



SENATE BILL 69: DMV Licensing Req/Auth. Vendor for Road Tests.

2021-2022 General Assembly

Committee:	Senate Transportation. If favorable, re-refer to Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	Date:	February 17, 2021
Introduced by:	Sens. Sawyer, McInnis, Britt	Prepared by:	Wendy Ray
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 69 would amend graduated drivers licensing requirements by reducing the amount of time an applicant must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license. It would also authorize the Division of Motor Vehicles to utilize licensed commercial driver training schools to administer required road tests.*

[This summary is of Senate Bill 69, as amended by S69-ASU-1, which will be offered for consideration by the Committee.]

CURRENT LAW: Under the graduated driver's license statute (G.S. 20-11), there are three levels of driving privileges for persons less than 18 years old: Level 1 – limited learner's permit; Level 2 – limited provisional license; and Level 3 – full provisional license. (See the chart on page 3 for detailed requirements and restrictions for each level.) A teen must hold a Level 1 permit for at least 12 months, among other requirements, before being eligible to apply for a Level 2 license. During the Level 1 period, the permit holder may only drive between the hours of 5 a.m. to 9 p.m. for the first six months. A violation of a restriction concerning time of driving constitutes driving without a license, which is a Class 3 misdemeanor.

The Division of Motor Vehicles has general statutory authority in issuing drivers licenses to administer tests, including road tests, to examine an applicant's physical and mental ability. However, it is a specific statutory requirement under the graduated drivers licensing provisions that an applicant pass a road test administered by the Division to obtain a Level 2 limited provisional license. In response to the pandemic, S.L. 2020-30 was enacted last year to require the Division to waive road tests for Level 2 applicants if the applicant meets all other requirements. That provision is currently in effect and available to those eligible to apply for a Level 2 limited provisional license. Any applicant who receives a waiver is still required to pass a road test prior to obtaining a Level 3 full provisional license.

The Division of Motor Vehicles currently licenses and regulates commercial driver training schools and instructors in North Carolina. These businesses provide education and training to individuals on operation of motor vehicles.

BILL ANALYSIS: Senate Bill 69 would amend graduated drivers licensing requirements and restrictions by:

- Reducing the amount of time a person is required to hold a Level 1 limited learner's permit before being eligible to apply for a Level 2 limited provisional license from 12 months to 6 months. (However, an applicant would still have to be at least 16 years old before applying for a Level 2 and would have to meet all other current requirements, including logging 60 hours of driving experience.)

Jeffrey Hudson
Director



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- Making a corresponding change to the Level 1 restrictions on time of driving so the permit holder is only allowed to drive between the hours of 9 a.m. to 5 p.m. for the first 3 months, instead of the first 6.
- Amending the road test requirement to allow the Division to accept a road test administered by a commercial driver training school that is certified by the Division to administer road tests.

The bill would also authorize the Division, in addition to administering road tests at Division offices, to certify commercial driver training schools to administer road tests in accordance with criteria established by the Division and with its oversight. No later than November 1, 2021, the Division would be required to report back to the General Assembly on implementation of this authorization. If the Division opts not to use this authorization, it would be required to report on the reasons for not doing so and what other measures it has undertaken to reduce wait times and improve customer service with regard to road testing.

EFFECTIVE DATE: The bill would be effective when it becomes law. Provisions amending Level 2 requirements would apply to applications submitted on or after that date. Provisions amending Level 1 restrictions would apply to offenses occurring on or after that date.

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GRADUATED DRIVERS LICENSE PROVISIONS (G.S. 20-11)

	LEVEL 1 – Limited Learner's Permit	LEVEL 2 – Limited Provisional License	LEVEL 3 – Full Provisional License
REQUIREMENTS	<ul style="list-style-type: none"> • Eligible at 15. • Passes driver education course. • Passes DMV written test. • Has driving eligibility certificate, high school diploma, or equivalent. 	<ul style="list-style-type: none"> • Eligible at 16. • Has held a Level 1 permit for at least 12 months. • Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months. • Passes DMV road test. • Has driving eligibility certificate, high school diploma, or equivalent. • 60 logged hours driving, 10 at night. 	<ul style="list-style-type: none"> • Eligible at 16.5. • Has held a Level 2 license for at least 6 months. • Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months. • Has driving eligibility certificate, high school diploma, or equivalent. • 12 logged hours driving, 6 at night.
TIME RESTRICTIONS	<ul style="list-style-type: none"> • 5:00 am – 9:00 pm for first 6 months. • After 6 months, no restriction. 	<ul style="list-style-type: none"> • If supervised, no restriction. • If unsupervised: <ul style="list-style-type: none"> ○ 5:00 am – 9:00 pm. ○ Driving directly to or from work. ○ Driving directly to or from an activity of a volunteer fire department, rescue squad, or emergency medical service. 	NONE
SUPERVISION	Supervision required at all times, and the supervising driver must be seated beside the permit holder in the front seat of the vehicle.	When supervision is required, the supervising driver must be seated beside the license holder in the front seat of the vehicle.	NONE
PASSENGER LIMITATIONS	Only the supervising driver may be in the front seat.	If unsupervised: <ul style="list-style-type: none"> • Unlimited number of occupants over the age of 21. • Unlimited number of occupants who are family members or members of the same household. • Only one non-family member occupant under the age of 21, if no family member or household occupant is under 21. 	NONE
USE OF MOBILE PHONE	All use prohibited.	All use prohibited	Use prohibited except in emergencies and calling parent, guardian, or spouse.

*All drivers must be in possession of license or permit when driving, and every person occupying the vehicle must have a safety belt properly fastened or be restrained by child passenger restraint system when the vehicle is in motion.

*A "supervising driver" is a parent, grandparent, guardian, or responsible person approved by the parent, guardian, or DMV, who has been a licensed driver for at least five years.