

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE JOINT RESOLUTION 1219

Sponsors: Representatives Michaux; and H. Hunter.

Referred to: Rules, Calendar, and Operations of the House.

April 29, 1993

1 A JOINT RESOLUTION EXPRESSING OPPOSITION TO A FEDERAL
2 REQUIREMENT FOR THE STATE OF NORTH CAROLINA TO PASS A LAW
3 REQUIRING REVOCATION OR SUSPENSION OF A PERSON'S DRIVERS
4 LICENSE FOR ANY DRUG-RELATED OFFENSE.

5 Whereas, Section 333 of Public Law 102-143, "Revocation or Suspension of
6 the Drivers' Licenses of Individuals Convicted of Drug Offenses", requires states to
7 enact legislation requiring the revocation or suspension of an individual's drivers license
8 upon conviction of any drug-related offense; and

9 Whereas, Section 333 requires withholding 5% of certain federal-aid highway
10 funds in the 1994-95 fiscal year and 10% in subsequent years from states that fail to
11 enact legislation; and

12 Whereas, Section 333 provides the following procedure to avoid the sanctions
13 without enacting the legislation:

14 "(B) The Governor for the State –

- 15 (i) submits to the Secretary no earlier than the adjournment sine
16 die of the first regularly scheduled session of the State's
17 legislature which begins after the date of enactment of this
18 section a written certification stating that the Governor is
19 opposed to the enactment or enforcement in the State of a law
20 described in subparagraph (A), relating to revocation,
21 suspension, issuance, or reinstatement of drivers' licenses to
22 convicted drug offenders; and

1 (ii) submits to the Secretary a written certification that the
2 legislature (including both Houses where applicable) has
3 adopted a resolution expressing its opposition to a law
4 described in clause (i)."; and

5 Whereas, Senate Bill 154, "License Revoked-Drug Offenses", providing for
6 the revocation of an individual's drivers license upon conviction of any drug-related
7 offense, was introduced during the 1991 Session of the General Assembly and failed to
8 pass; and

9 Whereas, the federal government should not dictate policy or legislation of
10 this kind for the State of North Carolina; and

11 Whereas, the Tenth Amendment to the Constitution of the United States
12 provides that: "The powers not delegated to the United States by the Constitution, nor
13 prohibited by it to the States, are reserved to the States respectively, or to the people";

14 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

15 Section 1. The General Assembly opposes the enactment or enforcement in
16 this State of a law requiring the revocation or suspension of an individual's drivers
17 license upon conviction on any drug-related offense.

18 Sec. 2. The Secretary of State shall transmit a certified copy of this resolution
19 to the Governor of the State of North Carolina and the Governor shall submit to the
20 United States Secretary of Transportation:

21 (1) A written certification that he is opposed to the enactment or
22 enforcement of a law related to revocation of a person's drivers license
23 for any drug-related offense; and

24 (2) A written certification that the legislature has adopted this resolution.

25 Sec. 3. The Secretary of State shall transmit a certified copy of this resolution
26 to the United States Secretary of Transportation.

27 Sec. 4. This resolution is effective upon ratification.