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SENATE BILL DRS45231-MWf-21

Short Title: License to Work. (Public)

Sponsors: Senators Hise, Britt, and Mohammed (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE CERTAIN LICENSE REVOCATION LAWS TO ENABLE ACCESS
3 TO EMPLOYMENT.

4 The General Assembly of North Carolina enacts:

5
6 **REVISE REVOCATION FOR FAILURE TO APPEAR OR PAY FINES AND**
7 **PENALTIES**

8 SECTION 1.(a) G.S. 20-24.1 reads as rewritten:

9 "§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle
10 offenses.

11 (a) The Division must revoke the driver's license of a person upon receipt of notice from
12 a court that the person was charged with a motor vehicle offense and ~~he~~the person:

13 (1) ~~failed~~Failed to appear, after being notified to do so, when the case was called
14 for a trial or ~~hearing~~hearing.

15 (2) ~~failed~~Failed to pay a fine, penalty, or court costs ordered by the court.

16 Revocation orders entered under the authority of this section are effective on the sixtieth day
17 after the order is mailed or personally delivered to the person.

18 (b) ~~A~~Except as otherwise provided in subsection (g) of this section, a license revoked
19 under this section remains revoked until ~~the person whose license has been revoked~~one of the
20 following occurs:

21 (1) The person disposes of the charge in the trial division in which ~~he~~the person
22 failed to appear when the case was last called for trial or ~~hearing~~hearing.

23 (2) The person demonstrates to the court that ~~he~~the person is not the person
24 charged with the ~~offense~~offense.

25 (3) The person pays the penalty, fine, or costs ordered by the ~~court~~court.

26 (4) The person demonstrates to the court that ~~his~~the person's failure to pay the
27 penalty, fine, or costs was not willful and that ~~he~~the person is making a good
28 faith effort to pay or that the penalty, fine, or costs should be remitted.

29 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
30 applicable to his case, the Division must restore the person's license as provided in subsection
31 (c). In addition, if the person whose license is revoked is not a resident of this State, the Division
32 may notify the driver licensing agency in the person's state of residence that the person's license
33 to drive in this State has been revoked.

34 (b1) A defendant must be afforded an opportunity for a trial or a hearing within a
35 reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order
36 that a hearing or a trial be heard within a reasonable time.



1 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~the
2 person's case before the effective date of the revocation order, the revocation order and any
3 entries on ~~his~~the person's driving record relating to it shall be deleted and the person does not
4 have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~Except as otherwise provided in
5 subsection (g) of this section, all other revocation orders issued pursuant to this section,
6 G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other
7 applicable requirements of this Article before the person may be relicensed.

8 (d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving
9 while license revoked, the clerk of court, upon request, must give the person a copy of the notice
10 it sends to the Division to indicate that the person has complied with the conditions of subsection
11 (b) applicable to his case. If the person complies with the condition before the effective date of
12 the revocation, the notice must indicate that the person is eligible to drive if he is otherwise
13 validly licensed.

14 (e) As used in this section and in G.S. 20-24.2, the word offense includes crimes and
15 infractions created by this Chapter.

16 ~~(f) If a license is revoked under subdivision (2) of subsection (a) of this section, and for
17 no other reason, the person subject to the order may apply to the court for a limited driving
18 privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court
19 are paid. The court may grant the limited driving privilege in the same manner and under the
20 terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving
21 privilege under this subsection only if the person has not had a limited driving privilege granted
22 under this subsection within the three years prior to application.~~

23 (g) Except for a revocation order entered under this section resulting from a charge of
24 impaired driving, the Division shall restore a license revoked pursuant to subsection (a) of this
25 section 12 months after the effective date of revocation if the person furnishes proof to the
26 satisfaction of the Division that the person is insured under a motor vehicle liability insurance
27 policy that meets the minimum requirements of G.S. 20-279.21 and is written for a term of no
28 less than 12 months."

29 **SECTION 1.(b)** G.S. 20-7(i1) reads as rewritten:

30 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
31 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
32 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
33 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
34 prior to the issuance to such person of a new drivers license or the restoration of the drivers
35 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
36 be provided by law. This restoration fee shall not be required from any licensee whose license
37 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
38 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
39 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
40 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
41 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
42 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
43 Department of Health and Human Services. Notwithstanding any other provision of law, a
44 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
45 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
46 person responsible for payment of the restoration fee has been issued a drivers license by the
47 Division after the effective date of the revocation for which the restoration fee is owed. The
48 Division may also waive restoration fees and other service fees upon a finding by the
49 Commissioner that the license holder has shown good cause for not being able to pay the fine.
50 The Office of State Budget and Management shall annually report to the General Assembly the
51 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol

1 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
2 Services under this subsection."
3

4 **REVISE REVOCATION FOR MOVING OFFENSE COMMITTED WHILE LICENSE**
5 **SUSPENDED OR REVOKED**

6 **SECTION 2.(a)** G.S. 20-28.1 reads as rewritten:

7 "**§ 20-28.1. Conviction of moving offense committed while driving during period of**
8 **suspension or revocation of license.**

9 (a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense,
10 such offense having been committed while such person's driving privilege was in a state of
11 suspension or revocation, the Division shall revoke such person's driving privilege for an
12 additional period of time as set forth in ~~subsection (b) hereof.~~ subsection (b). For purposes of this
13 section a violation of G.S. 20-7(a), 20-24.1, or 20-28(a) or (a2) shall not be considered a "motor
14 vehicle moving offense" unless the offense occurred in a commercial motor vehicle or the person
15 held a commercial drivers license at the time of the offense.

16 (b) When a driving privilege is subject to revocation under this section, the additional
17 period of revocation shall be as follows:

18 (1) ~~A first such revocation shall be for one year.~~ For a first offense under this
19 section, there is no additional period of revocation.

20 (2) ~~A second such revocation shall be for two years; and~~ For a second offense
21 under this section, the additional period of revocation is one year.

22 (3) ~~A third or subsequent such revocation shall be permanent.~~ For a third and
23 subsequent offense under this section, the additional period of revocation is
24 two years, except that if the person committed the offense while the person's
25 driving privilege was revoked or suspended for impaired driving, the
26 revocation is permanent.

27 (c) A person whose license has been revoked under this section for one year may apply
28 for a license after 90 days. A person whose license has been revoked under this section for two
29 years may apply for a license after 12 months. A person whose license has been revoked under
30 this section permanently may apply for a license after three years. Upon the filing of an
31 application, the Division may, with or without a hearing, issue a new license upon satisfactory
32 proof that the former licensee has not been convicted of a moving violation under this Chapter
33 or the laws of another state, or a violation of any provision of the alcoholic beverage laws of this
34 State or another state, or a violation of any provision of the drug laws of this State or another
35 state when any of these violations occurred during the revocation period. The Division may
36 impose any restrictions or conditions on the new license that the Division considers appropriate
37 for the balance of the revocation period. When the revocation period is permanent, the restrictions
38 and conditions imposed by the Division may not exceed three years. A person that applies for a
39 license under this subsection must furnish proof to the satisfaction of the Division that the person
40 is insured under a motor vehicle liability insurance policy that meets the minimum requirements
41 of G.S. 20-279.21 and is written for a term of no less than 12 months.

42"

43 **SECTION 2.(b)** This section becomes effective December 1, 2021, and applies to
44 offenses committed on or after that date.

45 **EFFECTIVE DATE**

46 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
47 law.
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