

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 839

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors: Senators Allran and Cooper.

Referred to: Transportation

April 26, 1995

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 20-11. Application of minors.

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

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

1 nonpublic secondary school, provided instruction offered in such schools shall be
2 approved by the State Commissioner of Motor Vehicles and the State Superintendent of
3 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.

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

17 ~~A driver who holds a limited learner's permit only shall not be deemed a licensed~~
18 ~~driver for the purpose of determining the inexperienced operator premium surcharge~~
19 ~~under automobile insurance policies.~~

20 (c) ~~The Division may, upon satisfactory proof that a minor between the ages of 16~~
21 ~~and 18 years has become a resident of North Carolina and holds a valid motor vehicle~~
22 ~~driver's license from his prior state of residence but has not completed a course in driver~~
23 ~~education which meets the requirements of this State, grant to such minor a temporary~~
24 ~~driver's permit under such terms and conditions as shall be deemed necessary by the~~
25 ~~Division to allow the minor to operate a motor vehicle of a specified type or class in this~~
26 ~~State in order to obtain the driver education courses necessary for driver's license in~~
27 ~~North Carolina. Every application for a temporary driver's permit shall be made upon the~~
28 ~~approved form furnished by the Division. A temporary driver's permit issued pursuant to~~
29 ~~this section shall be subject to all provisions of law relating to driver's license.~~

30 (a) Unless the Division issues rules defining extenuating circumstances for
31 varying the requirements of this subsection, graduated provisional drivers licenses shall
32 be issued to minors between the ages of 15 and 18 years under the following experience-
33 based conditions:

34 (1) Level I. Limited learners permit.

35 a. An applicant for a limited learners permit, valid for 18 months,
36 shall:

37 1. Be at least 15 years of age;

38 2. Submit an application which shall be signed by both the
39 applicant and by the parent, guardian, husband, wife, or
40 employer of the applicant, or, if the applicant has no
41 parent, guardian, husband, wife, or employer residing in
42 this State, by some other responsible adult person.

1 It shall be unlawful for any person to sign an
2 application when the application misstates the age of the
3 minor and any person knowingly violating this provision
4 shall be guilty of a Class 2 misdemeanor;

- 5 3. Pass a course of driver education, as prescribed in G.S.
6 20-88.1, or satisfactorily complete a course of driving
7 instruction offered at a licensed commercial driver
8 training school or an approved nonpublic secondary
9 school, provided instruction offered in those schools has
10 been approved by the Division and the State
11 Superintendent of Public Instruction.

12 All approved driver training and safety education
13 courses and courses of driving instruction shall include at
14 least six hours of actual driving experience;

- 15 4. Pass a written test administered by the Division; and
16 5. Pay a ten dollar (\$10.00) fee.

- 17 b. A limited learners permit allows only supervised driving. The
18 supervisor shall be a licensed parent, guardian, or other person
19 approved by the Division. The supervisor shall be seated beside
20 the permit holder and shall be the only other occupant allowed in
21 the front seat.

- 22 c. Every person occupying a vehicle being driven by a Level I
23 licensee shall be secured by a properly fastened safety belt when
24 the vehicle is in motion.

- 25 d. If a person holding a Level I learners permit drives a motor
26 vehicle in violation of law, the permit shall be suspended in
27 accordance with G.S. 20-13(b).

- 28 e. A driver who holds a Level I limited learners permit shall not be
29 deemed a licensed driver for the purpose of determining the
30 inexperienced operator premium surcharge under automobile
31 insurance policies.

32 (2) Level II Provisional License.

- 33 a. An applicant for a Level II provisional license shall:

- 34 1. Be at least 16 but less than 18 years of age;
35 2. Possess a Level I limited learners permit for a period of
36 not less than six months with no moving violations or seat
37 belt infractions;
38 3. Pass a road test administered by the Division; and
39 4. Submit an application which shall be signed by both the
40 applicant and by the parent, guardian, husband, wife, or
41 employer of the applicant, or, if the applicant has no
42 parent, guardian, husband, wife, or employer residing in
43 this State, by some other responsible adult person.

1 It shall be unlawful for any person to sign an
2 application when the application misstates the age of the
3 minor and any person knowingly violating this provision
4 shall be guilty of a Class 2 misdemeanor; and

5 5. Pay a fee required by G.S. 20-7(i).

6 b. A Level II provisional licensee may drive unsupervised.

7 c. Every person occupying a vehicle being driven by a Level II
8 licensee shall be secured by a properly fastened safety belt when
9 the vehicle is in motion.

10 (b) The Division may, upon satisfactory proof that a minor between the ages of 16
11 and 18 years has become a resident of North Carolina and holds an unrestricted motor
12 vehicle drivers license from his prior state of residence:

13 (1) Issue to the minor a temporary drivers permit with any necessary terms
14 and conditions to allow the minor to operate a motor vehicle of a
15 specified type or class in this State in order to obtain the driver
16 education courses or a course of driving instruction necessary for a
17 drivers license in North Carolina;

18 (2) Issue to the minor the graduated license appropriate to his age and
19 experience as provided by this section; or

20 (3) Issue to the minor an unrestricted drivers license if the minor possessed
21 a valid unrestricted drivers license in his previous state of residence for
22 the 12-month period immediately preceding the date of the application
23 and has not been convicted of a traffic violation for which points may be
24 assessed under this Article.

25 Every application for a temporary drivers permit shall be made upon the approved
26 form furnished by the Division. A temporary drivers permit issued pursuant to this
27 section shall be subject to all provisions of law relating to drivers license."

28 Sec. 2. G.S. 20-12 reads as rewritten:

29 "**§ 20-12. Instruction.**

30 Any licensed driver may instruct a person who is ~~16-18~~ or more years of age in the
31 operation of any motor vehicle that the person instructing is licensed to drive. Any person
32 so instructing another must actually occupy the seat beside the ~~permittee.~~ driver."

33 Sec. 3. This act becomes effective January 1, 1997.