

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 853
Apr 16, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30339-NDf-3

Short Title: Limited Driving Privilege for Certain Drivers. (Public)

Sponsors: Representatives Reives, Rogers, Clemmons, and Stevens (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW INDIVIDUALS WHOSE LICENSES ARE REVOKED DUE TO THE
3 FAILURE TO PAY A FINE, PENALTY, OR COURT COSTS FOR MOTOR VEHICLE
4 OFFENSES TO APPLY FOR LIMITED DRIVING PRIVILEGES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 2 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 20-24.3. Limited driving privilege for revocation for failure to pay a fine, penalty, or**
9 **court costs for motor vehicle offenses.**

10 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment
11 issued in the discretion of a court for good cause shown authorizing a person with a revoked
12 drivers license to drive for essential purposes related to any of the following:

- 13 (1) The person's employment.
- 14 (2) The maintenance of the person's household.
- 15 (3) The person's education.
- 16 (4) The person's court-ordered treatment or assessment.
- 17 (5) Community service ordered as a condition of the person's probation.
- 18 (6) Emergency medical care.
- 19 (7) Religious worship.

20 (b) Eligibility. – A person whose license is revoked only pursuant to G.S. 20-24.1 for a
21 failure to pay a fine, penalty, or court costs and who meets either of the following criteria:

- 22 (1) At the time of the revocation, the person held either a valid drivers license or
23 a license that had been expired for less than one year.
- 24 (2) The individual's North Carolina drivers license is revoked because of a failure
25 to pay a fine, penalty, or court costs in another jurisdiction if the person would
26 be eligible for a limited driving privilege under this section had the failure to
27 pay a fine, penalty, or court costs occurred in North Carolina.

28 (c) Application for and Scheduling of Subsequent Hearing. – The application for a
29 limited driving privilege made at any the time applicant's license is revoked must be filed with
30 the clerk, and no hearing scheduled shall be held until a reasonable time after the clerk files a
31 copy of the application with the district attorney's office. The hearing must be scheduled before:

- 32 (1) The senior regular resident superior court judge, or the judge's designee, of
33 the superior court district or set of districts as defined in G.S. 7A-41.1 in which
34 the individual resides.
- 35 (2) The chief district court judge, or the judge's designee, of the district court
36 district as defined in G.S. 7A-133 in which the individual resides.



1 (d) Limited Basis for and Effect of Privilege. – A limited driving privilege issued under
2 this section authorizes a person to drive if the person's license is revoked solely under
3 G.S. 20-24.1 or as a result of a person's failure to pay a fine, penalty, or court costs in another
4 jurisdiction.

5 (e) Overall Provisions on Use of Privilege. – Every limited driving privilege must restrict
6 the applicant to essential driving related to the purposes listed in subsection (a) of this section,
7 and any driving that is not related to those purposes is unlawful even though done at times and
8 upon routes that may be authorized by the privilege. If the privilege is granted, driving related to
9 emergency medical care is authorized at any time and without restriction as to routes, but all
10 other driving must be for a purpose and done within the restrictions specified in the privilege.

11 (f) Definition of "Standard Working Hours." – Under this section, "standard working
12 hours" are 6:00 A.M. to 8:00 P.M. on Monday through Friday.

13 (g) Driving for Work-Related Purposes in Standard Working Hours. – In a limited driving
14 privilege, the court may authorize driving for work-related purposes during standard working
15 hours without specifying the times and routes in which the driving must occur. If the applicant is
16 not required to drive for essential work-related purposes except during standard working hours,
17 the limited driving privilege must prohibit driving during nonstandard working hours unless the
18 driving is for emergency medical care or is authorized by subsection (i) of this section. The
19 limited driving privilege must state the name and address of the applicant's place of work or
20 employer and may include other information and restrictions applicable to work-related driving
21 in the discretion of the court.

22 (h) Driving for Work-Related Purposes in Nonstandard Hours. – If the applicant is
23 required to drive during nonstandard working hours for an essential work-related purpose, the
24 applicant must present documentation of that fact before the judge may authorize the applicant
25 to drive for this purpose during those hours. If the applicant is self-employed, the documentation
26 must be attached to or made a part of the limited driving privilege. If the judge determines that it
27 is necessary for the applicant to drive during nonstandard hours for a work-related purpose, the
28 judge may authorize the applicant to drive subject to these restrictions:

29 (1) If the applicant is required to drive to and from a specific place of work at
30 regular times, the limited driving privilege must specify the approximate times
31 and routes in which the applicant will be driving to and from work, and restrict
32 driving to those times and routes.

33 (2) If the applicant is required to drive to and from work at a specific place but is
34 unable to specify the times at which that driving will occur, the limited driving
35 privilege must specify the approximate routes in which the applicant will be
36 driving to and from work, and restrict the driving to those approximate routes.

37 (3) If the applicant is required to drive to and from work at regular times but is
38 unable to specify the places at which work is to be performed, the limited
39 driving privilege must specify the approximate times and geographic
40 boundaries in which the applicant will be driving, and restrict driving to those
41 times and within those boundaries.

42 (4) If the applicant can specify neither the times nor places in which the applicant
43 will be driving to and from work, or if the applicant is required to drive during
44 these nonstandard working hours as a condition of employment, the limited
45 driving privilege must specify the geographic boundaries in which the
46 applicant will drive and restrict driving to that within those boundaries.

47 The limited driving privilege must state the name and address of the applicant's place of work
48 or employer and may include other information and restrictions applicable to work-related
49 driving, in the discretion of the court.

50 (i) A limited driving privilege may not allow driving for maintenance of the household
51 except during standard working hours, and the limited driving privilege may contain any

1 additional restrictions on that driving, in the discretion of the court. If this driving will occur
2 during nonstandard working hours, the limited driving privilege must specify the same
3 restrictions required by subsection (h) of this section for work-related driving during those hours.
4 Driving for educational purposes is subject to the same restrictions applicable to work-related
5 driving under subsections (g) and (h) of this section. Driving to and from the applicant's place of
6 religious worship is subject to the same restrictions applicable to work-related driving under
7 subsections (g) and (h) of this section.

8 (j) Modification or Revocation of Privilege. – A judge who issues a limited driving
9 privilege is authorized to modify or revoke the limited driving privilege upon a showing that the
10 circumstances have changed sufficiently to justify modification or revocation. If the judge who
11 issued the privilege is not presiding in the court in which the privilege was issued, a presiding
12 judge in that court may modify or revoke a privilege in accordance with this subsection. The
13 judge must indicate in the order of modification or revocation the reasons for the order, or the
14 judge must make specific findings indicating the reason for the order, and those findings must be
15 entered in the record of the case.

16 (k) Effect of Violation of Restriction. – A person holding a limited driving privilege who
17 violates any of its restrictions commits the offense of driving while license is revoked for
18 impaired driving under G.S. 20-28(a) and is subject to punishment and license revocation as
19 provided in that section. If a person holding a limited driving privilege is charged with driving
20 while license revoked by violating a restriction contained in the limited driving privilege, and a
21 judicial official determines that there is probable cause for the charge, the limited driving
22 privilege is suspended pending the resolution of the case, and the judicial official must require
23 the person to surrender the limited driving privilege. The judicial official must also notify the
24 person that the person is not entitled to drive until the case is resolved.

25 (l) Copy of Limited Driving Privilege to Division; Action Taken if Privilege Invalid. –
26 The clerk of court must send a copy of any limited driving privilege issued in the county to the
27 Division. A limited driving privilege issued under this section that does not contain the
28 restrictions required by this section is invalid. If the limited driving privilege is invalid on its
29 face, the Division must immediately notify the court and the person holding the privilege that it
30 considers the privilege void and that the Division records will not indicate that the person has a
31 limited driving privilege.

32 (m) Any judge granting limited driving privileges under this section shall, prior to
33 granting such privileges, be furnished proof and be satisfied that the person being granted such
34 privileges is financially responsible. Proof of financial responsibility shall be in one of the
35 following forms:

36 (1) A written certificate or electronically transmitted facsimile thereof from any
37 insurance carrier duly authorized to do business in this State certifying that
38 there is in effect a nonfleet private passenger motor vehicle liability policy for
39 the benefit of the person required to furnish proof of financial responsibility.
40 The certificate or facsimile shall state the effective date and expiration date of
41 the nonfleet private passenger motor vehicle liability policy and shall state the
42 date that the certificate or facsimile is issued. The certificate or facsimile shall
43 remain effective proof of financial responsibility for a period of 30
44 consecutive days following the date the certificate or facsimile is issued but
45 shall not in and of itself constitute a binder or policy of insurance.

46 (2) A binder for or policy of nonfleet private passenger motor vehicle liability
47 insurance under which the applicant is insured, provided that the binder or
48 policy states the effective date and expiration date of the nonfleet private
49 passenger motor vehicle liability policy.

50 The preceding provisions of this subsection do not apply to applicants who do not own
51 currently registered motor vehicles and who do not operate nonfleet private passenger motor

1 vehicles that are owned by other persons and that are not insured under commercial motor vehicle
2 liability insurance policies. In such cases, the applicant shall sign a written certificate to that
3 effect. Such certificate shall be furnished by the Division. Any material misrepresentation made
4 by such person on such certificate shall be grounds for suspension of that person's license for a
5 period of 90 days.

6 For the purpose of this subsection, "nonfleet private passenger motor vehicle" has the
7 definition ascribed to it in Article 40 of Chapter 58 of the General Statutes.

8 The Commissioner may require that certificates required by this subsection be on a form
9 approved by the Commissioner. Such granting of limited driving privileges shall be conditioned
10 upon the maintenance of such financial responsibility during the period of the limited driving
11 privilege. Nothing in this subsection precludes any person from showing proof of financial
12 responsibility in any other manner authorized by Article 9A and Article 13 of this Chapter.

13 (n) A limited driving privilege issued under this section shall not exceed 12 months, but
14 shall be renewable for a similarly restricted term upon a showing of good-faith effort made by
15 the person to rectify the matter that caused the revocation. Requests for renewal of limited driving
16 privileges may be granted indefinitely pursuant to the term restrictions mentioned in this
17 subsection. When possible, the request for renewal of a limited driving privilege shall be heard
18 by the judge that issued the underlying limited driving privilege.

19 (o) A judge granting a limited driving privilege under this section must also order that
20 the fine, penalty, or court costs that led to the underlying revocation may be paid in installments
21 for a term no shorter than the term of the limited driving privilege, but otherwise paid in
22 amounts and at times set by the judge. If the judge orders minimum monthly payment amounts
23 for the installment payments, the minimum amounts shall be set in a manner commensurate
24 with the financial ability of the person being granted the limited driving privilege. Judicial
25 orders under this subsection are without prejudice to any other legal remedies which any
26 judgment creditor may have against the person being granted the limited driving privilege."

27 **SECTION 2.** This act becomes effective December 1, 2019, and applies to
28 applications for limited driving privileges filed on or after that date.