

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 328

Short Title: Highway Safety/Citizens Protection Act. (Public)

Sponsors: Representatives Warren, B. Brown, Collins, and Jordan (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I, if favorable, Finance.

March 24, 2015

A BILL TO BE ENTITLED

AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE MANUFACTURE, SALE, AND POSSESSION OF COUNTERFEIT DOCUMENTS; TO CLARIFY WHICH DOCUMENTS ARE ACCEPTABLE FOR IDENTIFICATION BEFORE GOVERNMENT OFFICIALS AND AGENCIES; TO CREATE A REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS; AND TO ENSURE THAT CITIZENS AND LAWFULLY PRESENT ALIENS CAN TRAVEL SAFELY ON THE ROADS OF THIS STATE BY ENSURING THAT EVERY DRIVER ON THE ROADS OF THIS STATE HAS BEEN PROPERLY LICENSED OR PERMITTED.

The General Assembly of North Carolina enacts:

PART I. SHORT TITLE

SECTION 1. This act shall be known and may be cited as "The Highway Safety and Citizens Protection Act of 2015."

PART II. INCREASE PENALTIES FOR POSSESSION, MANUFACTURE, OR SALE OF FALSE IDENTIFICATION DOCUMENTS

SECTION 2.(a) G.S. 14-100.1 reads as rewritten:

"§ 14-100.1. ~~Possession or manufacture~~ Possession, manufacture, or sale of certain fraudulent forms of identification.

(a) Except as otherwise made unlawful by G.S. 20-30, it ~~shall be~~ is unlawful for any person to knowingly ~~possess or manufacture~~ possess, manufacture, or sell a false or fraudulent form of identification as defined in this section for the purpose of deception, fraud, or other criminal conduct.

(b) Except as otherwise made unlawful by G.S. 20-30, it ~~shall be~~ is unlawful for any person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent information.

(c) Possession of a form of identification obtained in violation of subsection (b) of this section ~~shall constitute~~ is a violation of subsection (a) of this section.

(d) For purposes of this section, a "form of identification" means any of the following or any replica thereof:

- (1) An identification card containing a picture, issued by any department, agency, or subdivision of the State of North Carolina, the federal government, or any other state.



1 (2) A military identification card containing a picture.
2 (3) A passport.
3 (4) An alien registration card containing a picture.
4 (e) A violation of this section shall be punished as a ~~Class 1 misdemeanor~~ Class G
5 felony, except that the following violations of this section shall be punished as a Class 1
6 misdemeanor:

- 7 (1) A violation based on the mere possession of a false or fraudulent form of
8 identification, rather than the manufacture or sale of a false or fraudulent
9 form of identification.
10 (2) A violation by a person under the age of 21 for the purpose of the underage
11 purchase of alcohol.
12 (3) A violation by a person under the age of 18 for the purpose of the underage
13 purchase of tobacco products or cigarette wrapping papers."

14 **SECTION 2.(b)** G.S. 20-30 reads as rewritten:

15 "**§ 20-30. Violations of license, learner's permit, restricted drivers permit, restricted**
16 **identification card, or special identification card provisions.**

17 (a) Unlawful Acts. – It ~~shall be~~ is unlawful for any person to commit any of the
18 following acts:

- 19 (1) To display or cause to be displayed or to have in possession a driver's
20 license, learner's permit, restricted drivers permit, restricted identification
21 card, or special identification card, knowing the same to be fictitious or to
22 have been canceled, revoked, suspended or altered.
23 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not
24 entitled thereto, a driver's license, learner's permit, restricted drivers permit,
25 restricted identification card, or special identification card.
26 (3) To display or to represent as one's own a drivers license, learner's permit,
27 restricted drivers permit, restricted identification card, or special
28 identification card not issued to the person so displaying same.
29 (4) To fail or refuse to surrender to the Division upon demand any driver's
30 license, learner's permit, restricted drivers permit, restricted identification
31 card, or special identification card that has been suspended, canceled or
32 revoked as provided by law.
33 (5) To use a false or fictitious name or give a false or fictitious address in any
34 application for a driver's license, learner's permit, restricted drivers permit,
35 restricted identification card, or special identification card, or any renewal or
36 duplicate thereof, or knowingly to make a false statement or knowingly
37 conceal a material fact or otherwise commit a fraud in any such application,
38 or for any person to procure, or knowingly permit or allow another to
39 commit any of the foregoing acts. Any license, learner's permit, restricted
40 drivers permit, restricted identification card, or special identification card
41 procured as aforesaid ~~shall be~~ is void from the issuance thereof, and any
42 moneys paid therefor shall be forfeited to the State. ~~Any person violating the~~
43 provisions of this subdivision shall be guilty of a ~~Class 1 misdemeanor.~~
44 (6) To make a color photocopy or otherwise make a color reproduction of a
45 drivers license, learner's permit, restricted drivers permit, restricted
46 identification card, or special identification card ~~which~~ that has been
47 color-photocopied or otherwise reproduced in color, unless ~~such~~ the color
48 photocopy or other color reproduction was authorized by the Commissioner.
49 It ~~shall be~~ is lawful to make a black and white photocopy of a drivers
50 license, learner's permit, restricted drivers permit, restricted identification
51 card, or special identification card or otherwise make a black and white

1 reproduction of a drivers license, learner's permit, restricted drivers permit,
2 restricted identification card, or special identification card.

3 (7) To sell or offer for sale any reproduction or facsimile or simulation of a
4 driver's license, learner's permit, restricted drivers permit, restricted
5 identification card, or special identification card. The provisions of this
6 subdivision ~~shall do not~~ apply to agents or employees of the Division while
7 acting in the course and scope of their employment. ~~Any person, firm or~~
8 ~~corporation violating the provisions of this subsection shall be guilty of a~~
9 ~~Class I felony.~~

10 (8) To possess more than one commercial drivers license or to possess a
11 commercial drivers license and a regular drivers license. Any commercial
12 drivers license other than the one most recently issued is subject to
13 immediate seizure by any law enforcement officer or judicial official. Any
14 regular drivers license possessed at the same time as a commercial drivers
15 license is subject to immediate seizure by any law enforcement officer or
16 judicial official.

17 (9) To present, display, or use a drivers license, learner's permit, restricted
18 drivers permit, restricted identification card, or special identification card
19 that contains a false or fictitious name in the commission or attempted
20 commission of a felony. ~~Any person violating the provisions of this~~
21 ~~subdivision shall be guilty of a Class I felony.~~

22 (10) To possess more than one special identification card for a fraudulent
23 purpose.

24 (b) General Penalty. – Except as otherwise provided in subsection (c) of this section, a
25 violation of this section shall be punished as a Class G felony.

26 (c) Penalty in Certain Cases. – A violation of this section by a person under the age of
27 21 for the purpose of the underage purchase of alcohol shall be punished as a Class 1
28 misdemeanor. A violation of this section by a person under the age of 18 for the purpose of the
29 underage purchase of tobacco products or cigarette wrapping papers shall be punished as a
30 Class 2 misdemeanor."

31 **SECTION 2.(c)** G.S. 20-37.8 is repealed.

32 **SECTION 2.(d)** G.S. 143-341(8)i.5. reads as rewritten:

33 "5. Upon proper requisition, proper showing of need for use on
34 State business only, and proper showing of proof that all
35 persons who will be driving the motor vehicle have valid
36 drivers' licenses, to assign economically suitable
37 transportation, either on a temporary or permanent basis, to
38 any State employee or agency. An agency assigned a motor
39 vehicle may not allow a person to operate that motor vehicle
40 unless that person displays to the agency and allows the
41 agency to copy that person's valid driver's license.
42 Notwithstanding ~~G.S. 20-30(6),~~G.S. 20-30(a)(6), persons or
43 agencies requesting assignment of motor vehicles may
44 photostat or otherwise reproduce drivers' licenses for
45 purposes of complying with this subpart.

46 As used in this subpart, "economically suitable
47 transportation" means the most cost-effective standard vehicle
48 in the State motor fleet, unless special towing provisions are
49 required by the agency. The Department may not assign any
50 employee or agency a motor vehicle that is not economically
51 suitable. The Department shall not approve requests for

1 vehicle assignment or reassignment when the purpose of that
2 assignment or reassignment is to provide any employee with
3 a newer or lower mileage vehicle because of ~~his or her~~ the
4 employee's rank, management authority, or length of service
5 or because of any non-job-related reason. The Department
6 shall not assign "special use" vehicles, such as four-wheel
7 drive vehicles or law enforcement vehicles, to any agency or
8 individual except upon written justification, verified by
9 historical data, and accepted by the Secretary. The
10 Department may provide law enforcement vehicles only to
11 those agencies ~~which~~ that have statutory pursuit authority."
12

13 PART III. CREATION OF REBUTTABLE PRESUMPTION AGAINST THE 14 PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS

15 SECTION 3.(a) G.S. 15A-533 reads as rewritten:

16 "§ 15A-533. Right to pretrial release in capital and noncapital cases.

17 (a) A defendant charged with any crime, whether capital or noncapital, who is alleged
18 to have committed this crime while still residing in or subsequent to his escape or during an
19 unauthorized absence from involuntary commitment in a mental health facility designated or
20 licensed by the Department of Health and Human Services, and whose commitment is
21 determined to be still valid by the judge or judicial officer authorized to determine pretrial
22 release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the
23 individual shall be returned to the treatment facility in which he was residing at the time of the
24 alleged crime or from which he escaped or absented himself for continuation of his treatment
25 pending the additional proceedings on the criminal offense.

26 (b) A defendant charged with a noncapital offense must have conditions of pretrial
27 release determined, in accordance with G.S. 15A-534.

28 (c) A judge may determine in ~~his~~ the judge's discretion whether a defendant charged
29 with a capital offense may be released before trial. If ~~he~~ the judge determines release is
30 warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

31 (d) There shall be a rebuttable presumption that no condition of release will reasonably
32 assure the appearance of the person as required and the safety of the community if a judicial
33 official finds the following:

- 34 (1) There is reasonable cause to believe that the person committed an offense
35 involving trafficking in a controlled substance;
- 36 (2) The drug trafficking offense was committed while the person was on pretrial
37 release for another offense; and
- 38 (3) The person has been previously convicted of a Class A through E felony or
39 an offense involving trafficking in a controlled substance and not more than
40 five years has elapsed since the date of conviction or the person's release
41 from prison for the offense, whichever is later.

42 (e) There shall be a rebuttable presumption that no condition of release will reasonably
43 assure the appearance of the person as required and the safety of the community, if a judicial
44 official finds the following:

- 45 (1) There is reasonable cause to believe that the person committed an offense for
46 the benefit of, at the direction of, or in association with, any criminal street
47 gang, as defined in G.S. 14-50.16;
- 48 (2) The offense described in subdivision (1) of this subsection was committed
49 while the person was on pretrial release for another offense; and
- 50 (3) The person has been previously convicted of an offense described in
51 G.S. 14-50.16 through G.S. 14-50.20, and not more than five years has

1 elapsed since the date of conviction or the person's release for the offense,
2 whichever is later.

3 (f) There shall be a rebuttable presumption that no condition of release will reasonably
4 assure the appearance of the person as required and the safety of the community, if a judicial
5 official finds there is reasonable cause to believe that the person committed a felony or Class
6 A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and
7 the judicial official also finds any of the following:

8 (1) The offense was committed while the person was on pretrial release for
9 another felony or Class A1 misdemeanor offense involving the illegal use,
10 possession, or discharge of a firearm.

11 (2) The person has previously been convicted of a felony or Class A1
12 misdemeanor offense involving the illegal use, possession, or discharge of a
13 firearm and not more than five years have elapsed since the date of
14 conviction or the person's release for the offense, whichever is later.

15 (f1) There shall be a rebuttable presumption that no condition of release will reasonably
16 assure the appearance of the person as required and the safety of the community if the person is
17 unlawfully present in the United States and a judicial official finds either of the following:

18 (1) There is probable cause to believe that the person committed one or more of
19 the following offenses:

20 a. A sex offense. As used in this sub-subdivision, a "sex offense" is any
21 offense upon conviction of which the offense becomes a reportable
22 conviction, as that term is defined in G.S. 14-208.6.

23 b. A violent felony, as that term is defined in G.S. 14-7.7(b), or any
24 criminal offense other than a violation described in G.S. 14-33(a) that
25 includes assault as an essential element of the offense or as an
26 aggravating factor in sentencing.

27 c. A driving offense. As used in this sub-subdivision, the term "driving
28 offense" means any violation that requires a mandatory drivers
29 license revocation upon a first conviction.

30 d. A drug offense. As used in this sub-subdivision, the term "drug
31 offense" means a violation of G.S. 90-95, other than a violation for
32 mere possession of a controlled substance.

33 e. A gang offense. As used in this sub-subdivision, the term "gang
34 offense" means any violation of Article 13A of Chapter 14 of the
35 General Statutes.

36 (2) There is probable cause to believe that the person committed an offense not
37 listed in subdivision (f1)(1) of this section and United States Immigration
38 and Customs Enforcement has issued a detainer for the initiation of removal
39 proceedings against the person or has indicated that it will do so.

40 (g) Persons who are considered for bond under the provisions of subsections (d), (e),
41 ~~and (f)(f)~~, and (f1) of this section may only be released by a district or superior court judge
42 upon a finding that there is a reasonable assurance that the person will appear and release does
43 not pose an unreasonable risk of harm to the community."

44 **SECTION 3.(b)** Article 26 of Chapter 15A of the General Statutes is amended by
45 adding a new section to read:

46 **"§ 15A-534.7. Pretrial release of certain undocumented aliens.**

47 In all cases in which the defendant is an alien who (i) is not lawfully present in the United
48 States and (ii) is charged with a felony or a Class A1 misdemeanor, the judicial official shall
49 require the defendant to execute a secured appearance bond as a condition of pretrial release, as
50 described in G.S. 15A-534(a)(4)."

PART IV. MISCELLANEOUS PROVISIONS

SECTION 4. Article 1 of Chapter 64 of the General Statutes is amended by adding the following new sections to read:

"§ 64-6. Permissible methods of verifying immigration status.

Verification of a person's immigration status pursuant to this Chapter or any other provision of State law shall be made consistently with federal law and may be made by any of the following methods, as applicable:

- (1) Pursuant to 8 U.S.C. §§ 1373(c) and 1644 or any other provision of federal law.
- (2) By a law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.
- (3) In any other manner authorized by the federal government.

"§ 64-7. Admissibility of immigration status records in courts of this State.

(a) A verification of an alien's immigration status received from the federal government pursuant to G.S. 64-6 shall constitute proof of that alien's status. A court of this State shall consider only a verification of immigration status made pursuant to G.S. 64-6 in determining whether an alien is lawfully present in the United States.

(b) Any record that relates to the immigration status of a person is admissible in any court of this State without further foundation or testimony from a custodian of records if all of the following apply:

- (1) The record is certified as authentic by the federal government agency that is responsible for maintaining the record.
- (2) The State notifies the person at least 15 business days before the proceeding at which the evidence would be used of its intention to introduce the record into evidence under this section and provides a copy of the record to the person.
- (3) The person fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the record would be used that the person objects to the introduction of the record into evidence.

If the person's attorney of record, or that person if he or she is not represented by an attorney, fails to file a written objection as provided in this subsection, then the record may be admitted into evidence without the testimony of the custodian of records. Upon filing a timely objection, the admissibility of the record shall be determined and governed by the appropriate rules of evidence.

"§ 64-8. Law enforcement transport of certain unlawfully present aliens.

Notwithstanding any other provision of law, a State or local law enforcement agency may securely transport an alien who is in the agency's custody and whom the agency has verified is unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency. A law enforcement agency shall obtain judicial or executive authorization from the Governor before securely transporting an alien who is unlawfully present in the United States to a point of transfer that is outside this State.

"§ 64-9. Construction and severability.

(a) Construction. – This Chapter shall be construed in a manner consistent with federal law.

(b) Severability. – The provisions of this Chapter are severable. If any part of this Chapter is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this Chapter is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications.

1 "§ 64-10. No criminal investigation, arrest, or detention in circumstances in which
2 holders of other licenses would not be subject to investigation, arrest, or
3 detention.

4 Possession of a restricted drivers permit issued under G.S. 20-7 or of a restricted
5 identification card issued under G.S. 20-37.8A, standing alone, shall not be used as a basis for a
6 criminal investigation, arrest, or detention in circumstances in which a person who possesses
7 some other form of identification would not be criminally investigated, arrested, or detained."
8

9 **PART V. PROHIBIT THE USE OF CERTAIN DOCUMENTS FOR**
10 **IDENTIFICATION PURPOSES**

11 **SECTION 5.(a)** Chapter 15A of the General Statutes is amended by adding a new
12 Article to read:

13 " Article 18.

14 "Identification Documents.

15 **"§ 15A-306. Certain documents not acceptable as identification.**

16 (a) The following documents are not acceptable for use in determining a person's actual
17 identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other
18 government official:

19 (1) A matricula consular or other similar document, other than a valid passport,
20 issued by a consulate or embassy of another country.

21 (2) An identity document issued or created by any person, organization, county,
22 city, or other local authority, except where authorized to be used for this
23 purpose by the General Assembly.

24 (b) No local government or law enforcement agency may establish, by policy or
25 ordinance, the acceptability of any of the documents described in subsection (a) of this section,
26 other than a valid passport, as a form of identification to be used to determine the identity or
27 residency of any person. Any local government policy or ordinance that contradicts this section
28 is hereby repealed."

29 **SECTION 5.(b)** G.S. 20-7(b4) reads as rewritten:

30 "(b4) Examples of documents that are reasonably reliable indicators of residency include,
31 but are not limited to, any of the following:

32 (1) A pay stub with the payee's address.

33 (2) A utility bill showing the address of the applicant-payor.

34 (3) A contract for an apartment, house, modular unit, or manufactured home
35 with a North Carolina address signed by the applicant.

36 (4) A receipt for personal property taxes paid.

37 (5) A receipt for real property taxes paid to a North Carolina locality.

38 (6) A current automobile insurance policy issued to the applicant and showing
39 the applicant's address.

40 (7) A monthly or quarterly financial statement from a North Carolina regulated
41 financial institution.

42 (8) ~~A matricula consular or substantially similar document issued by the~~
43 ~~Mexican Consulate for North Carolina.~~

44 (9) ~~A document similar to that described in subsection (8) of this section, issued~~
45 ~~by the consulate or embassy of another country. This subdivision only~~
46 ~~applies if the Division has consulted with the United State Department of~~
47 ~~State and is satisfied with the reliability of such document."~~

48 **SECTION 5.(c)** G.S. 58-2-164(c) reads as rewritten:

49 "(c) The insurer and its agent shall also take reasonable steps to verify that the
50 information provided by an applicant regarding the applicant's address and the place the motor
51 vehicle is garaged is correct. The insurer may take its own reasonable steps to verify residency

1 or eligible risk status or may rely upon the agent verification of residency or eligible risk status
2 to meet the insurer's verification obligations under this section. The agent shall retain copies of
3 any items obtained under this section as required under the record retention rules adopted by
4 the Commissioner and in accordance with G.S. 58-2-185. The agent may satisfy the
5 requirements of this section by obtaining reliable proof of North Carolina residency from the
6 applicant or the applicant's status as an eligible risk. Reliable proof of residency or eligible risk
7 includes but is not limited to:

- 8 (1) A pay stub with the payee's address.
- 9 (2) A utility bill showing the address of the applicant-payor.
- 10 (3) A lease for an apartment, house, modular unit, or manufactured home with a
11 North Carolina address signed by the applicant.
- 12 (4) A receipt for personal property taxes paid.
- 13 (5) A receipt for real property taxes paid to a North Carolina locality.
- 14 (6) A monthly or quarterly financial statement from a North Carolina regulated
15 financial institution.
- 16 (7) A valid unexpired North Carolina driver's license.
- 17 ~~(8) A matricula consular or substantially similar document issued by the~~
18 ~~Mexican Consulate for North Carolina.~~
- 19 ~~(9) A document similar to that described in subdivision (8) of this section,~~
20 ~~issued by the consulate or embassy of another country that would be~~
21 ~~accepted by the North Carolina Division of Motor Vehicles as set forth in~~
22 ~~G.S. 20-7(b4)(9).~~
- 23 (10) A valid North Carolina vehicle registration.
- 24 (11) A valid military ID.
- 25 (12) A valid student ID for a North Carolina school or university."

26 **SECTION 5.(d)** G.S. 108A-55.3(b) reads as rewritten:

27 "(b) An applicant may meet the requirements of subsection (a) of this section by
28 providing at least two of the following documents:

- 29 (1) A valid North Carolina drivers license or other identification card issued by
30 the North Carolina Division of Motor Vehicles.
- 31 (2) A current North Carolina rent or mortgage payment receipt, or current utility
32 bill in the name of the applicant or the applicant's legal spouse showing a
33 North Carolina address.
- 34 (3) A valid North Carolina motor vehicle registration in the applicant's name
35 and showing the applicant's current address.
- 36 (4) A document showing that the applicant is employed in this State.
- 37 (5) One or more documents proving that the applicant's domicile in the
38 applicant's prior state of domicile has ended, such as closing of a bank
39 account, termination of employment, or sale of a home.
- 40 (6) The tax records of the applicant or the applicant's legal spouse, showing a
41 current North Carolina address.
- 42 (7) A document showing that the applicant has registered with a public or
43 private employment service in this State.
- 44 (8) A document showing that the applicant has enrolled the applicant's children
45 in a public or private school or child care facility located in this State.
- 46 (9) A document showing that the applicant is receiving public assistance or
47 other services requiring proof of domicile, other than medical assistance, in
48 this State.
- 49 (10) Records from a health department or other health care provider located in
50 this State showing the applicant's current North Carolina address.

- 1 (11) A written declaration made under penalty of perjury from a person who has
2 a social, family, or economic relationship with the applicant and who has
3 personal knowledge of the applicant's intent to live in North Carolina
4 permanently or for an indefinite period of time or that the applicant is
5 residing in North Carolina to seek employment or with a job commitment.
6 (12) Current North Carolina voter registration card.
7 (13) A document from the U.S. Department of Veterans Affairs, U.S. Department
8 of Defense, or the U.S. Department of Homeland Security verifying the
9 applicant's intent to live in North Carolina permanently or for an indefinite
10 period of time or that the applicant is residing in North Carolina to seek
11 employment or with a job commitment.
12 (14) Official North Carolina school records, signed by school officials, or
13 diplomas issued by North Carolina schools, including secondary schools,
14 community colleges, colleges, and universities verifying the applicant's
15 intent to live in North Carolina permanently or for an indefinite period of
16 time or that the applicant is residing in North Carolina to seek employment
17 or with a job commitment.
18 (15) ~~A document issued by the Mexican consular or other foreign consulate
19 verifying the applicant's intent to live in North Carolina permanently or for
20 an indefinite period of time or that the applicant is residing in North Carolina
21 to seek employment or with a job commitment."~~

22
23 **PART VI. AUTHORIZE UNDOCUMENTED ALIENS TO OBTAIN RESTRICTED**
24 **DRIVERS PERMITS AND RESTRICTED IDENTIFICATION CARDS**

25 **SECTION 6.(a)** G.S. 20-4.01 is amended by adding a new subdivision to read:

26 "(4c) Criminal history. – A history of conviction of a State or federal crime,
27 whether a misdemeanor or felony, that includes the criminal offenses set
28 forth in any of the following Articles of Chapter 14 of the General Statutes:
29 Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A,
30 Endangering Executive and Legislative Officers; Article 6, Homicide;
31 Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10,
32 Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use
33 of Explosive or Incendiary Device or Material; Article 14, Burglary and
34 Other Housebreakings; Article 15, Arson and Other Burnings; Article 16,
35 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False
36 Pretenses and Cheats; Article 19A, Obtaining Property or Services by False
37 or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
38 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
39 26, Offenses Against Public Morality and Decency; Article 26A, Adult
40 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
41 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
42 Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39,
43 Protection of Minors; Article 40, Protection of the Family; Article 59, Public
44 Intoxication; and Article 60, Computer-Related Crime. The crimes also
45 include possession or sale of drugs in violation of the North Carolina
46 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,
47 and alcohol-related offenses, including sale to underage persons in violation
48 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1
49 through G.S. 20-138.5, but shall not include disturbing the public peace,
50 misdemeanor possession of marijuana, worthless checks, misdemeanor
51 larceny, shoplifting, or public drunkenness. The term shall include a final

conviction in another state or in a federal jurisdiction of an offense which is substantially similar to any of the offenses listed in this subdivision."

SECTION 6.(b) G.S. 20-7(f)(3) reads as rewritten:

"(3) Duration of license or permit for certain other drivers. – The durations listed in subdivisions (1), (2) and (2a) of this subsection are valid unless one of the following conditions is satisfied:

a. ~~the~~ The Division determines that a license of shorter duration should be issued when the applicant holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States. In no event shall a license of limited duration expire later than the expiration of the authorization for the applicant's legal presence in the United States.

b. The Division determines that a restricted drivers permit should be issued pursuant to subsection (u) of this section. In no event shall a restricted drivers permit expire later than one year after the date of issuance."

SECTION 6.(c) G.S. 20-7(i) reads as rewritten:

"(i) Fees. – The fee for a regular drivers license or a restricted drivers permit is the amount set in the following table multiplied by the number of years in the period for which the license is issued:

Class of Regular License	Fee for Each Year
Class A	\$4.00
Class B	\$4.00
Class C	\$4.00

The fee for a motorcycle endorsement is one dollar and seventy-five cents (\$1.75) for each year of the period for which the endorsement is issued. The Secretary of Transportation shall set the fee for an initial one-year restricted drivers permit and the fee may not be lower than the actual cost of processing the relevant application and furnishing the permit. The fee for a renewal of a restricted drivers permit is twenty-five dollars (\$25.00). The appropriate fee shall be paid before a person receives a regular drivers ~~license~~ license, restricted drivers permit, or an endorsement."

SECTION 6.(d) G.S. 20-7 is amended by adding the following new subsections to read:

"(u) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid Social Security number, the Division shall issue a restricted drivers permit under subsection (f) of this section to an applicant present in the United States who meets all of the following requirements:

- (1) The applicant is not lawfully present in the United States.
- (2) The applicant agrees to a criminal history check and that check shows that the applicant does not have a criminal history. The criminal history check shall include the taking of the applicant's fingerprints.
- (3) The applicant meets all other requirements for a drivers license, including proof of financial responsibility.

(v) Notwithstanding the requirements of subsection (n) of this section addressing background colors and borders and in addition to the other requirements of this section, a restricted drivers permit issued under subsection (u) of this section shall do all of the following:

- (1) Be printed in a vertical format that distinguishes them from the horizontal format.

1 (2) Bear an identifying number for the license holder assigned by the Division,
2 the first character of which shall be a letter that is only assigned to restricted
3 drivers permit holders.

4 (3) Bear a distinguishing mark or other designation on the face of the permit
5 clearly denoting the limited duration of the permit and clearly distinguishing
6 it from other forms of licenses of limited duration.

7 (4) Bear a clearly legible statement that the permit (i) is not valid as a means of
8 demonstrating eligibility for voter registration or for public benefits, (ii) does
9 not legitimize the holder's presence in the United States or the State of North
10 Carolina, and (iii) is not valid for any purpose other than demonstrating
11 licensure to drive a motor vehicle in this State.

12 (w) Wherever the laws of this State refer to a "drivers license," the term shall also be
13 construed to refer to a restricted drivers permit, except when the law being construed confers a
14 benefit, privilege, or right for which lawful presence is a prerequisite.

15 (x) A State agency or official shall not use any information submitted as part of the
16 application process for a restricted drivers permit to seek the removal from the United States of
17 the applicant or for any purpose other than the issuance of the restricted drivers permit. Nor
18 shall a State agency or official release information pertaining to the immigration status of an
19 applicant for a restricted drivers permit, except where expressly required by law to do so. This
20 section does not prohibit the use of the information in the prosecution of crimes that (i) are
21 committed by the applicant after the issuance of the permit or (ii) are revealed by a criminal
22 history check undertaken pursuant to subsection (u) of this section.

23 (y) The Division shall work with other State and local agencies on an ongoing basis to
24 ensure that restricted drivers permits are not used to obtain public benefits for which only
25 citizens and lawfully present persons are eligible."

26 **SECTION 6.(e)** G.S. 20-15 reads as rewritten:

27 **"§ 20-15. Authority of Division to cancel license or endorsement.**

28 (a) The Division ~~shall have authority~~ is authorized to cancel any driver's license upon
29 determining any of the following:

30 (1) The licensee was not entitled to the issuance of the license under this
31 Chapter.

32 (2) The licensee failed to give the required or correct information on the license
33 application or committed fraud in making the application.

34 (3) The licensee is no longer authorized under federal law to be legally present
35 in the United States, ~~States,~~ except that the Division shall not cancel a
36 restricted drivers permit pursuant to this subdivision.

37 (a1) The Division shall cancel and revoke the restricted drivers permit of a person who is
38 convicted of violating G.S. 20-313.

39 (b) Upon such cancellation, the licensee must surrender the license so cancelled to the
40 Division.

41 (c) Any person whose license is canceled under this section for failure to give the
42 required or correct information, or for committing fraud, in an application for a commercial
43 drivers license ~~shall be~~ is prohibited from reapplying for a commercial drivers license for a
44 period of 60 days from the date of cancellation.

45 (d) The Division ~~shall have authority~~ is authorized to revoke an H endorsement of a
46 commercial drivers license holder if the person with the endorsement is determined by the
47 federal Transportation Security Administration to constitute a security threat, as specified in 49
48 C.F.R. § 1572.5(d)(4)."

49 **SECTION 6.(f)** Article 13 of Chapter 20 of the General Statutes is amended by
50 adding a new section to read:

1 "§ 20-309.3. No refund of insurance policy premiums for holders of restricted drivers
2 permits.

3 When an insurer receives a request to refund any funds to an insured as a result of the
4 cancellation of a liability insurance policy on a motor vehicle, the insurer shall first inquire with
5 the Division of Motor Vehicles as to whether the insured currently has a valid restricted drivers
6 permit and shall refuse to refund any funds if the Division of Motor Vehicles confirms that the
7 person has a valid restricted drivers permit. The Division shall promptly respond to any
8 inquiries made pursuant to this section."

9 SECTION 6.(g) Article 2B of Chapter 20 of the General Statutes, as rewritten by
10 Section 2(c) of this act, reads as rewritten:

11 "Article 2B.

12 "Special Identification Cards and Restricted Identification Cards for Nonoperators.

13 "§ 20-37.7. Special identification card.

14 (a) Eligibility. – ~~A~~ Subject to the provisions of G.S. 20-7, a person who is a resident of
15 this State is eligible for a special identification card.

16 (b) Application. – To obtain a special identification card from the Division, a person
17 ~~must~~ shall complete the application form used to obtain a drivers license.

18 ...

19 (e) ~~Offense. — Any fraud or misrepresentation in the application for or use of a special~~
20 ~~identification card issued under this section is a Class 2 misdemeanor.~~

21 ...

22 "§ 20-37.8A. Restricted identification card.

23 (a) Eligibility. – A person who is a resident of this State and who is not lawfully present
24 in the United States is eligible for a restricted identification card.

25 (b) Application. – The Division shall issue a restricted identification card to an
26 applicant who meets all of the following requirements:

27 (1) The applicant is not lawfully present in the United States.

28 (2) The applicant completes the application form used to obtain a drivers
29 license.

30 (3) The applicant agrees to a criminal history check and that check shows that
31 the applicant does not have a criminal history. The criminal history check
32 shall include the taking of the applicant's fingerprints. An applicant for a
33 restricted identification card who is under 16 years old shall not be required
34 to agree to a criminal history check under this subdivision.

35 (c) Format. – A restricted identification card issued under this section shall do all of the
36 following:

37 (1) Conform to the requirements of G.S. 20-7(n)(1) through (6), (9), and (10).

38 (2) Be printed in a vertical format that distinguishes it from the horizontal
39 format.

40 (3) Bear an identifying number for the license holder assigned by the Division,
41 the first character of which shall be a letter that is only assigned to restricted
42 identification cards.

43 (4) Bear a distinguishing mark or other designation on the face of the
44 identification card clearly denoting the limited duration of the identification
45 card and clearly distinguishing it from other forms of licenses of limited
46 duration and identification cards of limited duration.

47 (5) Bear a clearly legible statement that the identification card (i) is not valid as
48 a means of demonstrating eligibility for voter registration or for public
49 benefits, (ii) does not legitimize the holder's presence in the United States or
50 the State of North Carolina, and (iii) is not valid for any purpose other than
51 demonstrating identity.

1 (d) Expiration. – A restricted identification card shall expire no later than one year after
2 the date of issuance.

3 (e) Fee. – The Secretary of Transportation shall set the fee for an initial one-year
4 restricted identification card, and the fee may not be lower than the actual cost of processing
5 the relevant application and furnishing the card. The fee for a renewal of a restricted
6 identification card is twenty-five dollars (\$25.00). The fee shall be paid before a person
7 receives a restricted identification card.

8 (f) Records. – The Division shall maintain a record of all recipients of a restricted
9 identification card.

10 (g) No State Liability. – The fact of issuance of a restricted identification card pursuant
11 to this section shall not place upon the State of North Carolina or any agency thereof any
12 liability for the misuse thereof and the acceptance thereof as valid identification is a matter left
13 entirely to the discretion of any person to whom such card is presented.

14 (h) Advertising. – The Division may utilize the various communications media
15 throughout the State to inform North Carolina residents of the provisions of this section.

16 (i) Misuse of Information. – A State agency or official shall not use any information
17 submitted as part of the application process for a restricted identification card to seek the
18 removal from the United States of the applicant or for any purpose other than the issuance of
19 the restricted identification card. Nor shall a State agency or official release information
20 pertaining to the immigration status of an applicant for a restricted identification card, except
21 where expressly required by law to do so. This section does not prohibit the use of the
22 information in the prosecution of crimes that (i) are committed by the applicant after the
23 issuance of the identification card or (ii) are revealed by a criminal history check undertaken
24 pursuant to subsection (b) of this section.

25 (j) Definition of Criminal History. – For purposes of this section, the term "criminal
26 history" means a history of conviction of a State or federal crime, whether a misdemeanor or
27 felony, that includes the criminal offenses set forth in any of the following Articles of Chapter
28 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article
29 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape
30 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
31 Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14,
32 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16,
33 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and
34 Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit
35 Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20,
36 Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article
37 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery;
38 Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article
39 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the
40 Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes
41 also include possession or sale of drugs in violation of the North Carolina Controlled
42 Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses,
43 including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in
44 violation of G.S. 20-138.1 through G.S. 20-138.5, but shall not include disturbing the public
45 peace, misdemeanor possession of marijuana, worthless checks, misdemeanor larceny,
46 shoplifting, or public drunkenness. The term shall include a final conviction in another state or
47 in a federal jurisdiction of an offense which is substantially similar to any of the offenses listed
48 in this subsection.

49 (k) Division to Ensure That Cards Are Not Used to Obtain Public Benefits. – The
50 Division shall work with other State and local agencies on an ongoing basis to ensure that

1 restricted identification cards are not used to obtain public benefits for which only citizens and
2 lawfully present persons are eligible.

3 **"§ 20-37.9. Notice of change of address or name.**

4 (a) Address. – A person whose address changes from the address stated on a special
5 identification card ~~must~~ or a restricted identification card shall notify the Division of the change
6 within 60 days after the change occurs. If the person's address changed because the person
7 moved, the person ~~must~~ shall obtain a new special identification card or restricted identification
8 card within that time limit stating the new address. A person who does not move but whose
9 address changes due to governmental action may not be charged with violating this subsection.

10 (b) Name. – A person whose name changes from the name stated on a special
11 identification card ~~must~~ or a restricted identification card shall notify the Division of the change
12 within 60 days after the change occurs and obtain a new special identification card stating the
13 new name.

14 (c) Fee. – G.S. 20-37.7 sets the fee for a special identification card. G.S. 20-37.8A sets
15 the fee for a restricted identification card."

16 **SECTION 6.(h)** Subpart D of Part 4 of Article 13 of Chapter 143B of the General
17 Statutes is amended by adding a new section to read:

18 **"§ 143B-966. Criminal record checks of applicants for restricted drivers permits and**
19 **restricted identification cards.**

20 (a) The Department of Public Safety shall, upon request, provide to the Department of
21 Transportation, Division of Motor Vehicles, the criminal history from the State and National
22 Repositories of Criminal Histories of applicants for restricted drivers permits or restricted
23 identification cards.

24 (b) Along with the request, the Division of Motor Vehicles shall provide the following
25 to the Department of Public Safety:

26 (1) The fingerprints of the person who is the subject of the record check.

27 (2) A form signed by the person who is the subject of the record check
28 consenting to:

29 a. The criminal record check.

30 b. The use of fingerprints.

31 c. Any other identifying information required by the State and National
32 Repositories.

33 d. Any additional information required by the Department of Public
34 Safety.

35 (c) The fingerprints shall be forwarded to the State Bureau of Investigation for a search
36 of the State's criminal history record file, and the State Bureau of Investigation shall forward a
37 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
38 check.

39 (d) The Division of Motor Vehicles shall keep all information obtained pursuant to this
40 section confidential.

41 (e) The Department of Public Safety may charge a fee to offset the cost incurred by it to
42 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
43 locating, editing, researching, and retrieving the information."

44 **SECTION 6.(i)** G.S. 18B-302(d) reads as rewritten:

45 **"§ 18B-302. Sale to or purchase by underage persons.**

46 ...

47 (d) Defense. – It shall be a defense to a violation of subsection (a) of this section if the
48 seller:

49 (1) Shows that the purchaser produced a driver's license, a special identification
50 card issued under G.S. 20-37.7, a restricted drivers permit, a restricted
51 identification card issued under G.S. 20-37.8A, a military identification card,

1 or a passport, showing his age to be at least the required age for purchase
2 and bearing a physical description of the person named on the card
3 reasonably describing the purchaser; or

4 (2) Produces evidence of other facts that reasonably indicated at the time of sale
5 that the purchaser was at least the required age.

6 (3) Shows that at the time of purchase, the purchaser utilized a biometric
7 identification system that demonstrated (i) the purchaser's age to be at least
8 the required age for the purchase and (ii) the purchaser had previously
9 registered with the seller or seller's agent a drivers license, a special
10 identification card issued under ~~G.S. 20-377.7~~, G.S. 20-37.7, a restricted
11 drivers permit, a restricted identification card issued under G.S. 20-37.8A, a
12 military identification card, or a passport showing the purchaser's date of
13 birth and bearing a physical description of the person named on the
14 document."

15 **SECTION 6.(j)** G.S. 18C-131(e) reads as rewritten:

16 **"§ 18C-131. Sales and sale price of tickets and shares; sales to minors prohibited.**

17 ...

18 (e) It shall be a defense for the person who sold a ticket or share in violation of
19 subsection (d) of this section if the person does either of the following:

20 (1) Shows that the purchaser produced a valid drivers license, a special
21 identification card issued under G.S. 20-37.7, a restricted identification card
22 issued under G.S. 20-37.8A, a restricted drivers permit, a military
23 identification card, or a passport, showing the purchaser to be at least 18
24 years old and bearing a physical description of the person named on the card
25 that reasonably describes the purchaser.

26 (2) Produces evidence of other facts that reasonably indicated at the time of sale
27 that the purchaser was at least 18 years old."

28 **SECTION 6.(k)** G.S. 19A-32.1(i) reads as rewritten:

29 **"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of**
30 **animals in animal shelters; disposition of animals.**

31 ...

32 (i) An animal shelter shall require every person to whom an animal is released to
33 present one of the following valid forms of government-issued photographic identification: (i) a
34 drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military
35 identification card, ~~or (iv) a passport.~~ (iv) a passport, (v) a restricted identification card issued
36 under G.S. 20-37.8A, or (vi) a restricted drivers permit. Upon presentation of the required
37 photographic identification, the shelter shall document the name of the person, the type of
38 photographic identification presented by the person, and the photographic identification
39 number."

40 **SECTION 6.(l)** G.S. 20-7 reads as rewritten:

41 **"§ 20-7. Issuance and renewal of drivers licenses.**

42 (a) License Required. – To drive a motor vehicle on a highway, a person must be
43 licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and
44 must carry the license or restricted drivers permit while driving the vehicle. The Division issues
45 regular drivers licenses and restricted drivers permits under this Article and issues commercial
46 drivers licenses under Article 2C.

47 ...

48 (b1) Application. – To obtain ~~an~~ a special identification card, learners permit, or drivers
49 license from the Division, a person shall complete an application form provided by the
50 Division, present at least two forms of identification approved by the Commissioner, be a
51 resident of this State, and, except for ~~an~~ a special identification card, demonstrate his or her

1 physical and mental ability to drive safely a motor vehicle included in the class of license for
 2 which the person has applied. At least one of the forms of identification shall indicate the
 3 applicant's residence address. The Division may copy the identification presented or hold it for
 4 a brief period of time to verify its authenticity. To obtain an endorsement, a person shall
 5 demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for
 6 which the endorsement is required.

7 The application form shall request all of the following information, and it shall contain the
 8 disclosures concerning the request for an applicant's social security number required by section
 9 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 10 (1) The applicant's full name.
- 11 (2) The applicant's mailing address and residence address.
- 12 (3) A physical description of the applicant, including the applicant's sex, height,
 13 eye color, and hair color.
- 14 (4) The applicant's date of birth.
- 15 (5) The applicant's valid social security number.
- 16 (6) The applicant's signature.

17 The Division shall not issue ~~an~~ a special identification card, learners permit, or drivers
 18 license to an applicant who fails to provide the applicant's valid social security number.

19 ...
 20 (q1) Veteran Military Designation. – The Division shall develop a military designation
 21 for drivers licenses and special identification cards that may, upon request, be granted to North
 22 Carolina residents who are honorably discharged from military service in the Armed Forces of
 23 the United States. An applicant requesting this designation must produce a Form DD-214
 24 showing the applicant has been honorably discharged from the Armed Forces of the United
 25 States.

26"

27 **SECTION 6.(m)** G.S. 20-7.3 reads as rewritten:

28 "**§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle offices.**

29 The Division shall make organ, eye, and tissue donor cards available to interested
 30 individuals in each office authorized to issue drivers ~~licenses or licenses, restricted drivers~~
 31 permits, special identification cards, cards, or restricted identification cards. The Division shall
 32 obtain donor cards from qualified organ, eye, or tissue procurement organizations or tissue
 33 banks, as defined in G.S. 130A-412.4(31). The Division shall offer organ donation information
 34 and a donor card to each applicant for a drivers license. The organ donation information shall
 35 include the following:

- 36 (1) A statement informing the individual that federally designated organ
 37 procurement organizations and eye banks have read-only access to the
 38 Department-operated Organ Donor Registry Internet site (hereafter "Donor
 39 Registry") listing those individuals who have stated to the Division of Motor
 40 Vehicles the individual's intent to be an organ donor and have an organ
 41 donation symbol on the individual's drivers ~~license or license, special~~
 42 identification card, card, restricted drivers permit, or restricted identification
 43 card.
- 44 (2) The type of information that will be made available on the Donor Registry."

45 **SECTION 6.(n)** G.S. 20-43(a) reads as rewritten:

46 "**§ 20-43. Records of Division.**

47 (a) All records of the Division, other than those declared by law to be confidential for
 48 the use of the Division, shall be open to public inspection during office hours in accordance
 49 with G.S. 20-43.1. A signature recorded in any format by the Division for a drivers license or a
 50 ~~special~~ an identification card is confidential and shall not be released except for law
 51 enforcement purposes. A photographic image recorded in any format by the Division for a

1 drivers license or a ~~special~~an identification card is confidential and shall not be released except
2 for law enforcement purposes or to the Office of the State Chief Information Officer for the
3 purposes of G.S. 143B-426.38A."

4 **SECTION 6.(o)** G.S. 20-43.2(a) reads as rewritten:

5 "**§ 20-43.2. Internet access to organ donation records by organ procurement**
6 **organizations.**

7 (a) The Department of Transportation, Division of Motor Vehicles, shall establish and
8 maintain a statewide, online Organ Donor Registry Internet site (hereafter "Donor Registry").
9 The purpose of the Donor Registry is to enable federally designated organ procurement
10 organizations and eye banks to have access 24 hours per day, seven days per week to obtain
11 relevant information on the Donor Registry to determine, at or near death of the donor or a
12 prospective donor, whether the donor or prospective donor has made, amended, or revoked an
13 anatomical gift through a symbol on the donor's or prospective donor's drivers license, special
14 identification card, restricted drivers permit, restricted identification card, or other manner. The
15 data available on the Donor Registry shall be limited to the individual's first, middle, and last
16 name, date of birth, address, sex, county of residence, and drivers ~~license~~license, restricted
17 drivers permit, or identification card number. The Division of Motor Vehicles shall ensure that
18 only federally designated organ procurement organizations and eye banks operating in this
19 State have access to the Donor Registry in read-only format. The Division of Motor Vehicles
20 shall enable federally designated organ procurement organizations and eye banks operating in
21 this State to have online access in read-only format to the Donor Registry through a unique
22 identifier and password issued to the organ procurement organization or eye bank by the
23 Division of Motor Vehicles. Employees of the Division who provide access to or disclosure of
24 information in good-faith compliance with this section are not liable in damages for access to
25 or disclosure of the information."

26 **SECTION 6.(p)** G.S. 20-52(a) reads as rewritten:

27 "**§ 20-52. Application for registration and certificate of title.**

28 (a) An owner of a vehicle subject to registration must apply to the Division for a
29 certificate of title, a registration plate, and a registration card for the vehicle. To apply, an
30 owner must complete an application provided by the Division. The application must request all
31 of the following information and may request other information the Division considers
32 necessary:

33 (1) The owner's name.

34 (1a) If the owner is an individual, the following information:

35 a. The owner's mailing address and residence address.

36 b. One of the following at the option of the applicant:

- 37 1. The owner's North Carolina drivers license ~~number or number,~~
38 North Carolina restricted drivers permit number, North
39 Carolina special identification card ~~number number,~~ or North
40 Carolina restricted identification card number.

41"

42 **SECTION 6.(q)** G.S. 20-34.1 reads as rewritten:

43 "**§ 20-34.1. Violations for wrongful issuance of a drivers license or a ~~special~~an**
44 **identification card.**

45 (a) An employee of the Division or of an agent of the Division who does any of the
46 following commits a Class I felony:

47 (1) Charges or accepts any money or other thing of value, except the required
48 fee, for the issuance of a drivers license or a ~~special~~an identification card.

49 (2) Knowing it is false, accepts false proof of identification submitted for a
50 drivers license or a ~~special~~an identification card.

1 (3) Knowing it is false, enters false information concerning a drivers license or a
2 ~~specialan~~ identification card in the records of the Division.

3 (b) Defenses Precluded. – The fact that the Division does not issue a license or a
4 ~~specialan~~ identification card after an employee or an agent of the Division charges or accepts
5 money or another thing of value for its issuance is not a defense to a criminal action under this
6 section. It is not a defense to a criminal action under this section to show that the person who
7 received or was intended to receive the license or ~~special~~ identification card was eligible for it.

8 (c) Dismissal. – An employee of the Division who violates this section shall be
9 dismissed from employment and may not hold any public office or public employment in this
10 State for five years after the violation. If a person who violates this section is an employee of
11 the agent of the Division, the Division shall cancel the contract of the agent unless the agent
12 dismisses that person. A person dismissed by an agent because of a violation of this section
13 may not hold any public office or public employment in this State for five years after the
14 violation."

15 **SECTION 6.(r)** G.S. 25-9-503 reads as rewritten:

16 "**§ 25-9-503. Name of debtor and secured party.**

17 (a) Sufficiency of debtor's name. – A financing statement sufficiently provides the
18 name of the debtor:

19 ...

20 (4) Subject to subsection (g) of this section, if the debtor is an individual to
21 whom this State has issued a drivers ~~license or~~ license, restricted drivers
22 permit, special identification ~~card~~ card that has not expired, or restricted
23 identification card that has not expired, only if the financing statement
24 provides the name of the individual which is indicated on the drivers ~~license~~
25 ~~or~~ license, restricted drivers permit, special identification ~~card~~ card, or
26 restricted identification card.

27 ...

28 (g) Multiple Drivers Licenses or Special Identification Cards. – If this State has issued
29 to an individual more than one drivers license or ~~special~~ identification card of a kind described
30 in subdivision (a)(4) of this section, the one that was issued most recently is the one to which
31 subdivision (a)(4) of this section refers.

32"

33 **SECTION 6.(s)** G.S. 66-253 reads as rewritten:

34 "**§ 66-253. Display of identification upon request.**

35 Upon the request of any customer, State or local revenue agent, or law enforcement agent, a
36 peddler, an itinerant merchant, a specialty market operator, or a specialty market vendor must
37 provide its name and permanent address. A peddler, itinerant merchant, specialty market
38 operator, or specialty market vendor who is an individual must, upon the request of any
39 customer, State or local revenue agent, or law enforcement agent, provide a valid drivers
40 license, a special identification card issued under G.S. 20-37.7, a restricted drivers permit, a
41 restricted identification card issued under G.S. 20-37.8A, a military identification, or a passport
42 bearing a physical description of the person named reasonably describing the peddler, itinerant
43 merchant, specialty market operator, or specialty market vendor. A peddler, itinerant merchant,
44 specialty market operator, or specialty market vendor that is a corporation must, upon the
45 request of any customer, State or local revenue agent, or law enforcement agent, give the name
46 and registered agent of the corporation and the address of the registered office of the
47 corporation, as filed with the Secretary of State."

48 **SECTION 6.(t)** G.S. 66-254(a) reads as rewritten:

49 "**§ 66-254. Records of source of new merchandise.**

50 (a) Record Required. – Each peddler, itinerant merchant, and specialty market vendor
51 must keep a written record of the source of new merchandise the merchant offers for sale. The

1 record must be a receipt or an invoice from the person who sold the merchandise to the
2 merchant. The receipt or invoice must specifically identify the product being sold by product
3 name and quantity purchased and must contain the complete business name of the seller and a
4 description of the type of business. If the seller was an individual, the receipt or invoice must
5 contain the seller's drivers license ~~number~~, number or restricted drivers permit number, its state
6 of issuance and expiration date, and the seller's date of birth. The merchant must verify this
7 information by comparing the seller's drivers license to the receipt or invoice and signing the
8 receipt or invoice. A special identification card or restricted identification card issued by the
9 Division of Motor Vehicles may be used in place of the seller's drivers license for the purposes
10 of providing and verifying information required under this section. If the seller was a
11 corporation, the receipt or invoice must contain the corporation's federal tax identification
12 number, the state of incorporation, the name and address of the corporation's registered agent in
13 this State, if any, and the corporation's principal office address."

14 **SECTION 6.(u)** G.S. 90-106.1(a) reads as rewritten:

15 "**§ 90-106.1. Photo ID requirement for Schedule II controlled substances.**

16 (a) Immediately prior to dispensing a Schedule II controlled substance, or any of the
17 Schedule III controlled substances listed in subdivisions 1. through 8. of G.S. 90-91(d), each
18 pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the person seeking the
19 dispensation to present one of the following valid, unexpired forms of government-issued
20 photographic identification: (i) a drivers license, (ii) a special identification card issued under
21 G.S. 20-37.7, (iii) a military identification card, ~~or~~ (iv) a ~~passport~~, passport, (v) a restricted
22 identification card issued under G.S. 20-37.8A, or (vi) a restricted drivers permit. Upon
23 presentation of the required photographic identification, the pharmacy shall document the name
24 of the person seeking the dispensation, the type of photographic identification presented by the
25 person seeking the dispensation, and the photographic identification number. The pharmacy
26 shall retain this identifying information on the premises or at a central location apart from the
27 premises as part of its business records for a period of three years following dispensation."

28
29 **PART VII. AUTHORIZE IMPOUNDMENT AND SALE OF VEHICLES FOR**
30 **DRIVING WHILE LICENSE REVOKED, DRIVING WITHOUT A LICENSE, AND**
31 **DRIVING WHILE FAILING TO MAINTAIN FINANCIAL RESPONSIBILITY**

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

34 "**§ 20-28.10. Seizure, impoundment, forfeiture of motor vehicles for certain other offenses**
35 **under this Chapter.**

36 (a) Authority. – A vehicle driven by a person who commits any of the following
37 offenses shall be subject to seizure, impoundment, and forfeiture:

38 (1) A violation of G.S. 20-313.

39 (2) Driving without a license or restricted drivers permit under G.S. 20-7 unless
40 the person possesses an expired drivers license or an expired restricted
41 drivers permit.

42 (b) Exceptions. – If any of the following conditions are satisfied, a vehicle shall not
43 become subject to impoundment or an order of forfeiture under this section:

44 (1) The underlying violation is a violation of G.S. 20-313 and the defendant
45 tenders proof of financial responsibility that satisfies the requirements of
46 G.S. 20-7(c1) to the judge, regardless of whether proof of financial
47 responsibility was obtained prior to or subsequent to the violation of
48 subsection (a) of this section.

49 (2) The underlying violation is driving without a license or a restricted permit
50 under G.S. 20-7 and the defendant presents the judge with the defendant's
51 valid drivers license or valid restricted drivers permit.

1 (c) Governing Laws and Procedures. – The laws and procedures governing the seizure,
2 impoundment, and forfeiture of vehicles under this section shall be the same as those set forth
3 in G.S. 20-28.2 through G.S. 20-28.9. Wherever those statutes refer to a particular underlying
4 offense, they shall, for purposes of this section, be construed to refer to the applicable violation
5 of subsection (a) of this section. Furthermore, for purposes of this section, an innocent owner
6 shall be a person who did not know and had no reason to know that the defendant was engaging
7 in a violation of subsection (a) of this section."
8

9 **PART VIII. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

10 **SECTION 8.(a)** Sections 2 and 3 of this act become effective December 1, 2015,
11 and applies to offenses committed on or after that date. Sections 5, 6, and 7 of this act become
12 effective October 1, 2015. The remainder of this act is effective when it becomes law.

13 **SECTION 8.(b)** The provisions of this act are severable. If any part of this act is
14 declared invalid or unconstitutional, such declaration shall not affect the remainder. If any
15 particular interpretation or application of the provisions of this act is declared invalid or
16 unconstitutional, such declaration shall not affect other interpretations or applications.