

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 839

Finance Committee Substitute Adopted 6/6/95

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GRADUATED DRIVERS LICENSES FOR PROVISIONAL LICENSEES 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.~~ Issuance of learner's permit and limited learner's permit.

(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~~

1 schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of
2 driving instruction offered at a licensed commercial driver training school or an approved
3 nonpublic secondary school, provided instruction offered in such schools shall be
4 approved by the State Commissioner of Motor Vehicles and the State Superintendent of
5 Public Instruction and all expenses for such instruction shall be paid by the persons
6 enrolling in such courses and/or by the schools offering them.

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

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

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

32 (a) Qualifications. – A person who is qualified to obtain a drivers license under
33 this Article may obtain a learner's permit. A person who is at least 15 years old but less
34 than 18 years old and has completed a drivers education program approved by the State
35 Superintendent of Public Instruction may obtain a limited learner's permit.

36 (b) Application. – An application for a learner's permit submitted by a person who
37 is less than 18 years old must be signed by the person's parent or guardian or, if a parent
38 or guardian is not available, by an adult approved by the Division.

39 An application for a limited learner's permit must designate one or more persons who
40 will supervise the applicant's driving by riding in the front seat with the applicant when
41 the applicant drives a motor vehicle. Each person designated must be at least 18 years
42 old and must have a drivers license that is issued by the Division and authorizes the
43 person to drive the type or class of motor vehicle the applicant intends to drive. The

1 application must be signed by both the applicant and one of the persons designated on the
2 form as a supervising driver.

3 An applicant for a learner's permit or a limited learner's permit is not required to take
4 a road test.

5 (c) Scope of Learner's Permit. – A learner's permit authorizes the permit holder to
6 drive a specified type or class of motor vehicle only under the following conditions:

7 (1) When the holder of the permit is in possession of the permit.

8 (2) When a person licensed by the Division for the type or class of motor
9 vehicle driven by the permit holder is seated in the front seat of the
10 vehicle next to the permit holder.

11 (d) Scope of Limited Learner's Permit. – A limited learner's permit authorizes the
12 permit holder to drive a specified type or class of motor vehicle only under the following
13 conditions:

14 (1) The holder of the permit must be in possession of the permit.

15 (2) A person designated on the application form as a supervising driver
16 must be seated beside the permit holder in the front seat of the vehicle
17 when it is in motion.

18 (3) Each person who is a passenger in the vehicle and who occupies a seat
19 for which a seat safety belt was installed when the vehicle was
20 manufactured must be fastened in the belt or, if the passenger is less
21 than 4 years old, be secured in a car safety seat when the vehicle is in
22 motion.

23 (4) If seat safety belts were installed in seats behind the vehicle's front seat
24 when the vehicle was manufactured or seat safety belts have been
25 installed in these seats since the vehicle was manufactured, the number
26 of passengers seated in back seats of the vehicle cannot exceed the
27 number of seat belts the vehicle has for back seats.

28 (e) Duration and Fee. – A learner's permit or a limited learner's permit is valid for
29 a period of 18 months after it is issued. A learner's permit or a limited learner's permit
30 may be renewed, or a second permit may be issued, for an additional period of 18
31 months. The fee for a learner's permit or a limited learner's permit is ten dollars (\$10.00).

32 (f) Insurance Status. – The holder of a limited learner's permit is not considered a
33 licensed driver for the purpose of determining the inexperienced operator premium
34 surcharge under automobile insurance policies."

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

36 "**§ 20-12. Instruction. Issuance of drivers license to person who is less than 18 years**
37 **old.**

38 ~~Any licensed driver may instruct a person who is 16 or more years of age in the~~
39 ~~operation of any motor vehicle that the person instructing is licensed to drive. Any person~~
40 ~~so instructing another must actually occupy the seat beside the permittee.~~

41 (a) Process. – Safe driving requires instruction in driving and experience. To
42 ensure that a person who is less than 18 years old has both instruction and experience

1 before obtaining a drivers license, driving privileges are granted first on a limited basis
2 and are then expanded in accordance with the following process:

- 3 (1) Driving with a limited learner's permit issued under G.S. 20-11.
- 4 (2) Driving as a provisional licensee.
- 5 (3) Driving as an adult.

6 (b) Requirements. – A person who is at least 16 years old but is less than 18 years
7 old must meet the requirements set in G.S. 20-7 for obtaining a drivers license as well as
8 the following requirements:

- 9 (1) Have held a limited learner's permit issued by the Division for at least
10 six months.
- 11 (2) Not been convicted of a motor vehicle moving violation, as defined in
12 G.S. 20-13(a), or been found responsible for an infraction under G.S.
13 20-135.2A, which governs the use of seat safety belts, in at least six of
14 the months in which the person had a limited learner's permit.
- 15 (3) Have the license application signed by the person's parent or another
16 adult.

17 (c) Out-of-State Exceptions. – A person who is at least 16 years old but less than
18 18 years old, who was a resident of another state and has a drivers license issued by that
19 state, and who becomes a resident of this State may obtain one of the following:

- 20 (1) A Class C temporary permit, if the person has not completed a drivers
21 education program that meets the requirements of the State
22 Superintendent of Public Instruction but is currently enrolled in a
23 drivers education program that meets these requirements. A Class C
24 temporary permit is valid for the period specified in the permit. The
25 period must end within 10 days after the expected completion date of
26 the drivers education program in which the applicant is enrolled.
- 27 (2) A drivers license, if the person held the license issued by the other state
28 for at least 12 months and has not been convicted of an offense for
29 which points are assessed under G.S. 20-16.

30 (d) Restrictions. – A person who has a drivers license issued by the Division and is
31 at least 16 years old but is less than 18 years old must comply with the conditions set in
32 G.S. 20-11(d)(3) and (d)(4) that apply to driving with a limited learner's permit."

33 Sec. 3. G.S. 20-7(l) reads as rewritten:

34 ~~"(l) Learner's Permit. —Any person who except for lack of instruction in operating~~
35 ~~a motor vehicle would be qualified to obtain a drivers license under this Article may~~
36 ~~obtain a learner's permit. A learner's permit authorizes the permit holder to drive a~~
37 ~~specified type or class of motor vehicle while in possession of the permit. A learner's~~
38 ~~permit is valid for a period of 18 months after it is issued. The fee for a learner's permit~~
39 ~~is ten dollars (\$10.00). A learner's permit may be renewed, or a second learner's permit~~
40 ~~may be issued, for an additional period of 18 months. The permit holder must, while~~
41 ~~operating a motor vehicle over the highways, be accompanied by a person who is~~
42 ~~licensed to operate the motor vehicle being driven and is seated beside the permit holder.~~
43 G.S. 20-11 governs the issuance of a learner's permit or a limited learner's permit."

1 Sec. 4. G.S. 20-88.1(a) reads as rewritten:

2 "(a) In accordance with criteria and standards approved by the State Board of
3 Education, the State Superintendent of Public Instruction shall organize and administer a
4 program of driver education to be offered at the public high schools of this State for all
5 physically and mentally qualified persons who (i) are older than 14 years and six months,
6 (ii) are approved by the principal of the school, pursuant to rules adopted by the State
7 Board of Education, (iii) are enrolled in a public or private high school within the State,
8 and (iv) have not previously enrolled in the program. The State Board of Education shall
9 use for such purpose all funds appropriated to it for said purpose, and may use all other
10 funds that become available for its use for said purpose. ~~The~~

11 The driver education program established pursuant to this section shall include
12 ~~instructions~~ the following:

13 (1) Instruction on the rights and privileges of the handicapped and the signs
14 and symbols used to assist the handicapped relative to motor vehicles,
15 including the "international symbol of accessibility" and other symbols
16 and devices as provided in Article 2A of this Chapter. ~~In addition, this~~
17 ~~program shall include at~~

18 (2) At least six hours of instruction on the offense of driving while impaired
19 and related subjects.

20 (3) At least six hours of actual driving experience."

21 Sec. 5. This act becomes effective January 1, 1997.