

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 636
PROPOSED COMMITTEE SUBSTITUTE S636-PCS15174-SA-46

Short Title: Modify Graduated Licensing Requirements.

(Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES;
TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF
DRIVING TIME BY A PERSON WITH A LIMITED LEARNER'S PERMIT BEFORE A
LEVEL 2 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A DRIVING
LOG SHOWING TWELVE HOURS OF DRIVING TIME BY A PROVISIONAL
LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO
REQUIRE AN IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE
PROVISIONAL LICENSEE IS CHARGED WITH CERTAIN MOVING VIOLATIONS
OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR
VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF THIS
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-11(e) reads as rewritten:

"(e) Level 2 Restrictions. – A limited provisional license authorizes the license holder to drive a specified type or class of motor vehicle only under the following conditions:

- ...
- (2) The license holder may drive without supervision in any of the following circumstances:
 - a. From 5:00 a.m. to 9:00 p.m.
 - b. When driving directly to or from work.
 - c. When driving directly to or from an activity of a volunteer fire department, volunteer rescue squad, or volunteer emergency medical service, if the driver is a member of the organization.

...."

SECTION 2. G.S. 20-11(d) reads as rewritten:

"(d) Level 2. – A person who is at least 16 years old but less than 18 years old may obtain a limited provisional license if the person meets all of the following requirements:

- (1) Has held a limited learner's permit issued by the Division for at least 12 months.
- (2) Has not been convicted of a motor vehicle moving violation or seat belt infraction or a violation of G.S. 20-137.3 during the preceding six months.
- (3) Passes a road test administered by the Division.



- 1 (4) Has a driving eligibility certificate or a high school diploma or its
2 equivalent.
- 3 (5) Has completed a driving log, on a form approved by the Division, detailing a
4 minimum of 120 hours as the operator of a motor vehicle of a class for
5 which the driver has been issued a limited learner's permit. The log must
6 show at least 10 hours of the required driving occurred during nighttime
7 hours. No more than 10 hours of driving per week may be counted toward
8 the 120-hour requirement. The driving log must be signed by the supervising
9 driver and submitted to the Division at the time the applicant seeks to obtain
10 a limited provisional license. If the Division has cause to believe that a
11 driving log has been falsified:
- 12 a. The limited learner's permit holders shall be required to complete a
13 new driving log with the same requirements and shall not be eligible
14 to obtain a limited provisional license for six months.
- 15 b. The supervising driver shall be required to pay a civil penalty of one
16 hundred dollars (\$100.00).
- 17 c. The limited provisional licensee and supervising driver shall have the
18 right to a hearing before the Division on the issue of whether or not
19 the driving log has been falsified."

20 **SECTION 3.** G.S. 20-11(f) reads as rewritten:

21 "(f) Level 3. – A person who is at least 16 years old but less than 18 years old may
22 obtain a full provisional license if the person meets all of the following requirements:

- 23 (1) Has held a limited provisional license issued by the Division for at least six
24 months.
- 25 (2) Has not been convicted of a motor vehicle moving violation or seat belt
26 infraction or a violation of G.S. 20-137.3 during the preceding six months.
- 27 (3) Has a driving eligibility certificate or a high school diploma or its
28 equivalent.
- 29 (4) Has completed a driving log, on a form approved by the Division, detailing a
30 minimum of 12 hours as the operator of a motor vehicle of a class for which
31 the driver is licensed. The log must show at least six hours of the required
32 driving occurred during nighttime hours. The driving log must be signed by
33 the supervising driver for any hours driven outside the provisions of
34 subdivision (e)(2) of this section and submitted to the Division at the time
35 the applicant seeks to obtain a full provisional license. If the Division has
36 cause to believe that a driving log has been falsified:
- 37 a. The limited provisional licensee shall be required to complete a new
38 driving log with the same requirements and shall not be eligible to
39 obtain a full provisional license for six months.
- 40 b. The supervising driver shall be required to pay a civil penalty of one
41 hundred dollars (\$100.00).
- 42 c. The limited provisional licensee and supervising driver shall have the
43 right to a hearing before the Division on the issue of whether or not
44 the driving log has been falsified."

45 **SECTION 4.** Article 2 of Chapter 20 of the General Statutes is amended by adding
46 a new section to read:

47 **§ 20-13.3. Immediate civil license revocation for provisional licensees charged with**
48 **certain offenses.**

49 (a) Definitions. – As used in this section, the following words and phrases have the
50 following meanings:

- 51 (1) Clerk. – As defined in G.S. 15A-101(2).

- 1 (2) Criminal moving violation. – A violation of Part 9 or 10 of Article 3 of this
2 Chapter which is punishable as a misdemeanor or a felony offense. This
3 term does not include the offenses listed in the third paragraph of
4 G.S. 20-16(c) for which no points are assessed, nor does it include
5 equipment violations specified in Part 9 of Article 3 of this Chapter.
6 (3) Judicial official. – As defined in G.S. 15A-101(5).
7 (4) Provisional licensee. – A person under the age of 18 who has a limited
8 learner's permit, a limited provisional license, or a full provisional license
9 issued pursuant to G.S. 20-11.
10 (5) Revocation report. – A sworn statement by a law enforcement officer
11 containing facts indicating that the conditions of subsection (b) of this
12 section have been met.
13 (6) Seatbelt violation. – A violation of G.S. 20-135.2A while driving a motor
14 vehicle.

15 (b) Revocations for Provisional Licensees Charged With Criminal Moving Violation or
16 Seatbelt Violation. – A provisional licensee's permit or license is subject to revocation under
17 this section if a law enforcement officer has reasonable grounds to believe that the provisional
18 licensee has committed a criminal moving violation or a seatbelt violation, the provisional
19 licensee is charged with that offense, and the provisional licensee is not subject to a civil
20 revocation pursuant to G.S. 20-16.5.

21 (c) Duty of Law Enforcement Officers to Report to Judicial Officials. – If a provisional
22 licensee's permit or license is subject to revocation under this section, the law enforcement
23 officer must execute a revocation report and must take the provisional licensee before a judicial
24 official for an initial appearance. It is the specific duty of the law enforcement officer to make
25 sure that the report is expeditiously filed with a judicial official as required by this section.

26 (d) Judicial Official Must Receive Report; Procedure Upon Receipt of Report. – The
27 law enforcement officer must file the revocation report with the judicial official conducting the
28 initial appearance on the underlying criminal moving violation or seatbelt violation. If a
29 properly executed revocation report concerning a provisional licensee is filed with a judicial
30 official when the person is present before that official, the judicial official shall, after
31 completing any other proceedings involving the provisional licensee, determine whether there
32 is probable cause to believe that the conditions of subsection (b) of this section have been met.
33 If the judicial official determines there is such probable cause, the judicial official shall enter an
34 order revoking the provisional licensee's permit or license. The period of revocation is for 30
35 days and begins at the time the revocation order is issued and continues for 30 additional
36 calendar days. The judicial official shall give the provisional licensee a copy of the revocation
37 order, which shall include the beginning date of the revocation and shall clearly state the final
38 day of the revocation period and the date on which the provisional licensee's permit or license
39 will again become valid. The provisional licensee shall not be required to surrender the
40 provisional licensee's permit or license; however, the provisional licensee shall not be
41 authorized to drive at any time or for any purpose during the period of revocation.

42 (e) Report to Division. – The clerk shall notify the Division of the issuance of a
43 revocation order pursuant to this section within two business days of the issuance of the
44 revocation order. The notification shall identify the person whose provisional license has been
45 revoked and specify the beginning and end date of the revocation period.

46 (f) Effect of Revocations. – A revocation under this section revokes a provisional
47 licensee's privilege to drive in North Carolina. Revocations under this section are independent
48 of and run concurrently with any other revocations, except for a revocation pursuant to
49 G.S. 20-16.5. Any civil revocation issued pursuant to G.S. 20-16.5 for the same underlying
50 conduct as a revocation under this section shall have the effect of terminating a revocation
51 pursuant to this section. No court imposing a period of revocation following conviction for an

1 offense involving impaired driving may give credit for any period of revocation imposed under
2 this section. A person whose license is revoked pursuant to this section is not eligible to receive
3 a limited driving privilege.

4 (g) Designation of Proceedings. – Proceedings under this section are civil actions and
5 must be identified by the caption "In the Matter of _____" and filed as directed by the
6 Administrative Office of the Courts.

7 (h) No drivers license points or insurance surcharge shall be assessed for a revocation
8 pursuant to this section."

9 **SECTION 5.** The Division of Motor Vehicles shall study the issue of teen driving
10 and the effectiveness of the provisions of this act. In conducting the study, the Division shall
11 determine if, since the effective date of this act:

- 12 (1) The number of property damage crashes involving provisional licensees has
13 decreased.
- 14 (2) The number of personal injury crashes involving provisional licensees has
15 decreased.
- 16 (3) The number of fatal crashes involving provisional licensees has decreased.
- 17 (4) The number of moving violations by provisional licensees has decreased.
- 18 (5) The number of seat belt violations by provisional licensees has decreased.

19 The Division shall also include in its study any additional statistics or information it finds
20 relevant to evaluating the effectiveness of this act and any recommendations for improving the
21 safety of teen drivers.

22 The Division shall report its findings to the Joint Legislative Transportation Oversight
23 Committee not later than February 1, 2014.

24 **SECTION 6.** Sections 1, 2, and 3 of this act become effective October 1, 2011, and
25 apply to limited learner's permits and limited provisional licenses issued on or after that date.
26 Section 4 of this act becomes effective October 1, 2011, and applies to offenses committed on
27 or after that date. The remainder of this act becomes effective October 1, 2011.