



HOUSE BILL 359: Driver Eligibility Cert. Waiver & Restore.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Reps. Winslow, Moffitt, Torbett, Elmore	Prepared by:	Howard Marsilio
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 359 would temporarily waive certain requirements that relate to driving eligibility certificates (DECs) and restore certain learner's permits and provisional licenses revoked due to certain certificate ineligibility.*

CURRENT LAW: Current law requires a DEC or a high school diploma or its equivalent to obtain and maintain a limited learner's permit or provisional license under the graduated licensing program. A DEC must meet conditions outlined under G.S. 20-11(n), which include form and timing requirements, and:

- A determination that one of the following requirements is met:
 - The person is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.
 - A substantial hardship would be placed on the person or the person's family if the person does not receive a certificate.
 - The person cannot make progress toward obtaining a high school diploma or its equivalent.
- A determination that the person is not subject to the Lose Control; Lose License law under G.S. 20-11(n1), or is subject and is otherwise eligible.

DMV is required to revoke a learner's permit or provisional license when the DMV receives notification from the proper school authority that a person no longer meets the requirements for a DEC. School authorities are also required to implement rules, and follow statutory requirements for issuing DEC's, and informing the DMV when conditions for DEC's are not met.

BILL ANALYSIS: House Bill 359 would:

- Require that a person required to sign a DEC, to issue a DEC without requiring the person to whom it is issued be making progress toward obtaining a high school diploma or its equivalent, and would also prohibit a school authority from notifying the DMV of DEC ineligibility based on making progress grounds. This waiver would become effective when it becomes law and expires on June 30, 2022.
- Require the DMV to restore a person's permit or provisional license that was revoked due to ineligibility for a DEC based on making progress grounds. This restoration requirement would apply to revocations dated on or after March 1, 2020 and through the effective date of this provision.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective when it becomes law.

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Legislative Analysis
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