

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-73
HOUSE BILL 1546**

**AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES
DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.**

Whereas, studies have shown that the system of Graduated Drivers Licenses instituted in North Carolina on December 1, 1997, has reduced the number of accidents involving young drivers; and

Whereas, statistics also indicate that when the supervising driver is not present, the risk of accident increases with the presence of passengers who may distract the license holder; and

Whereas, the studies show that the risk of accident increases with the number of passengers in the vehicle driven by the young graduated license holder; and

Whereas, the General Assembly finds that limiting the number of passengers to reduce the likelihood of a young driver having an accident is in the public interest; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-11(e) reads as rewritten:

"(e) Level 2 Restrictions. – A limited provisional license authorizes the license holder to drive a specified type or class of motor vehicle only under the following conditions:

- (1) The license holder ~~must~~shall be in possession of the license.
- (2) The license holder may drive without supervision in any of the following circumstances:
 - a. From 5:00 a.m. to 9:00 p.m.
 - b. When driving to or from work.
 - c. When driving to or from an activity of a volunteer fire department, volunteer rescue squad, or volunteer emergency medical service, if the driver is a member of the organization.
- (3) The license holder may drive with supervision at any time. When the license holder is driving with supervision, the supervising driver ~~must~~shall be seated beside the license holder in the front seat of the vehicle when it is in motion. The supervising driver need not be the only other occupant of the front seat, but ~~must~~shall be the person seated next to the license holder.
- (4) When the license holder is driving the vehicle and is not accompanied by the supervising driver, there may be no more than one passenger under 21 years of age in the vehicle. This limit does not apply to passengers who are members of the license holder's immediate family or whose primary residence is the same household as the license holder. However, if a family member or member of the same household as the license holder who is younger than 21 years of age is a passenger in the vehicle, no other passengers under 21 years of age, who are not members of the license holder's immediate family or members of the license holder's household, may be in the vehicle.

(4)(5) Every person occupying the vehicle being driven by the license holder ~~must~~ shall have a safety belt properly fastened about his or her body, or be restrained by a child passenger restraint system as provided in G.S. 20-137.1(a), when the vehicle is in motion."

SECTION 2. G.S. 20-11(l) reads as rewritten:

"(l) Violations. – It is unlawful for the holder of a limited learner's permit, a temporary permit, or a limited provisional license to drive a motor vehicle in violation of the restrictions that apply to the permit or license. Failure to comply with a restriction concerning the time of driving or the presence of a supervising driver in the vehicle constitutes operating a motor vehicle without a license. Failure to comply with any other restriction, including seating and passenger limitations, is an infraction punishable by a monetary penalty as provided in G.S. 20-176. Failure to comply with the provisions of subsection (e) of this section shall not constitute negligence per se or contributory negligence by the driver or passenger in any action for the recovery of damages arising out of the operation, ownership or maintenance of a motor vehicle. Any evidence of failure to comply with the provisions of subsection (e) of this section shall not be admissible in any criminal or civil trial, action, or proceeding except in an action based on a violation of this section. No drivers license points or insurance surcharge shall be assessed for failure to comply with seating and occupancy limitations in subsection (e) of this section."

SECTION 3. This act becomes effective December 1, 2002, and applies to limited provisional licenses issued on or after that date.

In the General Assembly read three times and ratified this the 1st day of August, 2002.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:45 p.m. this 12th day of August, 2002