

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH40527-MLf-175 (04/16)

Short Title: Safer Roads and Communities Act. (Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE SAFETY OF STATE ROADS AND COMMUNITIES
3 THROUGHOUT THE STATE BY AUTHORIZING THE DIVISION OF MOTOR
4 VEHICLES TO ISSUE DRIVERS LICENSES TO UNDOCUMENTED ALIENS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-7 reads as rewritten:

7 "§ 20-7. Issuance and renewal of drivers licenses.

8 ...
9 (b1) Application. – To obtain an identification card, learners permit, or drivers license
10 from the Division, a person shall complete an application form provided by the Division,
11 present at least two forms of identification approved by the Commissioner, be a resident of this
12 State, and, except for an identification card, demonstrate his or her physical and mental ability
13 to drive safely a motor vehicle included in the class of license for which the person has applied.
14 At least one of the forms of identification shall indicate the applicant's residence address. The
15 Division may copy the identification presented or hold it for a brief period of time to verify its
16 authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and
17 mental ability to drive safely the type of motor vehicle for which the endorsement is required.

18 The application form shall request all of the following information, and it shall contain the
19 disclosures concerning the request for an applicant's social security number required by section
20 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 21 (1) The applicant's full name.
- 22 (2) The applicant's mailing address and residence address.
- 23 (3) A physical description of the applicant, including the applicant's sex, height,
24 eye color, and hair color.
- 25 (4) The applicant's date of birth.
- 26 (5) The applicant's valid social security number.
- 27 (6) The applicant's signature.

28 ~~The~~ Except as otherwise provided in subsection (e1) of this section, the Division shall not
29 issue an identification card, learners permit, or drivers license to an applicant who fails to
30 provide the applicant's valid social security number.

31 ...
32 (c2) Driver Orientation Course. – The Division shall establish and conduct, or utilize a
33 third-party vendor to establish and conduct, driver orientation courses for persons seeking to
34 qualify for a drivers license under subsection (e1) of this section. If the Division utilizes a
35 third-party vendor, the Division shall maintain oversight of the driver retraining course
36 established and conducted by the third-party vendor. Each driver attending a driver orientation



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1 course shall pay a fee in an amount set by the Division, not to exceed one hundred dollars
2 (\$100.00). Each driver attending a driver orientation course shall do so in person, and the
3 course may not be completed remotely. The driver orientation course shall be at least eight
4 hours in total duration and shall maintain a student-to-instructor ratio deemed appropriate by
5 the Division. The driver orientation course shall provide students with (i) an overview of the
6 motor vehicle laws of this State, (ii) instruction on how to properly interact with law
7 enforcement during a traffic stop, (iii) an introduction to State and federal laws other than
8 motor vehicle laws, and (iv) instruction on when and how to report a crime to law enforcement.

9 ...
10 (e1) Alternative Process for Persons Without a Social Security Number. –
11 Notwithstanding the requirements of subsection (b1) of this section that an applicant present a
12 valid Social Security number, the Division shall issue a Class C drivers license under
13 subsection (f) of this section to an applicant present in the United States who meets all of the
14 following requirements:

- 15 (1) The applicant is not lawfully present in the United States.
- 16 (2) The applicant agrees to a criminal history check and that check shows that
17 the applicant does not have a criminal history. The criminal history check
18 shall include the taking of the applicant's fingerprints.
- 19 (3) The applicant has not been convicted of three or more motor vehicle moving
20 violations during the 10-year period preceding the date of application. For
21 purposes of this subdivision, the term "motor vehicle moving violation" does
22 not include a violation of G.S. 20-7(a) for failure to obtain a license before
23 driving a motor vehicle.
- 24 (4) The applicant provides (i) a valid Individual Taxpayer Identification Number
25 or (ii) a current passport issued by the United States or a foreign
26 government.
- 27 (5) The applicant completes the driver orientation course established under
28 subsection (c2) of this section.
- 29 (6) The applicant provides proof satisfactory to the Division of the applicant's
30 residency in the United States for at least two years prior to the date of
31 application.
- 32 (7) The applicant meets all other requirements for a drivers license, including
33 proof of financial responsibility.

34 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
35 pursuant to the provisions of this subsection:

- 36 ...
- 37 (3) Duration of license for certain other drivers. – The durations listed in
38 subdivisions (1), (2) and (2a) of this subsection are valid unless ~~the~~ either of
39 the following conditions is satisfied:
 - 40 a. The Division determines that a license of shorter duration should be
41 issued when the applicant holds valid documentation issued by, or
42 under the authority of, the United States government that
43 demonstrates the applicant's legal presence of limited duration in the
44 United States. In no event shall a license of limited duration expire
45 later than the expiration of the authorization for the applicant's legal
46 presence in the United States.
 - 47 b. The Division issues a license to a person qualifying under subsection
48 (e1) of this section. An initial license issued to a person qualifying
49 under subsection (e1) of this section expires on the birthday of the
50 licensee in the second year after issuance. A renewed drivers license
51 issued to a person qualifying under subsection (e1) of this section

1 expires two years after the expiration date of the license that is
 2 renewed.

3 ...
 4 (6) Remote renewal. – Subject to the following requirements and limitations, the
 5 Division may offer remote renewal of a drivers license issued by the
 6 Division:

- 7 a. Requirements. – To be eligible for remote renewal under this
 8 subdivision, a person must meet all of the following requirements:
 9 1. The license holder possesses a valid, unexpired Class C
 10 drivers license that was issued when the person was at least
 11 18 years old.
 12 2. The license holder's current license includes no restrictions
 13 other than a restriction for corrective lenses.
 14 3. The license holder attests, in a manner designated by the
 15 Division, that (i) the license holder is a resident of the State
 16 and currently resides at the address on the license to be
 17 renewed, (ii) the license holder's name as it appears on the
 18 license to be renewed has not changed, and (iii) all other
 19 information required by the Division for an in-person renewal
 20 under this Article has been provided completely and
 21 truthfully.
 22 4. The most recent renewal was an in-person renewal and not a
 23 remote renewal under this subdivision.
 24 5. The license holder is otherwise eligible for renewal under this
 25 subsection.
 26 6. The license holder does not qualify under subsection (e1) of
 27 this section.

28 ...
 29 (i) Fees. – ~~The~~ Except as otherwise provided in this subsection, the fee for a regular
 30 drivers license is the amount set in the following table multiplied by the number of years in the
 31 period for which the license is issued:

<u>Class of Regular License</u>	<u>Fee for Each Year</u>
Class A	\$5.00
Class B	\$5.00
Class C	\$5.00

36 The Secretary of Transportation shall set the fee for an initial drivers license issued to a person
 37 qualifying under subsection (e1) of this section, and the fee may not be lower than the actual
 38 cost of processing the relevant application and issuing the license. The fee for a renewal of a
 39 drivers license issued to a person qualifying under subsection (e1) of this section is thirty
 40 dollars (\$30.00). The fee for a motorcycle endorsement is two dollars and thirty cents (\$2.30)
 41 for each year of the period for which the endorsement is issued. The appropriate fee shall be
 42 paid before a person receives a regular drivers license or an endorsement.

43 ...
 44 (n1) Additional Format Requirements. – Notwithstanding the requirements of subsection
 45 (n) of this section addressing background colors and borders, and in addition to the other
 46 requirements of this section, a drivers license issued to a person qualifying under subsection
 47 (e1) of this section shall do all of the following:

- 48 (1) Be printed in a vertical format that distinguishes it from the horizontal
 49 format.

- 1 (2) Bear an identifying number for the license holder assigned by the Division,
 2 the first character of which shall be a letter that is only assigned to a person
 3 qualifying under subsection (e1) of this section.
 4 (3) Bear a distinguishing mark or other designation on the face of the permit
 5 clearly denoting the limited duration of the license and clearly distinguishing
 6 it from other forms of licenses of limited duration.
 7 (4) Bear a clearly legible statement that the license (i) is not valid as a means of
 8 demonstrating eligibility for voter registration or for public benefits, (ii) does
 9 not legitimize the holder's presence in the United States or the State of North
 10 Carolina, and (iii) is not valid for any purpose other than demonstrating
 11 licensure to drive a motor vehicle in this State.

12 ...

13 (u) Definition. – For purposes of this section, the term "criminal history" means a
 14 history of conviction of a State or federal crime, whether a misdemeanor or felony, that
 15 includes the criminal offenses set forth in any of the following Articles of Chapter 14 of the
 16 General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A,
 17 Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and
 18 Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
 19 Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14,
 20 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16,
 21 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and
 22 Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit
 23 Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20,
 24 Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article
 25 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery;
 26 Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article
 27 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the
 28 Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes
 29 also include possession or sale of drugs in violation of the North Carolina Controlled
 30 Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses,
 31 including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in
 32 violation of G.S. 20-138.1 through G.S. 20-138.5, but shall not include disturbing the public
 33 peace, misdemeanor possession of marijuana, misdemeanor larceny, shoplifting, or public
 34 drunkenness. The term shall include a final conviction in another state or in a federal
 35 jurisdiction of an offense which is substantially similar to any of the offenses listed in this
 36 subsection."

37 **SECTION 2.** G.S. 20-15(a) reads as rewritten:

38 "(a) The Division shall have authority to cancel any driver's license upon determining
 39 any of the following:

- 40 ...
- 41 (3) The licensee is no longer authorized under federal law to be legally present
 42 in the United States~~States~~ and does not otherwise qualify for licensure under
 43 G.S. 20-7(e1).

44 "

45 **SECTION 3.** G.S. 20-19 reads as rewritten:

46 "**§ 20-19. Period of suspension or revocation; conditions of restoration.**

47 ...

48 (b1) Notwithstanding any provision of law to the contrary, when a license issued to a
 49 person qualifying under G.S. 20-7(e1) is revoked for an offense listed in G.S. 20-28.2(a), the
 50 revocation is permanent. A person subject to this subsection is ineligible for license restoration
 51 or limited driving privileges.

1 "

2 **SECTION 4.** G.S. 20-30(5) reads as rewritten:

3 "(5) To use a false or fictitious name or give a false or fictitious address in any
4 application for a driver's license, learner's permit, or special identification
5 card, or any renewal or duplicate thereof, or knowingly to make a false
6 statement or knowingly conceal a material fact or otherwise commit a fraud
7 in any such application, or for any person to procure, or knowingly permit or
8 allow another to commit any of the foregoing acts. Any license, learner's
9 permit, or special identification card procured as aforesaid shall be void from
10 the issuance thereof, and any moneys paid therefor shall be forfeited to the
11 State. Any person violating the provisions of this subdivision shall be guilty
12 of a Class 4 ~~misdemeanor~~ felony."

13 **SECTION 5.** Subpart D of Part 4 of Article 13 of Chapter 143B of the General
14 Statutes is amended by adding a new section to read:

15 "**§ 143B-967. Criminal record checks of certain applicants for drivers licenses.**

16 (a) The Department of Public Safety shall, upon request, provide to the Department of
17 Transportation, Division of Motor Vehicles, the criminal history from the State and National
18 Repositories of Criminal Histories of applicants seeking to qualify for a drivers license under
19 G.S. 20-7(e1).

20 (b) Along with the request, the Division of Motor Vehicles shall provide the following
21 to the Department of Public Safety:

22 (1) The fingerprints of the person who is the subject of the record check.

23 (2) A form signed by the person who is the subject of the record check
24 consenting to all of the following:

25 a. The criminal record check.

26 b. The use of fingerprints.

27 c. Any other identifying information required by the State and National
28 Repositories of Criminal Histories.

29 d. Any additional information required by the Department of Public
30 Safety.

31 (c) The fingerprints shall be forwarded to the State Bureau of Investigation for a search
32 of the State's criminal history record file, and the State Bureau of Investigation shall forward a
33 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
34 check.

35 (d) The Division of Motor Vehicles shall keep all information obtained pursuant to this
36 section confidential.

37 (e) The Department of Public Safety may charge a fee to offset the cost incurred by it to
38 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
39 locating, editing, researching, and retrieving the information.

40 (f) The Department of Public Safety may enter into a contract with a third party to
41 conduct the criminal history record check."

42 **SECTION 6.** The Division of Motor Vehicles shall commence development of the
43 driver orientation course required under G.S. 20-7(c2), as enacted by Section 1 of this act. The
44 Division shall collaborate with local law enforcement agencies and community organizations in
45 developing the driver orientation course. The Division shall select the local law enforcement
46 agencies and community organizations it collaborates with in developing the driver orientation
47 course. The General Assembly encourages the Division to select local law enforcement
48 agencies and community organizations that are trained in cultural competence and have a
49 proven record of success in building trust with the immigrant community.

1 **SECTION 7.** Sections 6 and 7 of this act are effective when it becomes law.
2 Section 4 of this act becomes effective January 1, 2018, and applies to offenses committed on
3 or after that date. The remainder of this act becomes effective January 1, 2018.