

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 636
Judiciary II Committee Substitute Adopted 6/7/11
House Committee Substitute Favorable 6/15/11

Short Title: Modify Graduated Licensing Requirements.

(Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO RAISE THE AGE OF PROVISIONAL LICENSEES FROM EIGHTEEN TO NINETEEN YEARS OLD; TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSEES; TO REQUIRE A DRIVING LOG SHOWING SIXTY HOURS OF DRIVING TIME BY A PERSON WITH A LIMITED LEARNER'S PERMIT BEFORE A LEVEL 2 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A DRIVING LOG SHOWING TWELVE HOURS OF DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO INCREASE THE TIME PERIOD FOR A LEVEL 2 PROVISIONAL LICENSE; TO REQUIRE AN IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS CHARGED WITH CERTAIN MOVING VIOLATIONS OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF THIS ACT.

The General Assembly of North Carolina enacts:

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

"§ 20-11. **Issuance of limited learner's permit and provisional drivers license to person who is less than 18-19 years old.**

(a) Process. – Safe driving requires instruction in driving and experience. To ensure that a person who is less than 18-19 years old has both instruction and experience before obtaining a drivers license, driving privileges are granted first on a limited basis and are then expanded in accordance with the following process:

- (1) Level 1. – Driving with a limited learner's permit.
- (2) Level 2. – Driving with a limited provisional license.
- (3) Level 3. – Driving with a full provisional license.

A permit or license issued under this section must have a color background or border that indicates the level of driving privileges granted by the permit or license.

(b) Level 1. – A person who is at least 15 years old but less than 18-19 years old may obtain a limited learner's permit if the person meets all of the following requirements:

- (1) Passes a course of driver education prescribed in G.S. 20-88.1 or a course of driver instruction at a licensed commercial driver training school.
- (2) Passes a written test administered by the Division.
- (3) Has a driving eligibility certificate or a high school diploma or its equivalent.



- 1 (c) Level 1 Restrictions. – A limited learner's permit authorizes the permit holder to
2 drive a specified type or class of motor vehicle only under the following conditions:
- 3 (1) The permit holder must be in possession of the permit.
 - 4 (2) A supervising driver must be seated beside the permit holder in the front seat
5 of the vehicle when it is in motion. No person other than the supervising
6 driver can be in the front seat.
 - 7 (3) For the first six months after issuance, the permit holder may drive only
8 between the hours of 5:00 a.m. and 9:00 p.m.
 - 9 (4) After the first six months after issuance, the permit holder may drive at any
10 time.
 - 11 (5) Every person occupying the vehicle being driven by the permit holder must
12 have a safety belt properly fastened about his or her body, or be restrained
13 by a child passenger restraint system as provided in G.S. 20-137.1(a), when
14 the vehicle is in motion.
 - 15 (6) The permit holder shall not use a mobile telephone or other additional
16 technology associated with a mobile telephone while operating the motor
17 vehicle on a public street or highway or public vehicular area.
- 18 (d) Level 2. – A person who is at least 16 years old but less than ~~18~~19 years old may
19 obtain a limited provisional license if the person meets all of the following requirements:
- 20 (1) Has held a limited learner's permit issued by the Division for at least 12
21 months.
 - 22 (2) Has not been convicted of a motor vehicle moving violation or seat belt
23 infraction or a violation of G.S. 20-137.3 during the preceding six months.
 - 24 (3) Passes a road test administered by the Division.
 - 25 (4) Has a driving eligibility certificate or a high school diploma or its
26 equivalent.
 - 27 (5) Has completed a driving log, on a form approved by the Division, detailing a
28 minimum of 60 hours as the operator of a motor vehicle of a class for which
29 the driver has been issued a limited learner's permit. The log must show at
30 least 10 hours of the required driving occurred during nighttime hours. No
31 more than 10 hours of driving per week may be counted toward the 60-hour
32 requirement. The driving log must be signed by the supervising driver and
33 submitted to the Division at the time the applicant seeks to obtain a limited
34 provisional license. If the Division has cause to believe that a driving log has
35 been falsified:
 - 36 a. The limited learner's permit holders shall be required to complete a
37 new driving log with the same requirements and shall not be eligible
38 to obtain a limited provisional license for six months.
 - 39 b. The supervising driver shall be required to pay a civil penalty of one
40 hundred dollars (\$100.00).
 - 41 c. The limited provisional licensee and supervising driver shall have the
42 right to a hearing before the Division on the issue of whether or not
43 the driving log has been falsified.
- 44 (e) Level 2 Restrictions. – A limited provisional license authorizes the license holder to
45 drive a specified type or class of motor vehicle only under the following conditions:
- 46 (1) The license holder shall be in possession of the license.
 - 47 (2) The license holder may drive without supervision in any of the following
48 circumstances:
 - 49 a. From 5:00 a.m. to 9:00 p.m.
 - 50 b. When driving directly to or from work.

- 1 c. When driving directly to or from an activity of a volunteer fire
2 department, volunteer rescue squad, or volunteer emergency medical
3 service, if the driver is a member of the organization.
- 4 (3) The license holder may drive with supervision at any time. When the license
5 holder is driving with supervision, the supervising driver shall be seated
6 beside the license holder in the front seat of the vehicle when it is in motion.
7 The supervising driver need not be the only other occupant of the front seat,
8 but shall be the person seated next to the license holder.
- 9 (4) When the license holder is driving the vehicle and is not accompanied by the
10 supervising driver, there may be no more than one passenger under 21 years
11 of age in the vehicle. This limit does not apply to passengers who are
12 members of the license holder's immediate family or whose primary
13 residence is the same household as the license holder. However, if a family
14 member or member of the same household as the license holder who is
15 younger than 21 years of age is a passenger in the vehicle, no other
16 passengers under 21 years of age, who are not members of the license
17 holder's immediate family or members of the license holder's household,
18 may be in the vehicle.
- 19 (5) Every person occupying the vehicle being driven by the license holder shall
20 have a safety belt properly fastened about his or her body, or be restrained
21 by a child passenger restraint system as provided in G.S. 20-137.1(a), when
22 the vehicle is in motion.
- 23 (6) The license holder shall not use a mobile telephone or other additional
24 technology associated with a mobile telephone while operating the vehicle
25 on a public street or highway or public vehicular area.
- 26 (f) Level 3. – A person who is at least 16 years old but less than ~~18-19~~ years old may
27 obtain a full provisional license if the person meets all of the following requirements:
- 28 (1) Has held a limited provisional license issued by the Division for at least ~~six~~
29 12 months.
- 30 (2) Has not been convicted of a motor vehicle moving violation or seat belt
31 infraction or a violation of G.S. 20-137.3 during the preceding six months.
- 32 (3) Has a driving eligibility certificate or a high school diploma or its
33 equivalent.
- 34 (4) Has completed a driving log, on a form approved by the Division, detailing a
35 minimum of 12 hours as the operator of a motor vehicle of a class for which
36 the driver is licensed. The log must show at least six hours of the required
37 driving occurred during nighttime hours. The driving log must be signed by
38 the supervising driver for any hours driven outside the provisions of
39 subdivision (e)(2) of this section and submitted to the Division at the time
40 the applicant seeks to obtain a full provisional license. If the Division has
41 cause to believe that a driving log has been falsified:
- 42 a. The limited provisional licensee shall be required to complete a new
43 driving log with the same requirements and shall not be eligible to
44 obtain a full provisional license for six months.
- 45 b. The supervising driver shall be required to pay a civil penalty of one
46 hundred dollars (\$100.00).
- 47 c. The limited provisional licensee and supervising driver shall have the
48 right to a hearing before the Division on the issue of whether or not
49 the driving log has been falsified.
- 50 A person who meets these requirements may obtain a full provisional license by mail.

1 (g) Level 3 Restrictions. – The restrictions on Level 1 and Level 2 drivers concerning
2 time of driving, supervision, and passenger limitations do not apply to a full provisional
3 license. However, the prohibition against operating a motor vehicle while using a mobile
4 telephone under G.S. 20-137.3(b) shall apply to a full provisional license.

5 (h) Exception for Persons 16 to ~~18-19~~ Who Have an Unrestricted Out-of-State License.
6 – A person who is at least 16 years old but less than ~~18-19~~ years old, who was a resident of
7 another state and has an unrestricted drivers license issued by that state, and who becomes a
8 resident of this State may obtain one of the following upon the submission of a driving
9 eligibility certificate or a high school diploma or its equivalent:

10 (1) A temporary permit, if the person has not completed a drivers education
11 program that meets the requirements of the Superintendent of Public
12 Instruction but is currently enrolled in a drivers education program that
13 meets these requirements. A temporary permit is valid for the period
14 specified in the permit and authorizes the holder of the permit to drive a
15 specified type or class of motor vehicle when in possession of the permit,
16 subject to any restrictions imposed by the Division concerning time of
17 driving, supervision, and passenger limitations. The period must end within
18 10 days after the expected completion date of the drivers education program
19 in which the applicant is enrolled.

20 (2) A full provisional license, if the person has completed a drivers education
21 program that meets the requirements of the Superintendent of Public
22 Instruction, has held the license issued by the other state for at least 12
23 months, and has not been convicted during the preceding six months of a
24 motor vehicle moving violation, a seat belt infraction, or an offense
25 committed in another jurisdiction that would be a motor vehicle moving
26 violation or seat belt infraction if committed in this State.

27 (2a) A full provisional license, if the person has completed a drivers education
28 program that meets the requirements of the Superintendent of Public
29 Instruction, has held both a learner's permit and a restricted license from
30 another state for at least six months each, the Commissioner finds that the
31 requirements for the learner's permit and restricted license are comparable to
32 the requirements for a learner's permit and restricted license in this State, and
33 the person has not been convicted during the preceding six months of a
34 motor vehicle moving violation, a seat belt infraction, or an offense
35 committed in another jurisdiction that would be a moving violation or a seat
36 belt infraction if committed in this State.

37 (3) A limited provisional license, if the person has completed a drivers
38 education program that meets the requirements of the Superintendent of
39 Public Instruction but either did not hold the license issued by the other state
40 for at least 12 months or was convicted during the preceding six months of a
41 motor vehicle moving violation, a seat belt infraction, or an offense
42 committed in another jurisdiction that would be a motor vehicle moving
43 violation or seat belt infraction if committed in this State.

44 (h1) Exception for Persons 16 to ~~18-19~~ Who Have an Out-of-State Restricted License. –
45 A person who is at least 16 years old but less than ~~18-19~~ years old, who was a resident of
46 another state and has a restricted drivers license issued by that state, and who becomes a
47 resident of this State may obtain one of the following:

48 (1) A limited provisional license, if the person has completed a drivers
49 education program that meets the requirements of the Superintendent of
50 Public Instruction, held the restricted license issued by the other state for at
51 least 12 months, and whose parent or guardian certifies that the person has

1 not been convicted during the preceding six months of a motor vehicle
2 moving violation, a seat belt infraction, or an offense committed in another
3 jurisdiction that would be a motor vehicle moving violation or seat belt
4 infraction if committed in this State. If the person is at least 18 years old, the
5 person may make his or her own certification regarding moving violations.

- 6 (2) A limited learners permit, if the person has completed a drivers education
7 program that meets the requirements of the Superintendent of Public
8 Instruction but either did not hold the restricted license issued by the other
9 state for at least 12 months or was convicted during the preceding six
10 months of a motor vehicle moving violation, a seat belt infraction, or an
11 offense committed in another jurisdiction that would be a motor vehicle
12 moving violation or seat belt infraction if committed in this State. A person
13 who qualifies for a limited learners permit under this subdivision and whose
14 parent or guardian certifies that the person has not been convicted of a
15 moving violation in the preceding six months shall be deemed to have held a
16 limited learners permit in this State for each month the person held a
17 restricted license in another state. If the person is at least 18 years old, the
18 person may make his or her own certification regarding moving violations.

19 (h2) Exception for Persons Age 15 Who Have an Out-of-State Unrestricted or Restricted
20 License. – A person who is age 15, who was a resident of another state, has an unrestricted or
21 restricted drivers license issued by that state, and who becomes a resident of this State may
22 obtain a limited learners permit if the person has completed a drivers education program that
23 meets the requirements of the Superintendent of Public Instruction. A person who qualifies for
24 a limited learners permit under this subsection and whose parent or guardian certifies that the
25 person has not been convicted of a moving violation in the preceding six months shall be
26 deemed to have held a limited learners permit in this State for each month the person held an
27 unrestricted or restricted license in another state. If the person is at least 18 years old, the
28 person may make his or her own certification regarding moving violations.

29 (h3) Exception for Persons Less Than Age ~~18~~19 Who Have a Federally Issued
30 Unrestricted or Restricted License. – A person who is less than age ~~18~~19, who has an
31 unrestricted or restricted drivers license issued by the federal government, and who becomes a
32 resident of this State may obtain a limited provisional license or a provisional license if the
33 person has completed a drivers education program substantially equivalent to the drivers
34 education program that meets the requirements of the Superintendent of Public Instruction. A
35 person who qualifies for a limited provisional license or a provisional license under this
36 subsection and whose parent or guardian certifies that the person has not been convicted of a
37 moving violation in the preceding six months shall be deemed to have held a limited
38 provisional license or a provisional license in this State for each month the person held an
39 unrestricted or restricted license issued by the federal government. If the person is at least 18
40 years old, the person may make his or her own certification regarding moving violations.

41 (i) Application. – An application for a permit or license authorized by this section must
42 be signed by both the applicant and another person. That person must be:

- 43 (1) The applicant's parent or guardian;
44 (2) A person approved by the applicant's parent or ~~guardian; or~~ guardian;
45 (3) A person approved by the ~~Division.~~ Division; or
46 (4) If the applicant is at least 18 years old, a person qualified to act as a
47 supervising driver pursuant to subsection (k) of this section.

48 (j) Duration and Fee. – A limited learner's permit expires on the ~~eighteenth~~nineteenth
49 birthday of the permit holder. A limited provisional license expires on the ~~eighteenth~~nineteenth
50 birthday of the license holder. A limited learner's permit or limited provisional license issued
51 under this section that expires on a weekend or State holiday shall remain valid through the

1 fifth regular State business day following the date of expiration. A full provisional license
2 expires on the date set under G.S. 20-7(f). The fee for a limited learner's permit or a limited
3 provisional license is fifteen dollars (\$15.00). The fee for a full provisional license is the
4 amount set under G.S. 20-7(i).

5 (k) Supervising Driver. – A supervising driver shall be (i) a parent, grandparent, or
6 guardian of the permit holder or license holder ~~holder or holder~~, (ii) a responsible person approved by
7 the parent or guardian or the ~~Division~~ Division, or (iii) if the permit holder or license holder is
8 at least 18 years old, a person at least 23 years old. A supervising driver shall be a licensed
9 driver who has been licensed for at least five years. At least one supervising driver shall sign
10 the application for a permit or license.

11"

12 **SECTION 2.** G.S. 20-4.01 reads as rewritten:

13 **"§ 20-4.01. Definitions.**

14 Unless the context requires otherwise, the following definitions apply throughout this
15 Chapter to the defined words and phrases and their cognates:

16 ...

17 (31a) Provisional Licensee. – A person under the age of ~~18~~ 19 years.

18"

19 **SECTION 3.** G.S. 20-7 reads as rewritten:

20 **"§ 20-7. Issuance and renewal of drivers licenses.**

21 (a) License Required. – To drive a motor vehicle on a highway, a person must be
22 licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and
23 must carry the license while driving the vehicle. The Division issues regular drivers licenses
24 under this Article and issues commercial drivers licenses under Article 2C.

25 A license authorizes the holder of the license to drive any vehicle included in the class of
26 the license and any vehicle included in a lesser class of license, except a vehicle for which an
27 endorsement is required. To drive a vehicle for which an endorsement is required, a person
28 must obtain both a license and an endorsement for the vehicle. A regular drivers license is
29 considered a lesser class of license than its commercial counterpart.

30 The classes of regular drivers licenses and the motor vehicles that can be driven with each
31 class of license are:

32 (1) Class A. – A Class A license authorizes the holder to drive any of the
33 following:

34 a. A Class A motor vehicle that is exempt under G.S. 20-37.16 from the
35 commercial drivers license requirements.

36 b. A Class A motor vehicle that has a combined GVWR of less than
37 26,001 pounds and includes as part of the combination a towed unit
38 that has a GVWR of at least 10,001 pounds.

39 (2) Class B. – A Class B license authorizes the holder to drive any Class B
40 motor vehicle that is exempt under G.S. 20-37.16 from the commercial
41 drivers license requirements.

42 (3) Class C. – A Class C license authorizes the holder to drive any of the
43 following:

44 a. A Class C motor vehicle that is not a commercial motor vehicle.

45 b. When operated by a volunteer member of a fire department, a rescue
46 squad, or an emergency medical service (EMS) in the performance of
47 duty, a Class A or Class B fire-fighting, rescue, or EMS motor
48 vehicle or a combination of these vehicles.

49 c. A combination of noncommercial motor vehicles that have a GVWR
50 of more than 10,000 pounds but less than 26,001 pounds. This

1 sub-subdivision does not apply to a Class C license holder less than
2 ~~18-19~~ years of age.

3 The Commissioner may assign a unique motor vehicle to a class that is different from the
4 class in which it would otherwise belong.

5 A person holding a commercial drivers license issued by another jurisdiction must apply for
6 a transfer and obtain a North Carolina issued commercial drivers license within 30 days of
7 becoming a resident. Any other new resident of North Carolina who has a drivers license issued
8 by another jurisdiction must obtain a license from the Division within 60 days after becoming a
9 resident.

10 (a1) Motorcycles and Mopeds. – To drive a motorcycle, a person shall have one of the
11 following:

- 12 (1) A full provisional license with a motorcycle learner's permit.
- 13 (2) A regular drivers license with a motorcycle learner's permit.
- 14 (3) A full provisional license with a motorcycle endorsement.
- 15 (4) A regular drivers license, with a motorcycle endorsement.

16 Subsection (a2) of this section sets forth the requirements for a motorcycle learner's permit.
17 To obtain a motorcycle endorsement, a person shall pay the fee set in subsection (i) of this
18 section. In addition, to obtain an endorsement, a person age ~~18-19~~ or older shall demonstrate
19 competence to drive a motorcycle by passing a written or oral test concerning motorcycles and
20 passing a road test, and a person less than ~~18-19~~ years of age shall demonstrate competence to
21 drive a motorcycle by passing a written or oral test concerning motorcycles and providing proof
22 of successful completion of one of the following:

- 23 (1) The Motorcycle Safety Foundation Basic Rider Course or Experienced Rider
24 Course.
- 25 (2) The North Carolina Motorcycle Safety Education Program Basic Rider
26 Course or Experienced Rider Course.
- 27 (3) Any course approved by the Commissioner consistent with the instruction
28 provided through the Motorcycle Safety Instruction Program established
29 under G.S. 115D-72.

30 A person less than ~~18-19~~ years of age with a motorcycle endorsement may not drive a
31 motorcycle with a passenger.

32 (a2) Motorcycle Learner's Permit. – The following persons are eligible for a motorcycle
33 learner's permit:

- 34 (1) A person who is at least 16 years old but less than ~~18-19~~ years old and has a
35 full provisional license issued by the Division.
- 36 (2) A person who is at least ~~18-19~~ years old and has a license issued by the
37 Division.

38 ...

39 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
40 pursuant to the provisions of this subsection:

- 41 (1) Duration of license for persons under age ~~18-19~~. – A full provisional license
42 issued to a person under the age of ~~18-19~~ expires on the person's twenty-first
43 birthday.
- 44 (2) Duration of original license for persons at least ~~18-19~~ years of age or older. –
45 A drivers license issued to a person at least ~~18-19~~ years old but less than 66
46 years old expires on the birthday of the licensee in the eighth year after
47 issuance. A drivers license issued to a person at least 66 years old expires on
48 the birthday of the licensee in the fifth year after issuance. A commercial
49 drivers license expires on the birthday of the licensee in the fifth year after
50 issuance. A commercial drivers license that has a vehicles carrying
51 passengers (P) and school bus (S) endorsement issued pursuant to

- 1 G.S. 20-37.16 expires on the birthday of the licensee in the third year after
2 issuance, if the licensee is certified to drive a school bus in North Carolina.
- 3 (2a) Duration of renewed licenses. – A renewed drivers license that was issued
4 by the Division to a person at least ~~18~~19 years old but less than 66 years old
5 expires eight years after the expiration date of the license that is renewed. A
6 renewed drivers license that was issued by the Division to a person at least
7 66 years old expires five years after the expiration date of the license that is
8 renewed. A renewed commercial drivers license expires five years after the
9 expiration date of the license that is renewed.
- 10 (3) Duration of license for certain other drivers. – The durations listed in
11 subdivisions (1), (2) and (2a) of this subsection are valid unless the Division
12 determines that a license of shorter duration should be issued when the
13 applicant holds valid documentation issued by, or under the authority of, the
14 United States government that demonstrates the applicant's legal presence of
15 limited duration in the United States. In no event shall a license of limited
16 duration expire later than the expiration of the authorization for the
17 applicant's legal presence in the United States.
- 18 (3a) When to renew. – A person may apply to the Division to renew a license
19 during the 180-day period before the license expires. The Division may not
20 accept an application for renewal made before the 180-day period begins.
- 21 (3b) Renewal for certain members of the Armed Forces and reserve components
22 of the Armed Forces.
- 23 a. The Division may renew a drivers license, without limitation on the
24 period of time before the license expires, if the person applying for
25 renewal is a member of the Armed Forces or of a reserve component
26 of the Armed Forces of the United States and provides orders that
27 place the member on active duty and duty station outside this State.
- 28 b. A person who is a member of a reserve component of the Armed
29 Forces of the United States whose license bears an expiration date
30 that occurred while the person was on active duty outside this State
31 shall be considered to have a valid license until 60 days after the date
32 of release from active duty upon showing proof of the release date,
33 unless the license was rescinded, revoked, or otherwise invalidated
34 under some other provision of law. Notwithstanding the provisions of
35 this sub-subdivision, no license shall be considered valid more than
36 18 months after the date of expiration.
- 37 (4) Renewal by mail. – The Division may renew by mail a drivers license issued
38 by the Division to a person who meets any of the following descriptions:
- 39 a. Is a member of the Armed Forces or a reserve component of the
40 Armed Forces of the United States serving on active duty and is
41 stationed outside this State.
- 42 b. Is a resident of this State and has been residing outside the State for
43 at least 30 continuous days.
- 44 When renewing a license by mail, the Division may waive the examination
45 that would otherwise be required for the renewal and may impose any
46 conditions it finds advisable. A license renewed by mail is a temporary
47 license that expires 60 days after the person to whom it is issued returns to
48 this State.
- 49 (5) License to be sent by mail. – The Division shall issue to the applicant a
50 temporary driving certificate valid for 20 days, unless the applicant is
51 applying for renewal by mail under subdivision (4) of this subsection. The

temporary driving certificate shall be valid for driving purposes only and shall not be valid for identification purposes. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post office box, provided the applicant's residential address has been verified by the Division.

...

(l) Learner's Permit. – A person who is at least ~~18-19~~ years old may obtain a learner's permit. A learner's permit authorizes the permit holder to drive a specified type or class of motor vehicle while in possession of the permit. A learner's permit is valid for a period of 18 months after it is issued. The fee for a learner's permit is fifteen dollars (\$15.00). A learner's permit may be renewed, or a second learner's permit may be issued, for an additional period of 18 months. The permit holder must, while operating a motor vehicle over the highways, be accompanied by a person who is licensed to operate the motor vehicle being driven and is seated beside the permit holder.

...

(m) Instruction Permit. – The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to any of the following applicants:

(1) An applicant who is less than ~~18-19~~ years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.

(2) An applicant for certification under G.S. 20-218 as a school bus driver.

A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued.

...."

SECTION 4. G.S. 20-9(a) reads as rewritten:

"(a) To obtain a regular drivers license, a person must have reached the minimum age set in the following table for the class of license sought:

Class of Regular License	Minimum Age
Class A	18 19
Class B	18 19
Class C	16

G.S. 20-37.13 sets the age qualifications for a commercial drivers license."

SECTION 5. G.S. 20-10 reads as rewritten:

"§ 20-10. Age limits for drivers of public passenger-carrying vehicles.

It shall be unlawful for any person, whether licensed under this Article or not, who is under the age of ~~18-19~~ years to drive a motor vehicle while in use as a public passenger-carrying

1 vehicle. For purposes of this section, an ambulance when operated for the purpose of
2 transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a
3 public passenger-carrying vehicle.

4 No person 14 years of age or under, whether licensed under this Article or not, shall operate
5 any road machine, farm tractor or motor driven implement of husbandry on any highway
6 within this State. Provided any person may operate a road machine, farm tractor, or motor
7 driven implement of husbandry upon a highway adjacent to or running in front of the land upon
8 which such person lives when said person is actually engaged in farming operations."

9 **SECTION 6.** G.S. 20-13(b) reads as rewritten:

10 "(b) The Division may suspend the license of a provisional licensee as follows:

- 11 (1) For the first motor vehicle moving violation, the Division may not suspend
12 the license of the provisional licensee.
- 13 (2) For conviction of a second motor vehicle moving violation committed within
14 12 months of the date the first offense was committed, the Division may
15 suspend the licensee's license for up to 30 days.
- 16 (3) For conviction of a third motor vehicle moving violation committed within
17 12 months of the date the first offense was committed, the Division may
18 suspend the licensee's license for up to 90 days.
- 19 (4) For conviction of a fourth motor vehicle moving violation committed within
20 12 months of the date the first offense was committed, the Division may
21 suspend the licensee's license for up to six months.

22 The Division may, in lieu of suspension and with the written consent of the licensee, place the
23 licensee on probation for a period of not more than 12 months on such terms and conditions as
24 the Division sees fit to impose.

25 If the Division suspends the provisional licensee's license for at least 90 days without a
26 preliminary hearing, the parent, guardian or other person standing in loco parentis of the
27 provisional licensee-licensee, or the provisional licensee if they are at least 18 years old, may
28 request a hearing to determine if the provisional licensee's license should be restored on a
29 probationary status. The Division may wait until one-half the period of suspension has expired
30 to hold the hearing. The Division may place the licensee on probation for up to 12 months on
31 such terms and conditions as the Division sees fit to impose, if the licensee consents in writing
32 to the terms and conditions of probation."

33 **SECTION 7.** G.S. 20-13.2(c1) reads as rewritten:

34 "(c1) Upon receipt of notification from the proper school authority that a person no longer
35 meets the requirements for a driving eligibility certificate under G.S. 20-11(n), the Division
36 must expeditiously notify the person that his or her permit or license is revoked effective on the
37 tenth calendar day after the mailing of the revocation notice. The Division must revoke the
38 permit or license of that person on the tenth calendar day after the mailing of the revocation
39 notice. Notwithstanding subsection (d) of this section, the length of revocation must last for the
40 following periods:

- 41 (1) If the revocation is because of ineligibility for a driving eligibility certificate
42 under G.S. 20-11(n)(1), then the revocation shall last until the person's
43 eighteenth-nineteenth birthday.
- 44 (2) If the revocation is because of ineligibility for a driving eligibility certificate
45 under G.S. 20-11(n1), then the revocation shall be for a period of one year.

46 For a person whose permit or license was revoked due to ineligibility for a driving
47 eligibility certificate under G.S. 20-11(n)(1), the Division must restore a person's permit or
48 license before the person's eighteenth-nineteenth birthday, if the person submits to the Division
49 one of the following:

- 50 (1) A high school diploma or its equivalent.
- 51 (2) A driving eligibility certificate as required under G.S. 20-11(n).

1 For a person whose permit or license was revoked due to ineligibility for a driving
2 eligibility certificate under G.S. 20-11(n1), the Division shall restore a person's permit or
3 license before the end of the revocation period, if the person submits to the Division a driving
4 eligibility certificate as required under G.S. 20-11(n).

5 Notwithstanding any other law, the decision concerning whether a driving eligibility
6 certificate was properly issued or improperly denied shall be appealed only as provided under
7 the rules adopted in accordance with G.S. 115C-12(28), 115D-5(a3), or 115C-566, whichever
8 is applicable, and may not be appealed under this Chapter."

9 **SECTION 8.** G.S. 20-37.13(a) reads as rewritten:

10 "(a) No person shall be issued a commercial drivers license unless he:

- 11 (1) Is a resident of this State;
- 12 (2) Is 21 years of age;
- 13 (3) Has passed a knowledge test and a skills test for driving a commercial motor
14 vehicle that comply with minimum federal standards established by federal
15 regulation enumerated in 49 C.F.R., Part 383, Subparts F, G, and H; and
- 16 (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety
17 Act in addition to other requirements of this Chapter or federal regulation.

18 For the purpose of skills testing and determining commercial drivers license classification,
19 only the manufacturer's GVWR shall be used.

20 The tests shall be prescribed and conducted by the Division. Provided, a person who is at
21 least 19 years of age may be issued a commercial drivers license if he is exempt from, or not
22 subject to, the age requirements of the federal Motor Carrier Safety Regulations contained in 49
23 C.F.R., Part 391, as adopted by the Division."

24 **SECTION 9.** G.S. 20-137.3 reads as rewritten:

25 **"§ 20-137.3. Unlawful use of a mobile phone by persons under ~~18~~19 years of age.**

26 (a) Definitions. – The following definitions apply in this section:

- 27 (1) Additional technology. – Any technology that provides access to digital
28 media including, but not limited to, a camera, music, the Internet, or games.
29 The term does not include electronic mail or text messaging.
- 30 (2) Mobile telephone. – A device used by subscribers and other users of wireless
31 telephone service to access the service. The term includes: (i) a device with
32 which a user engages in a call using at least one hand, and (ii) a device that
33 has an internal feature or function, or that is equipped with an attachment or
34 addition, whether or not permanently part of the mobile telephone, by which
35 a user engages in a call without the use of either hand, whether or not the use
36 of either hand is necessary to activate, deactivate, or initiate a function of
37 such telephone.
- 38 (3) Wireless telephone service. – A service that is a two-way real-time voice
39 telecommunications service that is interconnected to a public switched
40 telephone network and is provided by a commercial mobile radio service, as
41 such term is defined by 47 C.F.R. § 20.3.

42 (b) Offense. – Except as otherwise provided in this section, no person under the age of
43 ~~18~~19 years shall operate a motor vehicle on a public street or highway or public vehicular area
44 while using a mobile telephone or any additional technology associated with a mobile
45 telephone while the vehicle is in motion. This prohibition shall not apply to the use of a mobile
46 telephone or additional technology in a stationary vehicle.

47 (c) Seizure. – The provisions of this section shall not be construed as authorizing the
48 seizure or forfeiture of a mobile telephone, unless otherwise provided by law.

49 (d) Exceptions. – The provisions of subsection (b) of this section shall not apply if the
50 use of a mobile telephone is for the sole purpose of communicating with:

1 (1) Any of the following regarding an emergency situation: an emergency
2 response operator; a hospital, physician's office, or health clinic; a public or
3 privately owned ambulance company or service; a fire department; or a law
4 enforcement agency.

5 (2) The motor vehicle operator's parent, legal guardian or spouse.

6 (e) Penalty. – Any person violating this section shall have committed an infraction and
7 shall pay a fine of twenty-five dollars (\$25.00). This offense is an offense for which a
8 defendant may waive the right to a hearing or trial and admit responsibility for the infraction
9 pursuant to G.S. 7A-148. No drivers license points, insurance surcharge, or court costs shall be
10 assessed as a result of a violation of this section."

11 **SECTION 10.** G.S. 20-138.3(d) reads as rewritten:

12 "(d) Limited Driving Privilege. – A person who is convicted of violating subsection (a)
13 of this section and whose drivers license is revoked solely based on that conviction may apply
14 for a limited driving privilege as provided in G.S. 20-179.3. This subsection shall apply only if
15 the person meets both of the following requirements:

16 (1) Is ~~18, 19, 19~~ or 20 years old on the date of the offense.

17 (2) Has not previously been convicted of a violation of this section.

18 The judge may issue the limited driving privilege only if the person meets the eligibility
19 requirements of G.S. 20-179.3, other than the requirement in G.S. 20-179.3(b)(1)c.
20 G.S. 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in
21 G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the issuance of a
22 limited driving privilege to a person who is convicted of violating subsection (a) of this section
23 and of driving while impaired as a result of the same transaction."

24 **SECTION 11.** Article 2 of Chapter 20 of the General Statutes is amended by
25 adding a new section to read:

26 **§ 20-13.3. Immediate civil license revocation for provisional licensees charged with**
27 **certain offenses.**

28 (a) Definitions. – As used in this section, the following words and phrases have the
29 following meanings:

30 (1) Clerk. – As defined in G.S. 15A-101(2).

31 (2) Criminal moving violation. – A violation of Part 9 or 10 of Article 3 of this
32 Chapter which is punishable as a misdemeanor or a felony offense. This
33 term does not include the offenses listed in the third paragraph of
34 G.S. 20-16(c) for which no points are assessed, nor does it include
35 equipment violations specified in Part 9 of Article 3 of this Chapter.

36 (3) Judicial official. – As defined in G.S. 15A-101(5).

37 (4) Provisional licensee. – A person under the age of 19 who has a limited
38 learner's permit, a limited provisional license, or a full provisional license
39 issued pursuant to G.S. 20-11.

40 (5) Revocation report. – A sworn statement by a law enforcement officer
41 containing facts indicating that the conditions of subsection (b) of this
42 section have been met.

43 (6) Seatbelt violation. – A violation of G.S. 20-135.2A while driving a motor
44 vehicle.

45 (b) Revocations for Provisional Licensees Charged With Criminal Moving Violation or
46 Seatbelt Violation. – A provisional licensee's permit or license is subject to revocation under
47 this section if a law enforcement officer has reasonable grounds to believe that the provisional
48 licensee has committed a criminal moving violation or a seatbelt violation, the provisional
49 licensee is charged with that offense, and the provisional licensee is not subject to a civil
50 revocation pursuant to G.S. 20-16.5.

1 (c) Duty of Law Enforcement Officers to Report to Judicial Officials. – If a provisional
2 licensee's permit or license is subject to revocation under this section, the law enforcement
3 officer must execute a revocation report and must take the provisional licensee before a judicial
4 official for an initial appearance. It is the specific duty of the law enforcement officer to make
5 sure that the report is expeditiously filed with a judicial official as required by this section.

6 (d) Judicial Official Must Receive Report; Procedure Upon Receipt of Report. – The
7 law enforcement officer must file the revocation report with the judicial official conducting the
8 initial appearance on the underlying criminal moving violation or seatbelt violation. If a
9 properly executed revocation report concerning a provisional licensee is filed with a judicial
10 official when the person is present before that official, the judicial official shall, after
11 completing any other proceedings involving the provisional licensee, determine whether there
12 is probable cause to believe that the conditions of subsection (b) of this section have been met.
13 If the judicial official determines there is such probable cause, the judicial official shall enter an
14 order revoking the provisional licensee's permit or license. The period of revocation is for 30
15 days and begins at the time the revocation order is issued and continues for 30 additional
16 calendar days. The judicial official shall give the provisional licensee a copy of the revocation
17 order, which shall include the beginning date of the revocation and shall clearly state the final
18 day of the revocation period and the date on which the provisional licensee's permit or license
19 will again become valid. The provisional licensee shall not be required to surrender the
20 provisional licensee's permit or license; however, the provisional licensee shall not be
21 authorized to drive at any time or for any purpose during the period of revocation.

22 (e) Report to Division. – The clerk shall notify the Division of the issuance of a
23 revocation order pursuant to this section within two business days of the issuance of the
24 revocation order. The notification shall identify the person whose provisional license has been
25 revoked and specify the beginning and end date of the revocation period.

26 (f) Effect of Revocations. – A revocation under this section revokes a provisional
27 licensee's privilege to drive in North Carolina. Revocations under this section are independent
28 of and run concurrently with any other revocations, except for a revocation pursuant to
29 G.S. 20-16.5. Any civil revocation issued pursuant to G.S. 20-16.5 for the same underlying
30 conduct as a revocation under this section shall have the effect of terminating a revocation
31 pursuant to this section. No court imposing a period of revocation following conviction for an
32 offense involving impaired driving may give credit for any period of revocation imposed under
33 this section. A person whose license is revoked pursuant to this section is not eligible to receive
34 a limited driving privilege.

35 (g) Designation of Proceedings. – Proceedings under this section are civil actions and
36 must be identified by the caption "In the Matter of _____" and filed as directed by the
37 Administrative Office of the Courts.

38 (h) No drivers license points or insurance surcharge shall be assessed for a revocation
39 pursuant to this section."

40 **SECTION 12.** The Division of Motor Vehicles shall study the issue of teen driving
41 and the effectiveness of the provisions of this act. In conducting the study, the Division shall
42 determine if, since the effective date of this act:

- 43 (1) The number of property damage crashes involving provisional licensees has
44 decreased.
- 45 (2) The number of personal injury crashes involving provisional licensees has
46 decreased.
- 47 (3) The number of fatal crashes involving provisional licensees has decreased.
- 48 (4) The number of moving violations by provisional licensees has decreased.
- 49 (5) The number of seat belt violations by provisional licensees has decreased.

1 The Division shall also include in its study any additional statistics or information it finds
2 relevant to evaluating the effectiveness of this act and any recommendations for improving the
3 safety of teen drivers.

4 The Division shall report its findings to the Joint Legislative Transportation Oversight
5 Committee not later than February 1, 2014.

6 **SECTION 13.** Sections 1 through 10 of this act become effective October 1, 2011,
7 and apply to limited learner's permits, limited provisional licenses, and full provisional licenses
8 issued on or after that date. Sections 1 through 10 of this act shall not apply to any person who
9 is issued a full provisional license or reaches the age of 18 years old prior to October 1, 2011.
10 Section 11 of this act becomes effective October 1, 2011, and applies to offenses committed on
11 or after that date. The remainder of this act becomes effective October 1, 2011.