

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 248\*

Short Title: Graduated Drivers Licenses.

(Public)

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Sponsors: Representatives Clary, Alexander, Easterling; Adams, Aldridge, Arnold, Baddour, Baker, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-Mcintyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Crawford, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hiatt, Hightower, Hill, Holmes, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McCombs, McCrary, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nichols, Oldham, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, Wilkins, C. Wilson, G. Wilson, Wood, Wright, and Yongue.

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Referred to: Judiciary I.

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February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-11 reads as rewritten:

**"§ 20-11. Application of minors.**

(a) The Division shall not grant the application of any minor between the ages of 16 and 18 years for a driver's license or a learner's permit unless such application is signed both by the applicant and by the parent, guardian, husband, wife or employer of the applicant, or, if the applicant has no parent, guardian, husband, wife or employer residing in this State, by some other responsible adult person. It shall be unlawful for any person to sign the application of a minor under the provisions of this section when such

1 application misstates the age of the minor and any person knowingly violating this  
2 provision shall be guilty of a Class 2 misdemeanor.

3 The Division shall not grant the application of any minor between the ages of 16 and  
4 18 years for a driver's license unless such minor presents evidence of having satisfactorily  
5 completed the driver training and safety education courses offered at the public high  
6 schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of  
7 driving instruction offered at a licensed commercial driver training school or an approved  
8 nonpublic secondary school, provided instruction offered in such schools shall be  
9 approved by the State Commissioner of Motor Vehicles and the State Superintendent of  
10 Public Instruction and all expenses for such instruction shall be paid by the persons  
11 enrolling in such courses and/or by the schools offering them. All approved driver  
12 training and safety education courses and courses of driving instruction shall include at  
13 least six hours of actual driving experience.

14 (b) The Division may issue a Level 1 limited learner's permit to a minor who is at  
15 least 15 years old ~~but is less than 16 years old~~ and who otherwise meets the requirements of  
16 this section. An application for a Level 1 limited learner's permit ~~must~~ shall be signed by  
17 both the applicant and the applicant's parent or guardian or some other responsible adult  
18 with whom the applicant resides and who is approved by the Division. A Level 1 limited  
19 learner's permit authorizes the permit holder to drive a specified type or class of motor  
20 vehicle under the conditions specified in subdivision (d)(1) of this section while in  
21 possession of the permit and accompanied by a parent, guardian, or other person  
22 approved by the Division who is licensed to operate the motor vehicle being driven and is  
23 seated beside the permit holder. A limited learner's permit is valid for a period of 18  
24 months. The fee for a Level 1 limited learner's permit is ten dollars (\$10.00). In the  
25 event a minor who holds a Level 1 limited learner's permit drives a motor vehicle in  
26 violation of law, the permit shall be canceled.

27 A driver who holds a Level 1 limited learner's permit only shall not be deemed a  
28 licensed driver for the purpose of determining the inexperienced operator premium  
29 surcharge under automobile insurance policies.

30 (c) The Division may, upon satisfactory proof that a minor between the ages of 16  
31 and 18 years has become a resident of North Carolina and holds a valid unrestricted  
32 motor vehicle driver's license from his prior state of ~~residence but has not completed a~~  
33 ~~course in driver education which meets the requirements of this State, grant to such residence:~~

- 34 (1) Issue to the minor a temporary driver's permit under such with any  
35 necessary terms and conditions as shall be deemed necessary by the  
36 Division to allow the minor to operate a motor vehicle of a specified  
37 type or class in this State in order to obtain the driver education courses  
38 or a course of driving instruction necessary for a drivers license in North  
39 Carolina- Carolina;
- 40 (2) Issue to the minor the graduated license appropriate to his age and  
41 experience as provided by this section; or
- 42 (3) Issue to the minor an unrestricted drivers license if the minor has  
43 possessed a valid unrestricted drivers license in his previous state of

1 residence for the 12-month period immediately preceding the date of the  
2 application and has not been convicted of a traffic violation for which  
3 points may be assessed under this Article.

4 Every application for a temporary driver's permit shall be made upon the approved form  
5 furnished by the Division. A temporary driver's permit issued pursuant to this section  
6 shall be subject to all provisions of law relating to a driver's license.

7 (d) Graduated Drivers Licenses. – Provisional licensees shall be issued the  
8 graduated provisional drivers licenses appropriate to their driving experience with the  
9 following experience-based restrictions:

10 (1) Level 1. – Limited learner's permit.

11 a. An applicant for this level provisional license shall have:

12 1. Passed a course of driver education prescribed in G.S. 20-  
13 88.1;

14 2. Passed a written test administered by the Division; and

15 3. Obtained a limited learner's permit pursuant to subsection  
16 (b) of this section.

17 b. For the first six months, a Level 1 limited learner's permit allows  
18 only supervised driving between the hours of 5:00 a.m. and 9:00  
19 p.m.

20 c. The supervisor shall be a parent, guardian, or other person  
21 approved by the Division, who is a licensed driver, and who has  
22 been licensed to drive for at least five years. The supervisor shall  
23 be the only other occupant allowed in the front seat with the  
24 driver.

25 d. After the first six months of issuance, a holder of this level  
26 provisional license may drive under supervision at any time.

27 e. Every person occupying the vehicle being driven by the Level 1  
28 provisional licensee shall have a safety belt properly fastened  
29 about his or her body when the vehicle is in motion.

30 (2) Level 2. – Limited provisional license.

31 a. An applicant for this level provisional license shall have:

32 1. Possessed a Level 1 provisional license for a period of not  
33 less than 12 months with no moving violations or seat belt  
34 infractions;

35 2. Passed a road test administered by the Division; and

36 3. Paid a fee of ten dollars (\$10.00).

37 b. A Level 2 provisional license allows unsupervised driving from  
38 5:00 a.m. to 9:00 p.m. and when going to and coming from work.

39 c. A Level 2 provisional licensee may drive under supervision at  
40 any time.

41 d. When a Level 2 provisional licensee is driving under supervision,  
42 the supervisor shall be the occupant of the next occupied seat to

1                   the right of the driver, but need not be the only other occupant of  
2                   the front seat.

3                   e.     Every person occupying the vehicle being driven by the Level 2  
4                   provisional licensee shall have a safety belt properly fastened  
5                   about his or her body when the vehicle is in motion.

6                   (3)   Level 3. – Full provisional license.

7                   a.     An applicant for this level provisional license shall have:

8                   1.     Possessed a Level 2 provisional license for a period of not  
9                   less than six months with no moving violations or seat belt  
10                  infractions; and

11                  2.     Paid a fee of ten dollars (\$10.00).

12                  b.     A Level 3 provisional licensee may drive unsupervised at any  
13                  time.

14                  (e)    The provisional licenses shall bear a distinctive color photographic background  
15                  indicating the level of driving experience of the licensee.

16                  (f)    After deducting the costs of administering the provisional license program  
17                  pursuant to this section, the Division shall transfer, quarterly, any balance of the funds  
18                  received as fees to the Highway Fund."

19                  Section 2. This act becomes effective December 1, 1997.