

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 130
Committee Substitute Without Prejudice 5/3/89

Short Title: Suspend Licenses of Dropouts.

(Public)

Sponsors:

Referred to:

February 1, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE SCHOOL ATTENDANCE OR GRADUATION AS A
3 CONDITION FOR DRIVERS LICENSE FOR UNEMANCIPATED MINORS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-16(a) reads as rewritten:

6 "(a) The Division shall have authority to suspend the license of any operator with
7 or without a preliminary hearing upon a showing by its records or other satisfactory
8 evidence that the licensee:

9 (1) to (4) Repealed by Session Laws 1979, c. 36;

10 (5) Has, under the provisions of subsection (c) of this section, within a
11 three-year period, accumulated 12 or more points, or eight or more
12 points in the three-year period immediately following the
13 reinstatement of a license which has been suspended or revoked
14 because of a conviction for one or more traffic offenses;

15 (6) Has made or permitted an unlawful or fraudulent use of such license or
16 a learner's permit, or has displayed or represented as his own, a license
17 or learner's permit not issued to him;

18 (7) Has committed an offense in another state, which if committed in this
19 State would be grounds for suspension or revocation;

20 (8) Has been convicted of illegal transportation of alcoholic beverages;

21 (8a) Has been convicted of impaired instruction under G.S. 20-12.1;

22 (8b) Has violated on a military installation a regulation of that installation
23 prohibiting conduct substantially equivalent to conduct that constitutes

1 impaired driving under G.S. 20-138.1 and, as a result of that violation,
2 has had his privilege to drive on that installation revoked or suspended
3 after an administrative hearing authorized by the commanding officer
4 of the installation and that commanding officer has general court
5 martial jurisdiction;

6 (9) Has, within a period of 12 months, been convicted of two or more
7 charges of speeding in excess of 55 and not more than 80 miles per
8 hour, or of one or more charges of reckless driving and one or more
9 charges of speeding in excess of 55 and not more than 80 miles per
10 hour;

11 (10) Has been convicted of operating a motor vehicle at a speed in excess
12 of 75 miles per hour on a public road or highway where the maximum
13 speed is less than 70 miles per hour;

14 (10a) Has been convicted of operating a motor vehicle at a speed in excess
15 of 80 miles per hour on a public highway where the maximum speed
16 is 70 miles per hour; ~~or~~

17 (11) Has been sentenced by a court of record and all or a part of the
18 sentence has been suspended and a condition of suspension of the
19 sentence is that the operator not operate a motor vehicle for a period of
20 time; or

21 (12) Is under the age of 18 and has withdrawn either voluntarily or
22 involuntarily from a secondary school, pursuant to the provisions of
23 G.S. 20-16A.

24 However, if the Division revokes without a preliminary hearing and the person whose
25 license is being revoked requests a hearing before the effective date of the revocation,
26 the licensee retains his license unless it is revoked under some other provision of the
27 law, until the hearing is held, the person withdraws his request, or he fails to appear at a
28 scheduled hearing."

29 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 20-16A. School attendance as a condition of licensing for privilege of operation**
32 **of motor vehicle.**

33 (a) In accordance with the provisions of G.S. 20-16(a)(12) the Division shall
34 suspend the drivers license of any unemancipated person under the age of 18 who
35 withdraws, either voluntarily or involuntarily from a secondary school.

36 (b) Whenever a student 18 years of age or younger withdraws from school,
37 the school superintendent (or the appropriate school official of any private secondary
38 school) shall notify the Division of the withdrawal. Within 10 working days of receipt
39 of the notice, the Division shall send notice to the licensee that the license will be
40 suspended pursuant to G.S. 20-16(a)(12) on the 20th day following the date the notice
41 of suspension was mailed unless documentation from the school superintendent (or the
42 appropriate school official of any private secondary school) is received that the person
43 has resumed attendance at school.

44 (c) For purposes of this section, withdrawal from school shall be defined as:

- 1 (1) More than 10 consecutive days of unexcused absence or 15 days total
2 unexcused absences during a single semester;
3 (2) Failure to pass four courses per semester; or
4 (3) Failure, when required by law, to enter school at the beginning of the
5 school year or to complete the school year.
6 (d) The Division shall not suspend the drivers license of any person under the
7 age of 18 who withdraws from school if the Division determines:
8 (1) a. That the licensee is enrolled in good standing in a course leading to
9 or to obtain a GED or high school diploma;
10 b. That the withdrawal from school is caused by circumstances
11 beyond the control of the student;
12 c. That the withdrawal is for the purpose of transfer to another
13 school; or
14 d. That because of circumstances beyond the control of the
15 licensee, the Division determines that the licensee has good
16 cause or justification for withdrawing from school; and
17 (2) That the license has not been suspended or revoked under some other
18 provision of law.

19 For purposes of subdivision (1) of this subsection, suspension or expulsion from school,
20 or imprisonment in a jail or penitentiary is not an excused absence or beyond the control
21 of the student."

22 Sec. 3. G.S. 20-11 reads as rewritten:

23 "(a) The Division shall not grant the application of any minor between the ages of
24 16 and 18 years for a driver's license or a learner's permit unless such application is
25 signed both by the applicant and by the parent, guardian, husband, wife or employer of
26 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer
27 residing in this State, by some other responsible adult person. It shall be unlawful for
28 any person to sign the application of a minor under the provisions of this section when
29 such application misstates the age of the minor and any person knowingly violating this
30 provision shall be guilty of a misdemeanor.

31 (b) The Division shall not grant the application of any minor between the ages of
32 16 and 18 years for a driver's license unless such minor presents evidence of having
33 satisfactorily completed the driver training and safety education courses offered at the
34 public high schools as provided in G.S. 20-88.1 or upon having satisfactorily completed
35 a course of driving instruction offered at a licensed commercial driver training school or
36 an approved nonpublic secondary school, provided instruction offered in such schools
37 shall be approved by the State Commissioner of Motor Vehicles and the State
38 Superintendent of Public Instruction and all expenses for such instruction shall be paid
39 by the persons enrolling in such courses and/or by the schools offering them.

40 (c) The Division shall not grant the application of any unemancipated minor
41 between the ages of 16 and 18 years for a driver's license unless such minor presents
42 certification that the applicant is a graduate of a secondary high school of this State or
43 the United States, or has obtained a general educational development certificate (GED)
44 from a State-approved institution or organization, or is enrolled in good standing in a

1 secondary school in this State or in a course leading to or to obtain a GED or high
2 school diploma: Provided, that the Division may grant the application if the failure of
3 such person to be enrolled in school, or to have graduated or to have obtained a GED is
4 due to circumstances beyond the control of such person.

5 ~~(b)~~(d) The Division may grant an application for a limited learner's permit of any
6 minor under the age of 16, who otherwise meets the requirements of licensing under this
7 section, when such application is signed by both the applicant and his or her parent or
8 guardian or some other responsible adult with whom the applicant resides and is
9 approved by the Division of Motor Vehicles. The limited learner's permit shall entitle
10 the applicant, while having the permit in his immediate possession, to drive a motor
11 vehicle of the specified type or class upon the highways while accompanied by a parent,
12 guardian, or other person approved by the Division, who is licensed under this Chapter
13 to operate a motor vehicle (of the type or class being operated by the permittee) and
14 who is actually occupying a seat beside the driver. The limited learner's permit shall be
15 valid for a period of 18 months and the fee for issuance of a limited learner's permit
16 shall be five dollars (\$5.00). Provided, however, a limited learner's permit as herein
17 provided shall be issued only to those applicants who have reached the age of 15 years.
18 In the event a minor who has been issued a limited learner's permit under this subsection
19 operates a motor vehicle in violation of any provision herein, the permit shall be
20 canceled.

21 Provided a driver who holds a learner's permit only shall not be deemed a male
22 operator under age 25 for the purpose of determining the insurance premium rate for
23 persons insured under automobile property damage and bodily injury liability insurance
24 policies.

25 ~~(e)~~(e) The Division may, upon satisfactory proof that a minor between the ages of
26 16 and 18 years has become a resident of North Carolina and holds a valid motor
27 vehicle driver's license from his prior state of residence but has not completed a course
28 in driver education which meets the requirements of this State, grant to such minor a
29 temporary driver's permit under such terms and conditions as shall be deemed necessary
30 by the Division to allow the minor to operate a motor vehicle of a specified type of class
31 in this State in order to obtain the driver education courses necessary for driver's license
32 in North Carolina. Every application for a temporary driver's permit shall be made upon
33 the approved form furnished by the Division. A temporary driver's permit issued
34 pursuant to this section shall be subject to all provisions of law relating to driver's
35 licenses."

36 Sec. 4. This act shall not be construed to obligate the General Assembly to
37 make any appropriation to implement the provisions of this act. Each department and
38 agency to which this act applies shall implement the provisions of this act from funds
39 otherwise appropriated to that department or agency.

40 Sec. 5. This act shall become effective July 1, 1989.