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Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.
The General Assembly of North Carolina enacts:

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

"§ 20-11. ~~Application of minors.~~ **Issuance of limited learner's permit and provisional drivers license to person who is less than 18 years old.**

(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 (c) 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
25 driver education which meets the requirements of this State, grant to such minor a
26 temporary driver's permit under such terms and conditions as shall be deemed necessary
27 by the Division to allow the minor to operate a motor vehicle of a specified type or class
28 in this State in order to obtain the driver education courses necessary for license in North
29 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 a driver's license.

32 (a) Process. – Safe driving requires instruction in driving and experience. To
33 ensure that a person who is less than 18 years old has both instruction and experience
34 before obtaining a drivers license, driving privileges are granted first on a limited basis
35 and are then expanded in accordance with the following process:

36 (1) Level 1: Driving with a limited learner's permit.

37 (2) Level 2: Driving with a limited provisional license.

38 (3) Level 3: Driving with a full provisional license.

39 The permits and licenses will bear a distinctive color photographic background or border
40 indicating the level of driving experience of the permit holder or licensee.

41 (b) Level 1. – A person who is at least 15 years old but less than 18 years old may
42 obtain a limited learner's permit if the person meets all of the following requirements:

- 1 (1) Passes a course of driver education prescribed in G.S. 20-88.1 or a
2 course of driver instruction at a licensed commercial driver training
3 school.
- 4 (2) Passes a written test administered by the Division.
- 5 (c) Level 1 Restrictions. – A limited learner's permit authorizes the permit holder
6 to drive a specified type or class of motor vehicle only under the following conditions:
- 7 (1) The holder of the permit must be in possession of the permit.
- 8 (2) A supervising driver must be seated beside the permit holder in the front
9 seat of the vehicle when it is in motion. No person other than the
10 supervising driver can be in the front seat.
- 11 (3) For the first six months after issuance, the permit holder may drive only
12 between the hours of 5:00 a.m. and 10:00 p.m.
- 13 (4) After the first six months after issuance, the permit holder may drive at
14 any time.
- 15 (5) Every person occupying the vehicle being driven by the permit holder
16 must have a safety belt properly fastened about his or her body, or be
17 restrained by a child passenger restraint system as provided in G.S. 20-
18 137.1(a), when the vehicle is in motion.
- 19 (d) Level 2. – A person who is at least 16 years old but less than 18 years old may
20 obtain a limited provisional license if the person meets all of the following requirements:
- 21 (1) Has held a limited learner's permit issued by the Division for at least 12
22 months.
- 23 (2) Has not been convicted of a motor vehicle moving violation or seat belt
24 infraction during the preceding 12 months.
- 25 (3) Passes a road test administered by the Division.
- 26 (e) Level 2 Restrictions. – A limited provisional license authorizes the license
27 holder to drive a specified type or class of motor vehicle only under the following
28 conditions:
- 29 (1) The license holder must be in possession of the license.
- 30 (2) The license holder may drive without supervision from 5:00 a.m. to
31 10:00 p.m. and when driving to or from work.
- 32 (3) The license holder may drive with supervision at any time. When the
33 license holder is driving with supervision, the supervising driver must
34 be seated beside the license holder in the front seat of the vehicle when
35 it is in motion. The supervising driver need not be the only other
36 occupant of the front seat, but must be the person seated next to the
37 license holder.
- 38 (4) Every person occupying the vehicle being driven by the license holder
39 must have a safety belt properly fastened about his or her body, or be
40 restrained by a child passenger restraint system as provided in G.S. 20-
41 137.1(a), when the vehicle is in motion.
- 42 (f) Level 3. – A person who is at least 16 years old but less than 18 years old may
43 obtain a full provisional license if the person meets all of the following requirements:

1 (1) Has held a limited provisional license issued by the Division for at least
2 six months.

3 (2) Has not been convicted of a motor vehicle moving violation or seat belt
4 infraction during the preceding six months.

5 A person who meets these requirements may obtain a full provisional license by mail.

6 (g) Level 3 Restrictions. – The restrictions on Level 1 and Level 2 drivers
7 concerning time of driving, supervision, and passenger limitations do not apply to a full
8 provisional license.

9 (h) Out-of-State Exceptions. – A person who is at least 16 years old but less than
10 18 years old, who was a resident of another state and has an unrestricted drivers license
11 issued by that state, and who becomes a resident of this State may obtain one of the
12 following:

13 (1) A temporary permit, if the person has not completed a drivers education
14 program that meets the requirements of the State Superintendent of
15 Public Instruction but is currently enrolled in a drivers education
16 program that meets these requirements. A temporary permit is valid for
17 the period specified in the permit. The period must end within 10 days
18 after the expected completion date of the drivers education program in
19 which the applicant is enrolled.

20 (2) A full provisional license, if the person has completed a drivers
21 education program that meets the requirements of the State
22 Superintendent of Public Instruction, has held the license issued by the
23 other state for at least 12 months, and has not been convicted of an
24 offense for which points are assessed under G.S. 20-16 during the
25 preceding 12 months.

26 (3) A limited provisional license, if the person has completed a drivers
27 education program that meets the requirements of the State
28 Superintendent of Public Instruction, but either did not hold the license
29 issued by the other state for at least 12 months or was convicted of an
30 offense for which points are assessed under G.S. 20-16 during the
31 preceding 12 months.

32 (i) Application. – An application for a permit or license authorized by this section
33 must be signed by both the applicant and by the applicant's parent or guardian or, if a
34 parent or guardian is not available, by an adult approved by the Division.

35 (j) Duration and Fee. – A limited learner's permit expires on the eighteenth
36 birthday of the permit holder. A limited provisional license expires on the eighteenth
37 birthday of the license holder. A full provisional license expires on the date set under
38 G.S. 20-7(f). The fee for a permit or license issued under this section is ten dollars
39 (\$10.00).

40 (k) Supervising Driver. – The supervising driver must be the parent or guardian of
41 the permit holder or the license holder or, if a parent or guardian is not available, an adult
42 approved by the Division. The supervising driver must be a licensed driver who has been
43 licensed to drive for at least five years.

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

4 Section 2. G.S. 20-135.2A(a) reads as rewritten:

5 (a) Each front seat occupant who is 16 years of age or older and each driver of a
6 passenger motor vehicle manufactured with seat safety belts in compliance with Federal
7 Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened
8 about his body at all times when the vehicle is in forward motion on a street or highway
9 in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts
10 in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting
11 in the front seat a person who is (1) under 16 years of age and (2) not required to be
12 restrained in accordance with G.S. 20-137.1, shall have the person secured by such a
13 safety belt at all times when the vehicle is operated in forward motion on a street or
14 highway in this State. Persons required to be restrained in accordance with ~~G.S. 20-137.1~~
15 G.S. 20-11 and G.S. 20-137.1 shall be secured as required by that section. ~~those sections.~~"

16 Section 3. G.S. 20-88.1(a) reads as rewritten:

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

26 The driver education program established pursuant to this section shall include
27 instructions the following:

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

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

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

36 Section 4. G.S. 20-322(b) reads as rewritten:

37 (b) Regulations adopted by the Commissioner shall state the requirements for a
38 school license, including requirements concerning location, equipment, courses of
39 instruction, instructors, financial statements, schedule of fees and charges, character and
40 reputation of the operators, insurance, bond or other security in such sum and with such
41 provisions as the Commissioner deems necessary to protect adequately the interests of the
42 public, and such other matters as the Commissioner may prescribe. All driver training

1 and safety education courses and courses of driving instruction must include at least six
2 hours of actual driving experience."

3 Section 5. G.S. 20-7(a1) reads as rewritten:

4 "(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person must have ~~a~~either
5 a full provisional license issued under G.S. 20-11 or a regular drivers license issued under
6 this section and a motorcycle endorsement. To obtain a motorcycle endorsement, a
7 person must demonstrate competence to drive a motorcycle by passing a road test and a
8 written or oral test concerning a motorcycle and must pay the fee for a motorcycle
9 endorsement. Neither a drivers license nor a motorcycle endorsement is required to drive
10 a moped."

11 Section 6. This act does not appropriate funds to the Division to implement
12 this act nor does it obligate the General Assembly to appropriate funds to implement this
13 act.

14 Section 7. This act becomes effective December 1, 1997, if the General
15 Assembly appropriates the necessary funds from the Highway Fund to the Department of
16 Transportation, Division of Motor Vehicles, to administer the provisional license
17 program. The act does not apply to any person who holds a valid North Carolina limited
18 learner's permit issued before the effective date of this act, a valid North Carolina
19 learner's permit issued before the effective date of this act, or who is a provisional
20 licensee holding a valid North Carolina drivers license issued before the effective date of
21 this act.