

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1149
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10795-NDa-150A

Short Title: Police Notice of Person w/ IDD in Vehicle. (Public)

Sponsors: Representative Hawkins.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO DEVELOP A
3 DESIGNATION FOR DRIVERS LICENSES THAT MAY BE GRANTED UPON
4 REQUEST TO A PERSON WITH AN INTELLECTUAL OR DEVELOPMENTAL
5 DISABILITY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-7(q2) reads as rewritten:

8 "(q2) Special Designations. – The Division shall develop the following special designations
9 in accordance with the provisions of this subsection:

10 (1) Deaf or Hard of Hearing Designation. – The Division shall develop, in
11 consultation with the Department of Public Safety, the State Highway Patrol,
12 the Division of Services for the Deaf and Hard of Hearing, and pursuant to
13 this ~~subsection,~~subdivision a drivers license designation that may, upon
14 request, be granted to a person who is deaf or hard of hearing. The Division
15 shall comply with the following requirements applicable to the designation:

16 (1)a. At the request of a person who is deaf or hard of hearing, the Division
17 shall place a unique symbol on the front of the person's license. The
18 unique symbol placed on the license shall not include any further
19 descriptor. The Division shall record the designation in the electronic
20 record associated with the person's drivers license.

21 (2)b. At the request of a person who is deaf or hard of hearing, the Division
22 shall enter the drivers license symbol and a descriptor into the
23 electronic record of any motor vehicle registered in the same name of
24 the deaf or hard of hearing person.

25 (3)c. For the purposes of this ~~subsection,~~subdivision a person shall be
26 considered to be deaf or hard of hearing if they provide verification or
27 documentation substantiating their hearing loss that is recommended
28 by the Division of Services for the Deaf and the Hard of Hearing as
29 acceptable. The Division of Motor Vehicles shall consult with the
30 Division of Services for the Deaf and the Hard of Hearing to identify
31 acceptable forms of verification that do not result in undue burden to
32 the person requesting the designation of hearing loss. Acceptable
33 documentation shall include any of the following:

34 a.1. Documentation of certification or examination by a medical,
35 health, or audiology professional showing evidence of hearing
36 loss.



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- 1 ~~b.2.~~ Affidavit executed by the person, their parent, or guardian
2 attesting to the person's hearing loss.
- 3 ~~e.3.~~ Documentation deemed by the Division of Motor Vehicles to
4 qualify as satisfactory proof of the person's hearing loss.
- 5 (4)d. Nothing in this ~~subsection~~subdivision shall be construed as
6 authorizing the issuance of a drivers license to a person ineligible
7 under G.S. 20-9.
- 8 (5)e. Nothing in this ~~subsection~~subdivision shall be construed as
9 prohibiting the issuance of a drivers license to a person otherwise
10 eligible under the law.
- 11 (6)f. Any individual who chooses to register or not to register shall not be
12 deemed to have waived any protections under the law.
- 13 (7)g. Information collected under this ~~subsection~~subdivision shall only be
14 available to law enforcement and only for the purpose of ensuring
15 mutually safe interactions between law enforcement and persons who
16 are deaf or hard of hearing. It shall not be accessed or used for any
17 other purpose.
- 18 (8)h. The right to make the decision for inclusion or removal of the
19 designation from the database is entirely voluntary and shall only be
20 made by the person who holds the drivers license associated with the
21 designation.
- 22 (9)i. The Division, in conjunction with the Department of Health and
23 Human Services, shall develop a process for removal of the
24 designation authorized by this ~~subsection~~subdivision that is available
25 online, by mail, or in person.
- 26 (2) Intellectual or Developmental Disability Designation. – The Division shall
27 develop, in consultation with the Department of Public Safety, the State
28 Highway Patrol, and the Department of Health and Human Services, Division
29 of Mental Health, Developmental Disabilities and Substance Abuse Services,
30 and pursuant to this subdivision, a drivers license designation that may, upon
31 request, be granted to a person with an intellectual or developmental disability.
32 The Division shall comply with the following requirements applicable to the
33 designation:
- 34 a. At the request of a person with an intellectual or developmental
35 disability, the Division shall place a unique symbol on the front of the
36 person's license. The unique symbol placed on the license shall not
37 include any further descriptor. The Division shall record the
38 designation in the electronic record associated with the person's
39 drivers license.
- 40 b. At the request of a person with an intellectual or developmental
41 disability, the Division shall enter the drivers license symbol and a
42 descriptor into the electronic record of any motor vehicle registered in
43 the same name of the person with the intellectual or developmental
44 disability.
- 45 c. For the purposes of this subdivision, a person shall be considered to
46 have an intellectual or developmental disability if they provide
47 verification or documentation substantiating their disability that is
48 recommended by the Division of Mental Health, Developmental
49 Disabilities and Substance Abuse Services, as acceptable. The
50 Division of Motor Vehicles shall consult with the Division of Mental
51 Health, Developmental Disabilities and Substance Abuse Services, to

1 identify acceptable forms of verification that do not result in undue
2 burden to the person requesting the designation. Acceptable
3 documentation shall include any of the following:

4 1. Documentation of certification or examination by a medical or
5 mental health professional showing evidence of an intellectual
6 or developmental disability.

7 2. Affidavit executed by the person, their parent, or guardian
8 attesting to the person's intellectual or developmental
9 disability.

10 3. Documentation deemed by the Division of Motor Vehicles to
11 qualify as satisfactory proof of the person's intellectual or
12 developmental disability.

13 d. Nothing in this subdivision shall be construed as authorizing the
14 issuance of a drivers license to a person ineligible under G.S. 20-9.

15 e. Nothing in this subdivision shall be construed as prohibiting the
16 issuance of a drivers license to a person otherwise eligible under the
17 law.

18 f. Any individual who chooses to register or not to register shall not be
19 deemed to have waived any protections under the law.

20 g. Information collected under this subdivision shall only be available to
21 law enforcement and only for the purpose of ensuring mutually safe
22 interactions between law enforcement and persons who have
23 intellectual or developmental disabilities. It shall not be accessed or
24 used for any other purpose.

25 h. The right to make the decision for inclusion or removal of the
26 designation from the database is entirely voluntary and shall only be
27 made by the person who holds the drivers license associated with the
28 designation.

29 i. The Division, in conjunction with the Department of Health and
30 Human Services, shall develop a process for removal of the
31 designation authorized by this subdivision that is available online, by
32 mail, or in person."

33 **SECTION 2.** G.S. 17C-6(a) is amended by adding a new subdivision to read:

34 "(17a) Establish minimum educational and training standards for employment and
35 continuing education for criminal justice officers concerning:

36 a. Recognizing and appropriately interacting with persons with
37 intellectual or developmental disabilities.

38 b. Drivers license and vehicle registration identifiers of persons with
39 intellectual or developmental disabilities, as authorized by
40 G.S. 20-7(q2), including that those identifiers are optional."

41 **SECTION 3.** G.S. 17E-4(a) is amended by adding a new subdivision to read:

42 "(13a) Establish minimum educational and training standards for employment and
43 continuing education for officers concerning:

44 a. Recognizing and appropriately interacting with persons with
45 intellectual or developmental disabilities.

46 b. Drivers license and vehicle registration identifiers of persons with
47 intellectual or developmental disabilities, as authorized by
48 G.S. 20-7(q2), including that those identifiers are optional."

1 **SECTION 4.** There is appropriated from the General Fund to the Department of
2 Transportation, Division of Motor Vehicles, the sum of ten thousand dollars (\$10,000) in
3 nonrecurring funds for the 2020-2021 fiscal year to implement the provisions of this act.

4 **SECTION 5.** This act becomes effective January 1, 2021.