

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL DRH30363-MWf-119

Short Title: Safer Roads and Communities Act of 2019. (Public)

Sponsors: Representatives Harrison, Fisher, Meyer, and Morey (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE SAFETY OF STATE ROADS AND COMMUNITIES
3 THROUGHOUT THE STATE BY AUTHORIZING THE DIVISION OF MOTOR
4 VEHICLES TO ISSUE RESTRICTED DRIVERS LICENSES TO IMMIGRANTS WITH
5 LIMITED OR NO STATUS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-7 reads as rewritten:

8 **"§ 20-7. Issuance and renewal of drivers licenses.**

9 (a) License Required. – To drive a motor vehicle on a highway, a person must be licensed
10 by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must
11 carry the license while driving the vehicle. The Division issues regular drivers licenses under this
12 Article and issues commercial drivers licenses under Article 2C.

13 A license authorizes the holder of the license to drive any vehicle included in the class of the
14 license and any vehicle included in a lesser class of license, except a vehicle for which an
15 endorsement is required. To drive a vehicle for which an endorsement is required, a person must
16 obtain both a license and an endorsement for the vehicle. A regular drivers license is considered
17 a lesser class of license than its commercial counterpart.

18 The classes of regular drivers licenses and the motor vehicles that can be driven with each
19 class of license are:

20 (1) Class A. – A Class A license authorizes the holder to drive any of the
21 following:

- 22 a. A Class A motor vehicle that is exempt under G.S. 20-37.16 from the
23 commercial drivers license requirements.
24 b. A Class A motor vehicle that has a combined GVWR of less than
25 26,001 pounds and includes as part of the combination a towed unit
26 that has a GVWR of at least 10,001 pounds.

27 (2) Class B. – A Class B license authorizes the holder to drive any Class B motor
28 vehicle that is exempt under G.S. 20-37.16 from the commercial drivers
29 license requirements.

30 (3) Class C. – A Class C license authorizes the holder to drive any of the
31 following:

- 32 a. A Class C motor vehicle that is not a commercial motor vehicle.
33 b. When operated by a volunteer member of a fire department, a rescue
34 squad, or an emergency medical service (EMS) in the performance of
35 duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle
36 or a combination of these vehicles. This sub-subdivision does not



1 apply to a person with a restricted drivers license authorized under
2 subsection (e1) of this section.

- 3 c. A combination of noncommercial motor vehicles that have a GVWR
4 of more than 10,000 pounds but less than 26,001 pounds. This
5 sub-subdivision does not apply to a Class C license holder less than 18
6 years of age.

7 The Commissioner may assign a unique motor vehicle to a class that is different from the
8 class in which it would otherwise belong.

9 A person holding a commercial drivers license issued by another jurisdiction must apply for
10 a transfer and obtain a North Carolina issued commercial drivers license within 30 days of
11 becoming a resident. Any other new resident of North Carolina who has a drivers license issued
12 by another jurisdiction must obtain a license from the Division within 60 days after becoming a
13 resident.

14 ...

15 (b1) Application. – To obtain an identification card, learners permit, or drivers license
16 from the Division, a person shall complete an application form provided by the Division, present
17 at least two forms of identification approved by the Commissioner, be a resident of this State,
18 and, except for an identification card, demonstrate his or her physical and mental ability to drive
19 safely a motor vehicle included in the class of license for which the person has applied. At least
20 one of the forms of identification shall indicate the applicant's residence address. The Division
21 may copy the identification presented or hold it for a brief period of time to verify its authenticity.
22 To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to
23 drive safely the type of motor vehicle for which the endorsement is required.

24 The application form shall request all of the following information, and it shall contain the
25 disclosures concerning the request for an applicant's social security number required by section
26 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 27 (1) The applicant's full name.
28 (2) The applicant's mailing address and residence address.
29 (3) A physical description of the applicant, including the applicant's sex, height,
30 eye color, and hair color.
31 (4) The applicant's date of birth.
32 (5) The applicant's valid social security number.
33 (6) The applicant's signature.

34 ~~The~~ Except as otherwise provided in subsection (e1) of this section, the Division shall not
35 issue an identification card, learners permit, or drivers license to an applicant who fails to provide
36 the applicant's valid social security number.

37 ...

38 (c2) Driver orientation course for restricted drivers license. – The Division shall establish
39 and conduct, or utilize a nonprofit or community-based agency to establish and conduct, driver
40 orientation courses for persons seeking to qualify for a restricted drivers license under subsection
41 (e1) of this section. If the Division utilizes a nonprofit or community-based agency, the Division
42 shall maintain oversight of the driver orientation course established and conducted by the
43 nonprofit or community-based agency. Each driver attending a driver orientation course shall
44 pay a fee in an amount set by the Division not to exceed one hundred dollars (\$100.00). Each
45 driver attending a driver orientation course shall do so in person, and the course may not be
46 completed remotely. The driver orientation course shall be at least eight hours in total duration
47 and shall maintain a student-to-instructor ratio deemed appropriate by the Division. The driver
48 orientation course shall provide students with (i) an overview of the motor vehicle laws of this
49 State, (ii) instruction on how to properly interact with law enforcement during a traffic stop, (iii)
50 an introduction to State and federal laws other than motor vehicle laws, and (iv) instruction on
51 when and how to report a crime to law enforcement.

1 ...
2 (e1) Restricted License. – Notwithstanding the requirements of subsection (b1) of this
3 section that an applicant present a valid Social Security number, the Division shall issue a Class
4 C drivers license under subsection (f) of this section to an applicant present in the United States
5 who meets all of the following requirements:

6 (1) The applicant has limited legal status or is not lawfully present in the United
7 States.

8 (2) The applicant provides (i) a valid Individual Taxpayer Identification Number,
9 (ii) a current passport issued by the United States or a foreign government,
10 (iii) a valid, unexpired consular identification document issued by a consulate
11 from the applicant's country of citizenship, or (iv) a community identification
12 card issued by FaithAction International House or a member of the
13 FaithAction ID network.

14 (3) The applicant completes the driver orientation course established under
15 subsection (c2) of this section.

16 (4) The applicant provides proof satisfactory to the Division of the applicant's
17 residency in North Carolina for at least two years prior to the date of
18 application.

19 (5) The applicant meets all other requirements for a drivers license, including
20 proof of financial responsibility.

21 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
22 pursuant to the provisions of this subsection:

23 ...

24 (3) Duration of license for certain other drivers. – The durations listed in
25 subdivisions (1), (2) and (2a) of this subsection are valid unless ~~the~~ either of
26 the following conditions is satisfied:

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

34 b. The Division issues a restricted drivers license to a person qualifying
35 under subsection (e1) of this section. An initial restricted drivers
36 license issued to a person qualifying under subsection (e1) of this
37 section expires on the birthday of the licensee in the second year after
38 issuance. A renewed restricted drivers license issued to a person
39 qualifying under subsection (e1) of this section expires two years after
40 the expiration date of the license that is renewed.

41 ...

42 (6) Remote renewal. – Subject to the following requirements and limitations, the
43 Division may offer remote renewal of a drivers license issued by the Division:

44 a. Requirements. – To be eligible for remote renewal under this
45 subdivision, a person must meet all of the following requirements:

46 1. The license holder possesses a valid, unexpired Class C drivers
47 license that was issued when the person was at least 18 years
48 old.

49 2. The license holder's current license includes no restrictions
50 other than a restriction for corrective lenses.

3. The license holder attests, in a manner designated by the Division, that (i) the license holder is a resident of the State and currently resides at the address on the license to be renewed, (ii) the license holder's name as it appears on the license to be renewed has not changed, and (iii) all other information required by the Division for an in-person renewal under this Article has been provided completely and truthfully.
4. The most recent renewal was an in-person renewal and not a remote renewal under this subdivision.
5. The license holder is otherwise eligible for renewal under this subsection.
6. The license holder does not have a restricted drivers license under subsection (e1) of this section.

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

<u>Class of Regular License</u>	<u>Fee for Each Year</u>
Class A	\$5.00
Class B	\$5.00
Class C	\$5.00

The fee for a motorcycle endorsement is two dollars and thirty cents (\$2.30) for each year of the period for which the endorsement is issued. The appropriate fee shall be paid before a person receives a regular drivers license or an endorsement. The Division shall set the fee for an initial restricted drivers license issued to a person qualifying under subsection (e1) of this section, and the fee may not be lower than the actual cost of processing the relevant application and issuing the license. The fee for a renewal of a restricted drivers license issued to a person qualifying under subsection (e1) of this section is thirty dollars (\$30.00).

...
 (n1) Additional Format Requirements for Restricted Drivers License. – In addition to the requirements set forth in subsection (n) of this section, a restricted drivers license issued to a person qualifying under subsection (e1) of this section shall be formatted as follows:

- (1) Be printed in a vertical format that distinguishes it from the horizontal format.
- (2) Be of a unique design or color distinguishing it from the Real ID compliant drivers licenses.
- (3) Have on its face "Not acceptable for official federal purposes," and on its reverse bear the phrase "This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."
- (4) If the United States Department of Homeland Security determines that the design of the limited purpose drivers license does not satisfy federal law, the Division shall modify the limited purpose drivers license design to the extent necessary to comply with federal law.

Provided the restricted drivers license complies with subdivisions (1) through (4) of this subsection, the Division is authorized to design the restricted drivers license based on consultation with interested nonprofits and community-based agencies.

...."

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

"§ 20-10.2. Privacy of restricted drivers license.

The information provided by an applicant to obtain a restricted drivers license shall not be admissible in any criminal, civil, or immigration trial, action, or proceeding."

1

SECTION 3. This act becomes effective October 1, 2019.