

April 6, 2009

H 1117. SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN. Filed 4/6/09. *TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Tucker.

GS 14, 20

April 7, 2009

H 1117. SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN. Filed 4/6/09. *TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS.*

Under current law, Article 27A of GS Chapter 14 (Article 27A) requires persons who are convicted of sex offenses or of certain other offenses committed against minors to register with law enforcement agencies. Enacts new GS 14-208.19, *Commercial drivers license restrictions*, in Article 27A, prohibiting the Division of Motor Vehicles (DMV) from issuing or renewing a commercial driver's license with a P or S endorsement (allows the person to drive a commercial passenger vehicle or school bus) to any person who is required to register under Article 27A. Prohibition also applies to issuing a commercial learner's permit. Provides that the prohibition is effective for the period of time during which the person is required to maintain registration under Article 27A.

Enacts new GS 20-27.1 to make it a Class F felony for a sex offender required to register under Article 27A to drive a commercial passenger vehicle or a school bus without the appropriate commercial driver's license because the offender is disqualified from obtaining that license.

Enacts new GS 20-17.9 directing the DMV to revoke the commercial driver's license with a P or S endorsement of any person convicted of any offense on or after December 1, 2009, that requires registration under Article 27A.

Amends GS 20-17.4, adding new subsection (n), to provide that if a person registered under Article 27A on December 1, 2009, also has a valid commercial drivers license with a P or S endorsement that was issued on or before December 1, 2009, then that person is not disqualified under proposed subsection (n) until the person's existing license expires, providing that the person does not commit a subsequent offense that requires registration under Article 27A.

Enacts new GS 20-37.14A directing the DMV not to issue or renew a commercial driver's license with a P or S endorsement to any person required to register under Article 27A. Requires the DMV to search the statewide registry and the National Sex Offender Public Registry prior to issuing the commercial driver's license with a P or S endorsement to determine if the person is currently registered as a sex offender. Additionally prescribes the DMV's responsibilities to ascertain the status of applicants for a commercial driver's license with a P or S endorsement. Provides a person denied such a license with a right to file a petition within 30 days of the denial for a hearing in the superior court of the county where the person resides, to the resident judge of the district or judge holding the court of that district, or to the special or emergency judge holding a court in the district. Makes it a Class I felony for any person to make a false affidavit or knowingly swear or affirm falsely to any information required by the terms of this section to be affirmed or sworn.

Makes conforming change to GS 20-37.13.

Effective December 1, 2009. Applies to persons whose initial registration under Article 27A occurs on or after December 1, 2009, and to persons who are registered under Article 27A prior to December 1, 2009, and continue to be registered on or after December 1, 2009. Provides that

the criminal penalties enacted by this act apply to offenses occurring on or after December 1, 2009.

Intro. by Tucker.

GS 14, 20

September 1, 2009

SL 2009-491 (H 1117). SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN. AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS. Summarized in *Daily Bulletin* 4/7/09. Enacted August 26, 2009. Effective December 1, 2009.