor vehicle being driven and is
16 seated beside the permit holder. A limited learner's permit is valid for a period of 18
17 months. The fee for a Level 1 limited learner's permit is ten dollars (\$10.00). In the
18 event a minor who holds a Level 1 limited learner's permit drives a motor vehicle in
19 violation of law, the permit shall be canceled.

20 A driver who holds a Level 1 limited learner's permit only shall not be deemed a
21 licensed driver for the purpose of determining the inexperienced operator premium
22 surcharge under automobile insurance policies.

23 (c) The Division may, upon satisfactory proof that a minor between the ages of 16
24 and 18 years has become a resident of North Carolina and holds a valid unrestricted
25 motor vehicle driver's drivers license from his prior state of residence ~~but has not completed~~
26 ~~a course in driver education which meets the requirements of this State, grant to such residence:~~

- 27 (1) Issue to the minor a temporary driver's permit under such with any
28 necessary terms and conditions as shall be deemed necessary by the
29 Division to allow the minor to operate a motor vehicle of a specified
30 type or class in this State in order to obtain the driver education courses
31 or a course of driving instruction necessary for driver's a drivers license
32 in North Carolina. Carolina;
- 33 (2) Issue to the minor the graduated license appropriate to his age and
34 experience as provided by this section; or
- 35 (3) Issue to the minor an unrestricted drivers license if the minor has
36 possessed a valid unrestricted drivers license in his previous state of
37 residence for the 12-month period immediately preceding the date of the
38 application and has not been convicted of a traffic violation for which
39 points may be assessed under this Article.

40 Every application for a temporary driver's permit shall be made upon the approved form
41 furnished by the Division. A temporary driver's permit issued pursuant to this section
42 shall be subject to all provisions of law relating to ~~driver's drivers~~ license.

1 (d) Graduated drivers licenses. – Unless the Division issues rules defining
2 extenuating circumstances for varying the requirements of this subsection, provisional
3 licensees shall be issued the graduated provisional drivers licenses appropriate to their
4 driving experience with the following experience-based restrictions:

5 (1) Level 1. – Limited learner's permit.

- 6 a. An applicant for this level provisional license shall have:
7 1. Passed a course of driver education prescribed in G.S. 20-
8 88.1;
9 2. Passed a written test administered by the Division; and
10 3. Obtained a limited learner's permit pursuant to subsection
11 (b) of this section.
12 b. For the first six months, a Level 1 limited learner's permit allows
13 only supervised driving between the hours of 5:00 a.m. and 10:00
14 p.m.
15 c. The supervisor shall be a parent, guardian, or other person
16 approved by the Division, who is a licensed driver, and who has
17 been licensed to drive for at least five years. The supervisor shall
18 be the only other occupant allowed in the front seat with the
19 driver.
20 d. After the first six months of issuance, a holder of this level
21 provisional license may drive under supervision at any time.
22 e. Every person occupying the vehicle being driven by the Level 1
23 provisional licensee shall have a safety belt properly fastened
24 about his or her body when the vehicle is in motion.

25 (2) Level 2. – Limited provisional license.

- 26 a. An applicant for this level provisional license shall have:
27 1. Possessed a Level 1 provisional license for a period of not
28 less than 12 months with no moving violations or seat belt
29 infractions;
30 2. Passed a road test administered by the Division; and
31 3. Paid a fee of ten dollars (\$10.00).
32 b. A Level 2 provisional license allows unsupervised driving from
33 5:00 a.m. to 10:00 p.m. and when going to and coming from
34 work.
35 c. A Level 2 provisional licensee may drive under supervision at
36 any time.
37 d. When a Level 2 provisional licensee is driving under supervision,
38 the supervisor shall be the occupant of the next occupied seat to
39 the right of the driver, but need not be the only other occupant of
40 the front seat.
41 e. Every person occupying the vehicle being driven by the Level 2
42 provisional licensee shall have a safety belt properly fastened
43 about his or her body when the vehicle is in motion.

- 1 (3) Level 3. – Full provisional license.
2 a. An applicant for this level provisional license shall have:
3 1. Possessed a Level 2 provisional license for a period of not
4 less than six months with no moving violations or seat belt
5 infractions; and
6 2. Paid a fee of ten dollars (\$10.00).
7 b. A Level 3 provisional licensee may drive unsupervised at any
8 time.
9 (e) The provisional licenses shall bear a distinctive color photographic background
10 indicating the level of driving experience of the licensee.
11 (f) After deducting the costs of administering the provisional license program
12 pursuant to this section, the Division shall transfer, quarterly, any balance of the funds
13 received as fees to the Highway Fund."
14 Sec. 2. This act becomes effective January 1, 1997.