



**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

HOUSE BILL 338: Fail to Obtain DL/Increase Punishment

2015-2016 General Assembly

Committee: House Judiciary II
Introduced by: Rep. Millis
Analysis of: PCS to First Edition
H338-CSSA-26

Date: April 21, 2015
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Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for House Bill 338 would increase the punishment for certain offenses of failing to obtain a drivers license before driving a motor vehicle.*

CURRENT LAW: Failure to obtain a drivers license before driving a motor vehicle is a Class 3 misdemeanor for all violations.

BILL ANALYSIS:

Section 1 of the PCS would provide that a first offense by any person of failure to obtain a drivers license before driving a motor vehicle would remain a Class 3 misdemeanor. A second or subsequent offense would be a Class 2 misdemeanor if the person, at the time of each offense, was ineligible to receive a drivers license because they did not meet the requirements of G.S. 20-7. Punishment would include a mandatory \$400 fine for any second or subsequent offense.

The PCS would also provide that punishment for a third or subsequent offense of failure to obtain a drivers license before driving a motor vehicle by someone who is ineligible to receive a drivers license may include an active sentence of not less than 20 days and not more than 60 days. Additionally, the vehicle that was driven by the person at the time of the third or subsequent offense would become property subject to forfeiture.

Section 2 of the PCS would create a new G.S. 20-28.10 to provide for the seizure, impoundment, and forfeiture of motor vehicles driven by persons who are convicted of a third or subsequent offense of failure to obtain a drivers license before driving a motor vehicle when they are ineligible to receive a license. The process would be the same as for vehicles seized for impaired driving offenses.

EFFECTIVE DATE: This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

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Director



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