

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1087

Short Title: Limited Driving Privilege for DWLR.

(Public)

Sponsors: Senator Kerr.

Referred to: Judiciary II.

March 24, 2005

A BILL TO BE ENTITLED
AN ACT TO ALLOW CERTAIN PERSONS WITH A REVOKED DRIVERS
LICENSE TO OBTAIN A LIMITED DRIVING PRIVILEGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179.3(b) reads as rewritten:

"(b) Eligibility.

(1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if:

- a. At the time of the offense he held either a valid driver's license or a license that had been expired for less than one year;
- b. At the time of the offense he had not within the preceding seven years been convicted of an offense involving impaired driving;
- c. Punishment Level Three, Four, or Five was imposed for the offense of impaired driving;
- d. Subsequent to the offense he has not been convicted of, or had an unresolved charge lodged against him for, an offense involving impaired driving; and
- e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if he would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

(2) Any person whose licensing privileges are forfeited pursuant to G.S. 15A-1331A is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid

1 drivers license or a drivers license that had been expired for less than
2 one year and:

- 3 a. The person is supporting existing dependents or must have a
4 drivers license to be gainfully employed; or
5 b. The person has an existing dependent who requires serious
6 medical treatment and the defendant is the only person able to
7 provide transportation to the dependent to the health care
8 facility where the dependent can receive the needed medical
9 treatment.

10 The limited driving privilege granted under this subdivision must
11 restrict the person to essential driving related to the purposes listed
12 above, and any driving that is not related to those purposes is unlawful
13 even though done at times and upon routes that may be authorized by
14 the privilege.

- 15 (3) Except where other conditions or restrictions are provided by law for a
16 particular motor vehicle offense, any person whose licensing privileges
17 have been revoked for a motor vehicle offense other than an impaired
18 driving offense is eligible for a limited driving privilege if the court
19 finds that the person is supporting existing dependents or must have a
20 drivers license to be gainfully employed, and the court finds good
21 cause for granting a limited driving privilege. The limited driving
22 privilege granted under this section may, in the court's discretion,
23 authorize the person to drive for essential purposes related to any of
24 the activities in subsection (a) of this section."

25 **SECTION 2.** This act is effective when it becomes law.