

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 761
PROPOSED COMMITTEE SUBSTITUTE H761-PCS30374-SA-54

Short Title: Ignition Interlock Systems/Record Checks.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE COLORED BORDER REQUIREMENTS FROM CERTAIN LICENSES, TO CLARIFY THAT SPECIAL IDENTIFICATION CARDS ARE SUBJECT TO VIOLATION PROVISIONS, AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CONDUCT BACKGROUND INVESTIGATIONS ON EVERY PERSON APPLYING FOR A RESTORATION OF A REVOKED LICENSE, A DEALER'S LICENSE, MECHANIC'S LICENSE, OR ANY OTHER LICENSE ISSUED BY THE DIVISION EXCEPT FOR A DRIVERS LICENSE UNLESS IT IS BEING RESTORED AFTER A REVOCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(n) reads as rewritten:

"(n) Format. – A drivers license issued by the Division must be tamperproof and must contain all of the following information:

- (1) An identification of this State as the issuer of the license.
- (2) The license holder's full name.
- (3) The license holder's residence address.
- (4) A color photograph, or a properly applied laser engraved picture on polycarbonate material, of the license holder, taken by the Division.
- (5) A physical description of the license holder, including sex, height, eye color, and hair color.
- (6) The license holder's date of birth.
- (7) An identifying number for the license holder assigned by the Division. The identifying number may not be the license holder's social security number.
- (8) Each class of motor vehicle the license holder is authorized to drive and any endorsements or restrictions that apply.
- (9) The license holder's signature.
- (10) The date the license was issued and the date the license expires.

~~In taking photographs of license holders, the Division must distinguish between license holders who are less than 21 years old and license holders who are at least 21 years old by using different color backgrounds or borders for each group. The Division shall determine the different colors to be used.~~ The Commissioner shall ensure that applicants 21 years old or older are issued drivers licenses and special identification cards that are printed in a horizontal format. The Commissioner shall ensure that applicants under the age of 21 are issued drivers



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1 licenses and special identification cards that are printed in a vertical format, that distinguishes
2 them from the horizontal format, for ease of identification of individuals under age 21 by
3 members of industries that regulate controlled products that are sale restricted by age and law
4 enforcement officers enforcing these laws.

5 At the request of an applicant for a drivers license, a license issued to the applicant must
6 contain the applicant's race."

7 **SECTION 2.** G.S. 20-11(a) reads as rewritten:

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

- 12 (1) Level 1. – Driving with a limited learner's permit.
- 13 (2) Level 2. – Driving with a limited provisional license.
- 14 (3) Level 3. – Driving with a full provisional license.

15 A permit or license issued under this section must ~~have a color background or border that~~
16 ~~indicates~~ indicate the level of driving privileges granted by the permit or license."

17 **SECTION 3.** G.S. 20-30 reads as rewritten:

18 "**§ 20-30. Violations of ~~license or license, learner's permit~~ permit, or special identification**
19 **card provisions.**

20 It shall be unlawful for any person to commit any of the following acts:

- 21 (1) To display or cause to be displayed or to have in possession a driver's ~~license~~
22 ~~or license, learner's permit, or special identification card~~, knowing the same
23 to be fictitious or to have been canceled, revoked, suspended or altered.
- 24 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not
25 entitled thereto, a driver's ~~license or license, learner's permit~~ or special identification card.
- 26 (3) To display or to represent as one's own a ~~license or drivers license, learner's~~
27 ~~permit~~ permit, or special identification card not issued to the person so
28 displaying same.
- 29 (4) To fail or refuse to surrender to the Division upon demand any driver's
30 ~~license or license, learner's permit~~ or special identification card that
31 has been suspended, canceled or revoked as provided by law.
- 32 (5) To use a false or fictitious name or give a false or fictitious address in any
33 application for a driver's ~~license or license, learner's permit~~ or special
34 identification card, or any renewal or duplicate thereof, or knowingly to
35 make a false statement or knowingly conceal a material fact or otherwise
36 commit a fraud in any such application, or for any person to procure, or
37 knowingly permit or allow another to commit any of the foregoing acts. Any
38 ~~license or license, learner's permit~~ or special identification card
39 procured as aforesaid shall be void from the issuance thereof, and any
40 moneys paid therefor shall be forfeited to the State. Any person violating the
41 provisions of this subdivision shall be guilty of a Class 1 misdemeanor.
- 42 (6) To make a color photocopy or otherwise make a color reproduction of a
43 drivers license, learner's permit, or special identification card which has been
44 color-photocopied or otherwise reproduced in color, unless such color
45 photocopy or other color reproduction was authorized by the Commissioner.
46 It shall be lawful to make a black and white photocopy of a drivers license,
47 learner's permit, or special identification card or otherwise make a black and
48 white reproduction of a drivers license, learner's permit, or special
49 identification card.
50

- 1 (7) To sell or offer for sale any reproduction or facsimile or simulation of a
2 driver's ~~license or license~~, learner's ~~permit~~, or special identification
3 card. The provisions of this subdivision shall not apply to agents or
4 employees of the Division while acting in the course and scope of their
5 employment. Any person, firm or corporation violating the provisions of this
6 subsection shall be guilty of a Class I felony.
- 7 (8) To possess more than one commercial drivers license or to possess a
8 commercial drivers license and a regular drivers license. Any commercial
9 drivers license other than the one most recently issued is subject to
10 immediate seizure by any law enforcement officer or judicial official. Any
11 regular drivers license possessed at the same time as a commercial drivers
12 license is subject to immediate seizure by any law enforcement officer or
13 judicial official.
- 14 (9) To present, display, or use a drivers ~~license or license~~, learner's ~~permit~~
15 permit, or special identification card that contains a false or fictitious name
16 in the commission or attempted commission of a felony. Any person
17 violating the provisions of this subdivision shall be guilty of a Class I
18 felony."

19 **SECTION 4.** Article 4 of Chapter 114 of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 114-19.31. Criminal history record checks of applicants for a dealer's license, a**
22 **mechanic's license, and all other licenses issued by the Division of Motor**
23 **Vehicles.**

24 The Department of Justice may provide to the Division of Motor Vehicles, from the State
25 and National Repositories of Criminal Histories, the criminal history record of any applicant for
26 licensure under Chapter 20 of the General Statutes, including, but not limited to, a restoration
27 of a revoked driving privilege, a nonrenewal of a dealer's license, a mechanic's inspection
28 license, or a station inspection license, as dictated by the licensing guidelines for each
29 application under Chapter 20 of the General Statutes. The provisions of this section shall not
30 apply to (i) an applicant for a drivers license, unless the application is for a restoration of a
31 drivers license that has been revoked or (ii) an applicant for renewal of a dealer's license. Along
32 with the request, the Division shall provide to the Department of Justice the fingerprints of the
33 applicant, a form signed by the applicant consenting to the criminal history record check and
34 use of fingerprints, other identifying information required by the State and National
35 Repositories, and any additional information required by the Department of Justice. The
36 applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of
37 the State's criminal history record file, and the State Bureau of Investigation shall forward a set
38 of fingerprints to the Federal Bureau of Investigation for a national criminal history record
39 check. The Division shall keep all information obtained pursuant to this section confidential.
40 The Department of Justice may charge a fee to offset the cost incurred by it to conduct a
41 criminal history record check under this section. The fee shall not exceed the actual cost of
42 locating, editing, researching, and retrieving the information. Fees and other costs incurred by
43 the Division under this statute may be charged to the applicant."

44 **SECTION 5.** Sections 1, 2, and 4 of this act become effective December 1, 2011,
45 and apply to licenses issued on or after that date. Section 3 of this act becomes effective
46 December 1, 2011, and applies to offenses committed on or after that date. The remainder of
47 this act becomes effective December 1, 2011. Prosecutions for offenses committed before the
48 effective date of this act are not abated or affected by this act, and the statutes that would be
49 applicable but for this act remain applicable to those prosecutions.