

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

3

HOUSE BILL 2391*
Second Edition Engrossed 6/12/08
Senate Judiciary I (civil) Committee Substitute Adopted 7/1/08

Short Title: No Auto. Revoke/Driv. Lic./Incompetent Person. (Public)

Sponsors:

Referred to:

May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO CONSIDER
2 RECOMMENDATIONS FROM THE CLERK OF COURT IN DETERMINING
3 WHETHER TO REVOKE THE DRIVERS LICENSE OF A PERSON
4 ADJUDICATED INCOMPETENT UNDER THE GUARDIANSHIP LAWS, AS
5 RECOMMENDED BY THE STUDY COMMISSION ON AGING.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-17.1(a) reads as rewritten:

8 "(a) The Commissioner, upon receipt of notice that any person has been legally
9 adjudicated incompetent or has been involuntarily committed to an institution for the
10 treatment of alcoholism or drug addiction, shall forthwith make inquiry into the facts for
11 the purpose of determining whether such person is competent to operate a motor
12 vehicle. If a person has been adjudicated incompetent under Chapter 35A of the General
13 Statutes, in making an inquiry into the facts, the Commissioner shall consider the clerk
14 of court's recommendation regarding whether the incompetent person should be allowed
15 to retain his or her driving privilege. Unless the Commissioner is satisfied that such
16 person is competent to operate a motor vehicle with safety to persons and property, he
17 shall revoke such person's driving privilege. Provided that if such person requests, in
18 writing, a hearing, he shall retain his license until after the hearing, and if the revocation
19 is sustained after such hearing, the person whose driving privilege has been revoked
20 under the provisions of this section, shall have the right to a review by the review board
21 as provided in G.S. 20-9(g)(4) upon written request filed with the Division."

22 **SECTION 2.** This act becomes effective October 1, 2008, and applies to
23 persons adjudicated incompetent under Chapter 35A of the General Statutes on or after
24 that date.
25