

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 726
SENATE BILL 472

AN ACT TO REVISE THE DRIVERS LICENSE LAW TO HARMONIZE THE COMMERCIAL DRIVERS LICENSE PROVISIONS WITH THE REGULAR DRIVERS LICENSE PROVISIONS, TO CLARIFY THE EFFECT OF A DISQUALIFICATION TO DRIVE A COMMERCIAL MOTOR VEHICLE, AND TO IMPOSE A FEE FOR A MOTORCYCLE ENDORSEMENT, A COMMERCIAL LEARNER'S PERMIT, AND THE RESTORATION OF A LICENSE AFTER DISQUALIFICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(3c) and (3d) read as rewritten:

"(3c) ~~Commercial Driver~~ Drivers License (CDL). – A license issued ~~in accordance with the requirements of this Chapter to an individual which authorizes that~~ by a state to an individual who resides in the state that authorizes the individual to drive a class of commercial motor vehicle. A 'nonresident commercial ~~driver~~ drivers license (NRCDL)' is issued by a state to an individual who resides in a foreign jurisdiction.

(3d) Commercial Motor Vehicle. —~~A motor vehicle~~ Any of the following motor vehicles that are designed or used to transport passengers or property:

- a. ~~If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal or State regulation;~~ A Class A motor vehicle that has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- b. A Class B motor vehicle.
- c. A Class C motor vehicle that meets either of the following descriptions:
 1. ~~If the vehicle is~~ Is designed to transport 16 or more passengers, including the ~~driver;~~ or driver.
 2. ~~If the vehicle is~~ Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

- d. Any other motor vehicle included by federal regulation in the definition of commercial motor vehicle pursuant to 49 U.S.C. Appdx. § 2716."

Sec. 2. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight of a single or combination vehicle, or the registered gross weight of the vehicle, whichever is greater. ~~vehicle.~~ The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units."

Sec. 3. G.S. 20-4.01(41a) reads as rewritten:

"(41a) Serious Traffic Violation. – A conviction of one of the following offenses when operating a commercial motor vehicle of:

- a. Excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit;
- b. Careless and reckless driving;
- c. A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.
- d. Improper or erratic lane changes.
- e. Following the vehicle ahead too closely."

Sec. 4. G.S. 20-4.01 is amended by adding the following definitions in the appropriate order to read:

"(2a) Class A Motor Vehicle. – A combination of motor vehicles that meets either of the following descriptions:

- a. Has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- b. Has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.

(2b) Class B Motor Vehicle. – Any of the following:

- a. A single motor vehicle that has a GVWR of at least 26,001 pounds.
- b. A combination of motor vehicles that includes as part of the combination a towing unit that has a GVWR of at least 26,001 pounds and a towed unit that has a GVWR of less than 10,001 pounds.

(2c) Class C Motor Vehicle. – Any of the following:

- a. A single motor vehicle not included in Class B.
- b. A combination of motor vehicles not included in Class A or Class B.

(4a) Conviction. – A conviction for an offense committed in North Carolina or another state:

- a. In-State. When referring to an offense committed in North Carolina, the term means any of the following:
 - 1. A final conviction of a criminal offense, including a no contest plea.
 - 2. A determination that a person is responsible for an infraction, including a no contest plea.
 - 3. An unvacated forfeiture of cash in the full amount of a bond required by Article 26 of Chapter 15A of the General Statutes.
 - 4. A third or subsequent prayer for judgment continued within any five-year period.
- b. Out-of-State. When referring to an offense committed outside North Carolina, the term means any of the following:
 - 1. An unvacated adjudication of guilt.
 - 2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal.
 - 3. An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
 - 4. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(32a) Regular Drivers License. – A license to drive a commercial motor vehicle that is exempt from the commercial drivers license requirements or a noncommercial motor vehicle."

Sec. 5. G.S. 20-7 reads as rewritten:

"§ 20-7. ~~Drivers' licenses; expiration; examination; fees.~~ Issuance and renewal of drivers licenses.

(a) ~~Except as otherwise provided in this Chapter, no person shall operate a motor vehicle on a highway unless such person is a resident of this State and has first been To~~ drive a motor vehicle on a highway, a person must be licensed by the Division under the provisions of this Article or Article 2C for the class of vehicle being driven. Driver licenses shall be classified under this Article as follows: of this Chapter to drive that vehicle. The Division issues regular drivers licenses under this Article and issues commercial drivers licenses under Article 2C.

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

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

- (1) ~~Class "A" which entitles a licensee to drive any vehicle or combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, provided the GVWR of the vehicle or vehicle being towed are in excess of 10,000 pounds and are exempt from Article 2C of this Chapter. A Class A license entitles the licensee to operate Class B and C vehicles except motoreycles. A. A Class A license authorizes the holder to drive any of the following:~~
 - a. A Class A motor vehicle that is exempt under G.S. 20-37.16 from the commercial drivers license requirements.
 - b. A Class A motor vehicle that has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (2) ~~Class "B" which entitles a licensee to drive a single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a single vehicle not in excess of 10,000 pounds provided the towed vehicle is exempt from Article 2C of this Chapter. A Class B license entitles the licensee to operate Class C vehicles except motoreycles. B. A Class B license authorizes the holder to drive any Class B motor vehicle that is exempt under G.S. 20-37.16 from the commercial drivers license requirements.~~
- (3) ~~Class "C" which entitles a licensee to drive a single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing another vehicle with a GVWR not in excess of 10,000 pounds, both of which are exempt from Article 2C. A Class C licensee who is a volunteer member of a municipal or rural fire department, a volunteer member of a rescue squad, or a volunteer member of Emergency Medical Services (EMS) may also drive any fire fighting vehicle, rescue vehicle, EMS vehicle, or combination of these vehicles, regardless of GVWR, when necessary in the performance of his duty. A Class C license does not entitle the licensee to drive a motoreycle. C. A Class C license authorizes the holder to drive any of the following:~~
 - a. A Class C motor vehicle that is not a commercial motor vehicle.
 - b. When operated by a volunteer member of a fire department, rescue squad or Emergency Medical Services (EMS) in the performance of duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle, or a combination of these vehicles.

~~Any unusual vehicle shall be assigned by the Commissioner to the most appropriate class under this subsection or Article 2C with suitable special restrictions if they appear to be necessary. The Commissioner may assign a unique motor vehicle to a class that is different from the class in which it would otherwise belong.~~

~~Any person who takes up residence in this State on a permanent basis is exempt from the provisions of this subsection for 30 days from the date that residence is established, if he is properly licensed in the jurisdiction of which he is a former resident. A new resident of North Carolina who has a drivers license issued by another~~

jurisdiction must obtain a license from the Division within 30 days after becoming a resident.

~~(a1) No operator's or chauffeur's license issued on or after October 1, 1979, shall authorize the licensee to operate a motorcycle unless the license has been appropriately endorsed by the Division to indicate that the licensee has passed special road and written (or oral) tests demonstrating competence to operate a motorcycle. Any person licensed prior to January 1, 1978, who has operated a motorcycle for at least two years prior to that date, will be exempt from the provisions of this subsection upon filing with the Division of Motor Vehicles an affidavit attesting to said two years' experience. Nothing contained in this subsection shall be construed to require a moped operator to have a driver's license. To drive a motorcycle, a person must have a drivers license and a motorcycle endorsement. To obtain a motorcycle endorsement, a person must demonstrate competence to drive a motorcycle by passing a road test and a written or oral test concerning a motorcycle and must pay the fee for a motorcycle endorsement. Neither a drivers license nor a motorcycle endorsement is required to drive a moped.~~

(b) Every application for a ~~driver's~~ drivers license shall be made upon the approved form furnished by the Division.

~~(c) No person shall hereafter be issued a driver's license until it is determined that such person is physically and mentally capable of safely operating motor vehicles (of the type or class for which the person applied to be licensed) over the highways of the State. In determining whether or not a person is physically and mentally capable of safely operating motor vehicles over the highways of the State, the Division shall require such person to demonstrate his capability by passing an examination, which~~ To obtain a drivers license from the Division, a person must be a resident of this State and must demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. To obtain an endorsement, a person must demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required. The Division shall note an endorsement on the face of a drivers license.

To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral ~~and~~ tests, and, in the case of literate applicants written tests, and tests of vision, applicants, written tests as the Division may require. The Commissioner may adopt regulations that allow employees of governmental agencies or private businesses to receive a ~~driver's~~ drivers license without taking a road test if the conditions specified in the regulations are complied with. Provided, however, that persons 60 years of age and over, when being examined as herein provided, shall not be required to parallel park a motor vehicle as part of any such examination.

(c1) In addition to the other requirements of this section, no person shall be issued a ~~driver's~~ drivers license until ~~such~~ the person has furnished proof ~~that he is financially responsible.~~ of financial responsibility. Proof of financial responsibility shall be in one of the following forms:

- (1) A written certificate or electronically-transmitted facsimile thereof from any insurance carrier duly authorized to do business in this State

certifying that there is in effect a nonfleet private passenger motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate or facsimile shall state the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy and shall state the date that the certificate or facsimile is issued. The certificate or facsimile shall remain effective proof of financial responsibility for a period of 30 consecutive days following the date the certificate or facsimile is issued but shall not in and of itself constitute a binder or policy of insurance or

- (2) A binder for or policy of nonfleet private passenger motor vehicle liability insurance under which the applicant is insured, provided that the binder or policy states the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy.

The preceding provisions of this subsection do not apply to applicants who do not own currently registered motor vehicles and who do not operate nonfleet private passenger motor vehicles that are owned by other persons and that are not insured under commercial motor vehicle liability insurance policies. In such cases, the applicant shall sign a written certificate to that effect. Such certificate shall be furnished by the Division and may be incorporated into the license application form. Any material misrepresentation made by such person on such certificate shall be grounds for suspension of that person's license for a period of 90 days.

For the purpose of this subsection, the term "nonfleet private passenger motor vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.

The Commissioner may require that certificates required by this subsection be on a form approved by the Commissioner.

Nothing in this subsection precludes any person from showing proof of financial responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.

(d) The Division shall cause each person who has heretofore been issued a ~~driver's~~drivers license to be examined or reexamined, as the case may be, to determine whether or not such person is physically and mentally capable of safely operating motor vehicles over the highways of the State. Those persons found, as a result of such examination or reexamination, to be capable of safely operating motor vehicles over the highways of the State shall be reissued ~~drivers'~~drivers licenses; and those persons found to be incapable of safely operating motor vehicles over the highways of the State shall not be reissued ~~drivers'~~drivers licenses. The examination required by this subsection may include such road tests, oral and in the case of literate applicants written tests, and tests of vision, as the Division may require and shall include such test as is necessary to assure that applicants recognize the "international symbol of access" for the handicapped (sign R7-8, Manual on Uniform Traffic Control Devices) and devices relative to handicapped drivers as set forth in Article 2A of this Chapter. Provided, however, that persons 60 years of age and over, when being examined as herein provided, shall not be required to parallel park a motor vehicle as part of any such examination.

(e) ~~The Division is hereby authorized to grant unlimited licenses or licenses containing such limitations as it may deem advisable. Such limitation or limitations may impose any restriction it finds advisable on a drivers license. A restriction shall be noted on the face of the license, and it shall be license. It is unlawful for the holder of a restricted license so limited to operate a motor vehicle without complying with the limitations, and the operation of a motor vehicle without complying with the limitations by a person holding a license with such limitations shall be the restriction and is the equivalent of operating a motor vehicle without a driver's license. If any applicant shall suffer from any physical defect or disease which affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of such applicant's condition signed by some medical authority of the applicant's community designated by the Division. This certificate shall in all cases be treated as confidential. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either limited or unlimited, restricted or unrestricted, to any person deemed to be incapable of safely operating a motor vehicle with safety to himself and to the public: Provided, that nothing herein shall prohibit vehicle. This subsection does not prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section.~~

(f) ~~The drivers' licenses issued under this section shall automatically expire. A drivers license expires on the birthday of the licensee in the fourth year following the year of issuance; and no new license shall be issued to any operator after the expiration of his license until such operator has again passed the examination specified in this section. Any operator may at any time within 60 days prior to the expiration of his license apply for a new license and if the applicant meets the requirements of this Article, Chapter, the Division shall issue a new license to him. A new license issued within 60 days prior to the expiration of an applicant's old license or within 12 months thereafter shall automatically expire four years from the date of the expiration of the applicant's old license.~~

Any person serving in the armed forces of the United States on active duty and holding a valid ~~driver's~~ drivers license properly issued under this section and stationed outside the State of North Carolina may renew his license by making application to the Division by mail. Any other person, except a nonresident as defined in this Article, who holds a valid ~~driver's~~ drivers license issued under this section and who is temporarily residing outside North Carolina, may also renew by making application to the Division by mail. For purposes of this section "temporarily" shall mean not less than 30 days continuous absence from North Carolina. In either case, the Division may waive the examination and color photograph ordinarily required for the renewal of a ~~driver's~~ drivers license, and may impose in lieu thereof such conditions as it may deem appropriate to each particular application; provided that such license shall expire 30 days after the licensee returns to North Carolina, and such license shall be designated as temporary.

Provided further, that no person who applies for the renewal of ~~his driver's~~ a drivers license shall be required to take a written examination or road test as a part of any such examination unless such person has been convicted of a traffic violation or had prayer

for judgment continued with respect to any traffic violation within a four-year period immediately preceding the date of such person's renewal application or unless such person suffers from a mental or physical condition which impairs his ability to operate a motor vehicle.

Provided further, that no person who applies for the renewal of his ~~driver's~~ drivers license and who must take the written examination pursuant to this section shall be issued a renewed license unless such person has furnished the proof that he is financially responsible. ~~Proof of financial responsibility shall be in one of the following forms:~~

- ~~(1) A written certificate or electronically transmitted facsimile thereof from any insurance carrier duly authorized to do business in this State certifying that there is in effect a nonfleet private passenger motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate or facsimile shall state the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy and shall state the date that the certificate or facsimile is issued. The certificate or facsimile shall remain effective proof of financial responsibility for a period of 30 consecutive days following the date the certificate or facsimile is issued but shall not in and of itself constitute a binder or policy of insurance or~~
- ~~(2) A binder for or policy of nonfleet private passenger motor vehicle liability insurance under which the applicant is insured, provided that the binder or policy states the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy.~~

~~The provisions of the preceding paragraph do not apply to applicants who do not own currently registered motor vehicles and who do not operate nonfleet private passenger motor vehicles that are owned by other persons and that are not insured under commercial motor vehicle liability insurance policies. In such cases, the applicant shall sign a written certificate to that effect. Such certificate shall be furnished by the Division and may be incorporated into the license application form. Any material misrepresentation made by such person on such certificate shall be grounds for suspension of that person's license for a period of 90 days.~~

~~For the purpose of this subsection, the term "nonfleet private passenger motor vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.~~

~~The Commissioner may require that certificates required by this subsection be on a form approved by the Commissioner.~~

~~Nothing in this subsection precludes any person from showing proof of financial responsibility in any other manner authorized by Articles 9A and 13 of this Chapter. of financial responsibility specified in subsection (c1).~~

~~(g) Repealed by Session Laws 1979, c. 667, s. 6.~~

~~(h) Repealed by Session Laws 1979, c. 113, s. 1.~~

~~(i) The fee for issuance or reissuance of a Class "C" license is ten dollars (\$10.00). The fee for issuance or reissuance of a Class "B" or Class "A" license is fifteen~~

dollars (\$15.00). A person receiving at the same time a driver's license and an endorsement pursuant to G.S. 20-7(a1) shall be charged only the fee required for the class of driver's license he is receiving. following fees apply to a regular drivers license:

<u>Class of Regular License</u>	<u>Fee</u>
<u>Class A</u>	<u>\$15.00</u>
<u>Class B</u>	<u>15.00</u>
<u>Class C</u>	<u>10.00.</u>

The fee for a motorcycle endorsement is five dollars (\$5.00). The appropriate fee must be paid before a person receives a regular drivers license or an endorsement.

(il) Any person whose ~~driver's~~ drivers license or other privilege to operate a motor vehicle in this State has been suspended, canceled or has been revoked pursuant to the provisions of this Chapter, other than G.S. 20-17(2), shall pay a restoration fee of twenty-five dollars (\$25.00). A person whose ~~driver's~~ drivers license has been revoked under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the end of the fiscal year in which the cumulative total amount of fees deposited under this subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall be paid to the Division prior to the issuance to such person of a new ~~driver's~~ drivers license or the restoration of ~~such driver's license or privilege; such~~ the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was ~~suspended, canceled,~~ revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of the State. The Office of State Budget and Management shall certify to the Department of Transportation and the General Assembly when the cumulative total amount of fees deposited in the General Fund under this subsection exceeds five million dollars (\$5,000,000), and shall annually report to the General Assembly the amount of fees deposited in the General Fund under this subsection.

It is the intent of the General Assembly to annually appropriate the funds deposited in the General Fund under this subsection to the Board of Governors of The University of North Carolina to be used for the Center for Alcohol Studies Endowment at The University of North Carolina at Chapel Hill, but not to exceed this cumulative total of five million dollars (\$5,000,000).

(j) The fees collected under this section and G.S. 20-14 shall be placed in the Highway Fund.

~~(k) Any person operating a motor vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in this section.~~

(l) Any person who except for lack of instruction in operating a motor vehicle would be qualified to obtain an operator's license under this Article may apply for a temporary learner's permit, and the Division shall issue such permit, entitling the

applicant, while having such permit in his immediate possession, to drive a specified type or class of motor vehicle upon the highways for a period of 18 months. The fee for issuance of a temporary learner's permit shall be five dollars (\$5.00). Any such learner's permit may be renewed, or a second learner's permit may be issued, for an additional period of 18 months. The permittee must, while operating a motor vehicle over the highways, be accompanied by a person who is licensed to operate the class or type of vehicle being operated and who is seated in the seat beside the permittee.

The fee for the issuance of a renewal or a second temporary learner's permit shall be five dollars (\$5.00).

~~(l-1) The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to an applicant who is enrolled in a driver training program as provided for in G.S. 20-88.1 even though the applicant has not yet reached the legal age to be eligible for a driver's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a specified type or class of motor vehicle subject to the restrictions imposed by the Division. The restrictions which the Division may impose on such permits include but are not limited to restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee.~~

(m) The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to ~~an applicant who is enrolled in a driver training program approved by the State Superintendent of Public Instruction even though the applicant has not yet reached the legal age to be eligible for a driver's license.~~ any of the following applicants:

(1) An applicant who is less than 18 years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.

(2) An applicant for certification under G.S. 20-218 as a school bus driver. ~~Such a restricted instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate~~ authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to the any restrictions imposed by the Division. The restrictions which the Division may impose on such permits include but are not limited to a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued.

(n) Every ~~driver's~~ drivers license issued by the Division shall bear thereon the distinguishing number assigned to the licensee and color photograph of the licensee of a size approved by the Commissioner and shall contain the name, age, residence address and a brief description of the licensee, who, for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her regular signature in ink upon the same in the space provided for

that purpose unless a facsimile of his or her signature appears thereon; provided the requirement that a color photograph of the licensee appear on the license may be waived by the Commissioner upon satisfactory proof that the taking of such photograph violates the religious convictions of the licensee. Drivers licenses shall be issued with differing color photographic backgrounds according to the licensee's age at time of issuance for the following age groups:

- (1) Persons who have not attained the age of 21 years.
- (2) Persons who have attained the age of 21 years.

The Division of Motor Vehicles shall determine the different colors to be used. Such license shall be carried by the licensee at all times while engaged in the operation of a motor vehicle. ~~However, no person charged with failing to carry a license shall be convicted if he produces in court a driver's license issued to him which was valid at the time of his arrest for the type or class of vehicle he was operating at the time of his arrest.~~

~~(e) Any person convicted of violating any provision of this section shall be guilty of a misdemeanor and punished in the discretion of the court: Provided, that no person shall be convicted of operating a motor vehicle without a driver's license if he produces in court at the time of his trial upon such charge an expired driver's license and a renewed driver's license issued to him within 30 days of the expiration date of the expired license and which would have been a defense to the charge had it been issued prior to the time of the alleged offense."~~

Sec. 6. G.S. 20-9(a) reads as rewritten:

"(a) ~~A Class 'C' license shall not be issued to any person under 16 years of age and no Class A, B, or C commercial driver license shall be issued to any person under 21 years of age except as provided in G.S. 20-37.13(a) and G.S. 20-218(a). An endorsement to transport hazardous materials shall not be issued to any person under 21 years of age. To obtain a regular drivers license, a person must have reached the minimum age set in the following table for the class of license sought:~~

<u>Class of Regular License</u>	<u>Minimum Age</u>
<u>Class A</u>	<u>18</u>
<u>Class B</u>	<u>18</u>
<u>Class C</u>	<u>16</u>

G.S. 20-37.13 sets the age qualifications for a commercial drivers license."

Sec. 7. G.S. 20-17 reads as rewritten:

"§ 20-17. Mandatory revocation of license by Division.

The Division shall forthwith revoke the license of any driver upon receiving a record of such the driver's conviction for any of the following offenses when such conviction has become final: offenses:

- (1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle.
- (2) Either of the following impaired driving offenses:
 - a. Impaired driving under G.S. 20-138.1.
 - b. Impaired driving under G.S. 20-138.2 when the person convicted did not take a chemical test at the time of the offense

or the person took a chemical test at the time of the offense and the test revealed that the person had an alcohol concentration at any relevant time after driving of less than 0.04 or of 0.10 or more.

- (3) Any felony in the commission of which a motor vehicle is used.
- (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- (5) Perjury or the making of a false affidavit or statement under oath to the Division under this Article or under any other law relating to the ownership of motor vehicles.
- (6) ~~Conviction, or forfeiture of bail not vacated,~~ Conviction upon two charges of reckless driving committed within a period of 12 months.
- (7) ~~Conviction, or forfeiture of bail not vacated,~~ Conviction upon one charge of reckless driving while engaged in the illegal transportation of intoxicants for the purpose of sale.
- (8) Conviction of using a false or fictitious name or giving a false or fictitious address in any application for a ~~driver's~~ drivers license, or learner's permit, or any renewal or duplicate thereof, or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any such application or procuring or knowingly permitting or allowing another to commit any of the foregoing acts.
- (9) Death by vehicle as defined in G.S. 20-141.4.
- (10) Speeding in excess of 55 miles per hour and at least 15 miles per hour over the legal limit in violation of G.S. 20-141(j).
- (11) Conviction of assault with a motor vehicle."

Sec. 8. G.S. 20-17.4 reads as rewritten:

"§ 20-17.4. Disqualification and cancellation of to drive a commercial driver license. motor vehicle.

(a) One Year. – Any of the following disqualifies a person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of year:

- (1) A first conviction of G.S. 20-138.1 or G.S. 20-138.2(a)(1) Driving a commercial motor vehicle while subject to an impairing substance; 20-138.1, driving while impaired, that occurred while the person was driving a commercial motor vehicle.
- (2) G.S. 20-138.2(a)(2) Driving a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or more; A first conviction of G.S. 20-138.2, driving a commercial motor vehicle while impaired.
- (3) A first conviction of G.S. 20-166, hit and run, G.S. 20-166(a) Felonius hit and run involving a commercial motor vehicle driven by the person; person.

- (4) A first conviction of a felony in the commission of which Using a commercial motor vehicle in the commission of any felony; or was used.
- (5) Refusal to submit to a chemical test to determine the driver's alcohol concentration while when charged with an implied-consent offense, as defined in G.S. 20-16.2, that occurred while the person was driving a commercial motor vehicle.

~~If any of the above violations occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.~~

(b) Modified Life. – A person who has been disqualified from driving a commercial motor vehicle for a conviction or refusal described in subsection (a) who, as the result of a separate incident, is subsequently convicted of an offense or commits an act requiring disqualification under subsection (a) is disqualified for life. A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection (a) of this section, or any combination of those offenses, arising from two or more separate incidents.—The Division may issue regulations establishing adopt guidelines, including conditions, under which a disqualification for life under this paragraph-subsection may be reduced to 10 years.

(c) Life. – A person is disqualified from driving a commercial motor vehicle for life if that person uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(d) Less Than A Year. – A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if that person is convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

~~(e) After suspending, revoking, or cancelling a commercial driver license, the Division shall update its records to reflect that action within 10 days. After suspending, revoking, or cancelling a nonresident commercial driver's privileges, the Division shall forthwith notify the licensing authority of the State which issued the commercial driver license or commercial driver instruction permit.~~ Three Years. – A person is disqualified from driving a commercial motor vehicle for three years if that person is convicted of an offense or commits an act requiring disqualification under subsection (a) and the offense or act occurred while the person was transporting a hazardous material that required the motor vehicle driven to be placarded."

Sec. 9. Article 2 of Chapter 20 is amended by adding a new section to read:

"§ 20-17.5. Effect of disqualification.

(a) When No Accompanying Revocation. – A person who is disqualified as the result of a conviction that requires disqualification but not revocation may keep any regular Class C drivers license the person had at the time of the offense resulting in disqualification. If the person had a Class A or Class B regular drivers license or a commercial drivers license when the offense occurred, all of the following apply:

- (1) The person must give the license to the court that convicts the person or, if the person is not present when convicted, to the Division.
- (2) The person may apply for a regular Class C drivers license.

(b) When Revocation And Disqualification. – When a person is disqualified as the result of a conviction that requires both disqualification and revocation, all of the following apply:

- (1) The person must give any drivers license the person has to the court that convicts the person or, if the person is not present when convicted, to the Division.
- (2) The person may obtain limited driving privileges to drive a noncommercial motor vehicle during the revocation period to the extent the law would allow limited driving privileges if the person had been driving a noncommercial motor vehicle when the offense occurred. The same procedure, eligibility requirements, and mandatory conditions apply to limited driving privileges authorized by this subdivision that would apply if the person had been driving a noncommercial motor vehicle when the offense occurred.
- (3) If the disqualification period is longer than the revocation period, the person may apply for a regular Class C drivers license at the end of the revocation period.

(c) Refusal To Take Chemical Test. – When a person is disqualified for refusing to take a chemical test, all of the following apply:

- (1) The person must give any license the person has to a court, a law enforcement officer, or the Division, in accordance with G.S. 20-16.2 and G.S. 20-16.5.
- (2) The person may obtain limited driving privileges to drive a noncommercial motor vehicle during the period the person's license is revoked for the refusal that disqualified the person to the extent the law would allow limited driving privileges if the person had been driving a noncommercial motor vehicle at the time of the refusal. The same procedure, eligibility requirements, and mandatory conditions apply to limited driving privileges authorized by this subdivision that would apply if the person had been driving a noncommercial motor vehicle at the time of the refusal.
- (3) If the disqualification period is longer than the revocation period, the person may apply for a regular Class C drivers license at the end of the revocation period.

(d) Obtaining Class C Regular License. – A person who is authorized by this section to apply for a regular Class C drivers license and who meets all of the following criteria may obtain a regular Class C drivers license without taking a test:

- (1) The person must have had a Class A or Class B regular drivers license or a commercial drivers license when the person was disqualified.
- (2) The person's license must have been issued by the Division.

- (3) The person's license must not have expired by the date the person applies for a regular Class C drivers license.

Upon application and payment of the fee set in G.S. 20-14 for a duplicate license, the Division shall issue a person who meets these criteria a regular Class C drivers license. The license shall include the same endorsements and restrictions as the former Class A regular, Class B regular, or commercial drivers license, to the extent they apply to a regular Class C drivers license. A regular Class C drivers license issued to a person who meets these criteria expires the same day as the license it replaces.

G.S. 20-7 governs the issuance of a regular Class C drivers license to a person who is authorized by this section to apply for a regular Class C drivers license but who does not meet the listed criteria. In accordance with that statute, the Division may require the person to take a test and the person must pay the license fee.

(e) Restoration Fee. – A person who is disqualified must pay the restoration fee set in G.S. 20-7(i1) the first time any of the following events occurs as a result of the same disqualification:

- (1) The Division reinstates a Class A regular drivers license, a Class B regular drivers license, or a commercial drivers license the person had at the time of the disqualification by issuing the person a duplicate license.
- (2) The Division issues a Class A regular drivers license, a Class B regular drivers license, or a commercial drivers license to the person.
- (3) If the person's license was revoked because of the conviction or act requiring disqualification, the Division issues a regular Class C drivers license to the person.

The restoration fee does not apply the second time any of these events occurs as a result of the same disqualification."

Sec. 10. G.S. 20-24 reads as rewritten:

"§ 20-24. When court to forward license to Division and report convictions, convictions and prayers for judgment continued.

(a) License. – Whenever any person is convicted of any offense for which this Article makes mandatory the revocation of the driver's license of such person by the Division, the court in which such conviction is had shall require the surrender to it of all drivers' licenses then held by the person so convicted and the court shall thereupon forward the same, together with a record of such conviction, to the Division within 30 days.

The clerks of court, assistant clerks of court and deputy clerks of court in which any person is convicted, and as a result thereof the revocation or suspension of the driver's license of such person is required under the provisions of this Chapter, are hereby designated as agents of the Division of Motor Vehicles for the purpose of receiving all drivers' licenses required to be surrendered under this section, and are hereby authorized to and shall give to such licensee a dated receipt for any such license surrendered, such receipt to be upon such form as may be approved by the Commissioner of Motor Vehicles. The original of such receipt shall be mailed forthwith to the Driver License Section of the Division of Motor Vehicles together with the driver's license. Any

~~driver's license which has been surrendered and for which a receipt has been issued as herein required shall be revoked or suspended as the case may be as of the date shown upon the receipt issued to such person.~~

A court that convicts a person of an offense that requires revocation of the person's drivers license shall require the person to give the court any regular or commercial drivers license issued to that person. A court that convicts a person of an offense that requires disqualification of the person but would not require revocation of a regular drivers license issued to that person shall require the person to give the court any Class A or Class B regular drivers license and any commercial drivers license issued to that person.

The clerk of court shall accept a drivers license required to be given to the court under this subsection. A clerk of court who receives a drivers license shall give the person whose license is received a copy of a dated receipt for the license. The receipt must be on a form approved by the Commissioner. A revocation or disqualification for which a license is received under this subsection is effective as of the date on the receipt for the license.

The clerk of court shall send to the Division any license received under this subsection, a record of the conviction for which the license was received, and the original dated receipt for the license. The clerk of court shall send these items to the Division within 30 days after entry of the conviction for which the license was received.

~~(b) Convictions and PJs. Every court having jurisdiction over offenses committed under this Article, or any other law of this State regulating the operation of motor vehicles on highways, shall forward to the Division a record of the conviction of any person in said court for a violation of any [of] said laws, and may recommend the suspension of the driver's license of the person so convicted. Every court shall also forward to the Division a record of every conviction in which sentence is suspended on condition that the defendant not operate a motor vehicle for a period of time, and such report shall state the period of time for which such condition is imposed; provided that the punishment for the violation of this subsection shall be the same as provided in G.S. 20-7(e). The clerk of court shall send the Division a record of any of the following:~~

- ~~(1) A conviction of a violation of a law regulating the operation of a vehicle.~~
- ~~(2) A conviction for which the convicted person is placed on probation and a condition of probation is that the person not drive a motor vehicle for a period of time, stating the period of time for which the condition applies.~~
- ~~(3) A conviction of a felony in the commission of which a motor vehicle is used, when the judgment includes a finding that a motor vehicle was used in the commission of the felony.~~
- ~~(4) A conviction that requires revocation of the drivers license of the person convicted and is not otherwise reported under subdivision (1).~~
- ~~(5) An order entering prayer for judgment continued in a case involving an alleged violation of a law regulating the operation of a vehicle.~~

With the approval of the Commissioner, the clerk of court may forward a record of conviction or prayer for judgment continued to the Division by electronic data processing means.

~~(b1) In any case where the in which the Division, for any reason, does not receive a record of a conviction for any reason has been received by the Division for or a prayer for judgment continued until more than one year after the date of the final conviction, it is entered, the Division may, in its discretion, substitute a period of probation for all or any part of a suspension or revocation or disqualification required because of the conviction. conviction or prayer for judgment continued.~~

~~(e) For purposes of this Chapter, the term "conviction" when referring to offenses committed in North Carolina shall mean: (i) a final conviction of a criminal offense including a no contest plea, (ii) a determination that a person is responsible for an infraction including a no contest plea, (iii) an order of forfeiture of cash in the full amount of a bond required by Article 26 of Chapter 15A of the General Statutes, which forfeiture has not been vacated, or (iv) a third or subsequent prayer for judgment continued within any five year period and to this end all orders entering prayer for judgments continued entered by the courts shall be reported to the Division of Motor Vehicles.~~

~~For the purposes of this Chapter, the term "conviction" when referring to offenses committed outside of the State of North Carolina shall mean an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.~~

~~(d) After November 1, 1935, no driver's license shall be suspended or revoked except in accordance with the provisions of this Article. Scope. – This Article governs drivers license revocation and disqualification. A drivers license may not be revoked and a person may not be disqualified except in accordance with this Article.~~

~~(e) Special Information. – When a court sends a report of a conviction of homicide to the Division, it must indicate on that report whether the homicide conviction is one involving impaired driving. A judgment for a conviction for an offense for which special information is required under this subsection shall, when appropriate, include a finding of the special information. The convictions for which special information is required and the specific information required is as follows:~~

- ~~(1) Homicide. – If a conviction of homicide involves impaired driving, the judgment must indicate that fact.~~
- ~~(2) G.S. 20-138.1, Driving While Impaired. – If a conviction under G.S. 20-138.1 involves a commercial motor vehicle, the judgment must indicate that fact. If a conviction under G.S. 20-138.1 involves a commercial motor vehicle that was transporting a hazardous substance required to be placarded, the judgment must indicate that fact.~~
- ~~(3) G.S. 20-138.2, Driving Commercial Motor Vehicle While Impaired. – If the commercial motor vehicle involved in an offense under G.S. 20-~~

138.2 was transporting a hazardous material required to be placarded, a judgment for that offense must indicate that fact.

- (4) G.S. 20-166, Hit and Run. – If a conviction under G.S. 20-166 involves a commercial motor vehicle, the judgment must indicate that fact. If a conviction under G.S. 20-166 involves a commercial motor vehicle that was transporting a hazardous substance required to be placarded, the judgment must indicate that fact.
- (5) Felony Using Commercial Motor Vehicle. – If a conviction of a felony in which a commercial motor vehicle was used involves the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance, the judgment must indicate that fact. If a commercial motor vehicle used in a felony was transporting a hazardous substance required to be placarded, the judgment for that felony must indicate that fact."

Sec. 11. G.S. 20-26(a) reads as rewritten:

"(a) The Division shall keep a record of test, proceedings and orders pertaining to all driver's licenses granted, refused, suspended or revoked, all applications for a drivers license, all tests given an applicant for a drivers license, all applications for a drivers license that are denied, all drivers licenses issued, renewed, cancelled, or revoked, all disqualifications, all convictions affecting a drivers license, and all prayers for judgment continued that may lead to a license revocation. When the Division cancels or revokes a commercial drivers license or disqualifies a person, the Division shall update its records to reflect that action within 10 days after the cancellation, revocation, or disqualification becomes effective. When a person who is not a resident of this State is convicted of an offense or commits an act requiring revocation of the person's commercial drivers license or disqualification of the person, the Division shall notify the licensing authority of the person's state of residence.

The Division shall keep records of convictions as defined in G.S. 20-24(e) occurring outside North Carolina only for the offenses of exceeding a stated speed limit of 55 miles per hour or more by more than 15 miles per hour, driving while license suspended or revoked, careless and reckless driving, engaging in prearranged speed competition, engaging willfully in speed competition, hit-and-run driving resulting in damage to property, unlawfully passing a stopped school bus, illegal transportation of alcoholic beverages, and the offenses included in G.S. 20-17. ~~Provided, the~~ The Division shall also ~~record~~ keep records of convictions occurring outside North Carolina for speeding in excess of 15 miles per hour over the posted speed limit occurring outside of North Carolina if the vehicle involved is a commercial motor vehicle. any serious traffic violation that involves a commercial motor vehicle and is not otherwise required to be kept under this subsection."

Sec. 12. G.S. 20-28 reads as rewritten:

"§ 20-28. Unlawful to drive while license ~~suspended or revoked~~ or while disqualified.

(a) Driving While License Revoked. – Any person whose ~~driver's~~ drivers license has been ~~suspended or revoked~~ revoked, other than permanently, as ~~provided in this Chapter, who shall drive~~ drives any motor vehicle upon the highways of the State while ~~such the~~ the license is ~~suspended or revoked~~ is guilty of a misdemeanor and ~~his~~ is misdemeanor. Upon conviction, ~~the person's~~ the person's license shall be ~~suspended or revoked, as the case may be,~~ revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

~~Provided, however, any person whose license has been suspended or revoked under this section for 12 months may apply for a license after 90 days; any person whose license has been suspended or revoked under this section for two years may apply for a license after 12 months; any person whose license has been suspended or revoked under this section permanently may apply for a license after three years. Upon the filing of such application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted within the suspension or revocation period of a motor vehicle offense, or a violation of the alcoholic beverages laws or drug laws of North Carolina or any other state that occurred during the period of suspension or revocation. The new license may be issued upon such terms and conditions as the Division may see fit to impose for the balance of the suspension or revocation period. When the suspension or revocation period is permanent the terms and conditions imposed by the Division may not exceed three years.~~

Upon conviction, a violator of this ~~section~~ subsection shall be punished by a fine of not less than two hundred dollars ~~(\$200.00)~~ (\$200.00), ~~or~~ imprisonment in the discretion of the court not to exceed two years, or ~~both~~; ~~provided, however, the~~ both. The restorer of a ~~suspended or revoked driver's~~ drivers license who operates a motor vehicle upon the ~~streets or~~ highways of the State without maintaining financial responsibility as provided by law shall be punished as for operating without a ~~driver's~~ drivers license.

(a1) Driving Without Reclaiming License. – A person convicted under subsection (a) shall be punished as if he had been convicted of driving without a ~~driver's~~ license under G.S. 20-7 if he demonstrates to the court that:

- (1) At the time of the offense, his license was revoked solely under G.S. 20-16.5; and
- (2) a. The offense occurred more than 30 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was 30 days as provided under subdivision (3) of that subsection; or
b. The offense occurred more than 10 days after the effective date of the revocation order issued under any other provision of G.S. 20-16.5.

In addition, a person punished under this subsection shall be treated for ~~driver's~~ drivers license and insurance rating purposes as if he had been convicted of driving without a license under G.S. 20-7, and the conviction report sent to the Division must indicate that the person is to be so treated.

(b) Driving While License Permanently Revoked. – Any person whose license has been ~~permanently revoked or permanently suspended, as provided in this Article,~~

who ~~shall drive~~ drives any motor vehicle upon the highways of this State while ~~such the~~ license is permanently revoked or ~~permanently suspended shall be~~ is guilty of a misdemeanor and shall be imprisoned for not less than 30 days nor more than two years and fined not more than one thousand dollars (\$1,000) in the discretion of the court. The first 30 days of imprisonment for a violation of this offense shall not be subject to suspension or parole. This subsection shall not apply to any license revocations under G.S. 20-17.1; penalty for violation of G.S. 20-17.1 shall be applied as prescribed under ~~G.S. 20-28(a)~~ subsection (a).

(c) When Person May Apply For License. ~~Any person whose commercial driver license has been suspended or revoked or who has been disqualified from operating a commercial motor vehicle as provided in this Chapter who shall drive a commercial motor vehicle upon the highways or public vehicular areas of this State while such license is under suspension, revocation, or disqualification shall be guilty of a misdemeanor. Upon receipt of a record of a violation of this section, the Division shall impose an additional disqualification period equal to the period for which the driver was suspended, revoked, or disqualified when he violated this section. A person whose license has been revoked under this section for one year may apply for a license after 90 days. A person whose license has been revoked under this section for two years may apply for a license after 12 months. A person whose license has been revoked under this section permanently may apply for a license after three years. Upon the filing of an application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provision of the drug laws of this State or another state when any of these violations occurred during the revocation period. The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.~~

(d) Driving While Disqualified. ~~A person who was convicted of a violation that disqualified the person and required the person's drivers license to be revoked who drives a motor vehicle during the revocation period is punishable as provided in the other subsections of this section. A person who has been disqualified who drives a commercial motor vehicle during the disqualification period is guilty of a misdemeanor and is disqualified for an additional period as follows:~~

- (1) For a first offense of driving while disqualified, a person is disqualified for a period equal to the period for which the person was disqualified when the offense occurred.
- (2) For a second offense of driving while disqualified, a person is disqualified for a period equal to two times the period for which the person was disqualified when the offense occurred.
- (3) For a third offense of driving while disqualified, a person is disqualified for life.

The Division may reduce a disqualification for life under this subsection to 10 years in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a commercial motor vehicle while the person is disqualified and the person's drivers license is revoked is punishable for both driving while the person's license was revoked and driving while disqualified."

Sec. 13. G.S. 20-30(8) reads as rewritten:

"(8) To possess more than one commercial ~~driver license~~. drivers license or to possess a commercial drivers license and a regular drivers license. Any commercial ~~driver~~ drivers license other than the one most recently issued is subject to immediate seizure by any law enforcement officer or judicial official. Any regular drivers license possessed at the same time as a commercial drivers license is subject to immediate seizure by any law enforcement officer or judicial official."

Sec. 14. G.S. 20-35 is amended by adding a new subsection to read:

"(c) A person may not be convicted of failing to carry a regular drivers license if, when tried for that offense, the person produces in court a regular drivers license issued to the person that was valid when the person was charged with the offense. A person may not be convicted of driving a motor vehicle without a regular drivers license if, when tried for that offense, the person shows all the following:

- (1) That, at the time of the offense, the person had an expired license.
- (2) The person renewed the expired license within 30 days after it expired and now has a drivers license.
- (3) The person could not have been charged with driving without a license if the person had the renewed license when charged with the offense."

Sec. 15. G.S. 20-37.12 reads as rewritten:

"§ 20-37.12. Commercial ~~driver~~ drivers license required.

(a) On or after April 1, 1992, no person shall operate a commercial motor vehicle on the highways of this State unless he has first been issued and is in immediate possession of a commercial ~~driver~~ drivers license with applicable endorsements valid for the vehicle he is driving; provided, a person may operate a commercial motor vehicle after being issued and while in possession of a commercial driver learner's permit and while accompanied by the holder of a commercial ~~driver~~ drivers license valid for the vehicle being driven.

(b) The out-of-service criteria in 49 C.F.R. §§ 392.5 and 395.13, as adopted by the Division, apply to a person who drives a commercial motor vehicle. No person shall drive a commercial motor vehicle on the highways of this State ~~while his driving privilege is revoked, suspended, cancelled, subject to a disqualification, or in violation of an out-of-service order.~~

~~(c) No person who drives a commercial motor vehicle may have more than one driver license.~~

(d) Any person who is not a resident of this State, who has been issued a commercial ~~driver~~ drivers license by his state of residence, who has that license in his immediate possession, whose privilege to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial

motor vehicle shall be permitted without further examination or licensure by the Division to drive a commercial motor vehicle in this State.

(e) ~~Any person who takes up residence in this State on a permanent basis is exempt from the provisions of this section for 30 days from the date residence is established if he is properly licensed to operate a commercial motor vehicle in the jurisdiction of which he is a former resident. In accordance with G.S. 20-7, a new resident of North Carolina has 30 days to obtain a license from the Division. The Commissioner may establish by rule the conditions under which the test requirements for a commercial driver license may be waived for any person applying for a license pursuant to this subsection. a new resident who is licensed in another state.~~"

Sec. 16. G.S. 20-37.13 reads as rewritten:

"§ 20-37.13. Commercial ~~driving~~ drivers license qualification standards.

- (a) No person shall be issued a commercial ~~driver~~ drivers license unless he:
- (1) Is a resident of this State;
 - (2) Is 21 years of age;
 - (3) Has passed a knowledge test and a skills test for driving a commercial motor vehicle ~~which complies that comply~~ with minimum federal standards established by federal regulation enumerated in 49 C.F.R., Part 383, Subparts G and H; and
 - (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act in addition to other requirements of this Chapter or federal regulation.

The tests shall be prescribed and conducted by the ~~Division of Motor Vehicles.~~ Division. Provided, a person who is at least 18 years of age may be issued a commercial ~~driver~~ drivers license if he is exempt from, or not subject to, the age requirements of the federal Motor Carrier Safety Regulations contained in 49 C.F.R., Part 391, as adopted by the Division.

(b) The Division may permit a person, including an agency of this or another state, an employer, a private driver training facility, or an agency of local government, to administer the skills test specified by this section, provided:

- (1) The test is the same as that administered by the Division; and
- (2) The third party has entered into an agreement with the Division which complies with the requirements of 49 ~~C.F.R., Part~~ C.F.R. § 383.75. The Division may charge a fee to applicants for third-party testing authority in order to investigate the applicants' qualifications and to monitor their program as required by federal law.

(c) Prior to ~~April 1, October 1, 1992,~~ the Division may waive the skills test for applicants licensed at the time they apply for a commercial ~~driver~~ drivers license if:

- (1) For an application submitted by April 1, 1992, the ~~The~~ applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of ~~application.~~ application done any of the following and for an application submitted after April 1, 1992, the applicant has not, and certifies that he has not, at any time during the two years preceding April 1, 1992:

- a. Had more than one ~~driver~~drivers license, except during the 10-day period beginning on the date he is issued a ~~driver~~drivers license, or unless, prior to December 31, 1989, he was required to have more than one license by a State law enacted prior to June 1, 1986;
 - b. Had any ~~driver~~drivers license or driving privilege suspended, revoked, or cancelled;
 - c. Had any convictions involving any kind of motor vehicle for the offenses listed in G.S. ~~20-17;~~or 20-17 or had any convictions for the offenses listed in G.S. 20-17.4;
 - d. Been convicted of a violation of State or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident; ~~and~~or
 - e. Refused to take a chemical test when charged with an implied consent offense, as defined in G.S. 20-16.2; and
- (2) The applicant certifies, and provides satisfactory evidence, that he is regularly employed in a job requiring the operation of a commercial motor vehicle, and he either:
- a. Has previously taken and successfully completed a skills test that was administered by a state with a classified licensing and testing system and the test was behind the wheel in a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed; or
 - b. Has operated for ~~at least two years immediately preceding the application date,~~the relevant two-year period under subpart (1)a. of this subsection, a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed.

(d) A commercial ~~driver~~drivers license or learner's permit shall not be issued to a person while he is subject to a disqualification from driving a commercial motor vehicle, or while his ~~driver~~drivers license is suspended, revoked, or cancelled in any state; nor shall a commercial ~~driver~~drivers license be issued ~~by any other state unless he~~unless the person who has applied for the license first surrenders all other ~~driver~~ licenses, which must be returned to the issuing states ~~drivers licenses issued by the Division or by another state.~~ drivers licenses issued by the Division or by another state. If a person surrenders a drivers license issued by another state, the Division must return the license to the issuing state for cancellation.

(e) A commercial driver learner's permit may be issued to an individual who holds a ~~valid regular~~Class C ~~driver~~drivers license who has passed the ~~necessary tests required for that license.~~knowledge test for the class and type of commercial motor vehicle the individual will be driving. The permit is valid for a period not to exceed six months and may be renewed or reissued only once within a two-year period. The fee

for a commercial driver learner's permit is five dollars (\$5.00). G.S. 20-7(m) governs the issuance of a restricted instruction permit for a prospective school bus driver."

Sec. 17. G.S. 20-37.15 reads as rewritten:

"§ 20-37.15. Application for commercial ~~driver~~ drivers license.

(a) The application for a commercial ~~driver~~ drivers license must include the following:

- (1) The full name, current mailing address, and current residence address of the applicant;
- (2) A physical description of the person including sex, height, and eye and hair color;
- (3) Date of birth;
- (4) The applicant's social security number;
- (5) The applicant's signature;
- ~~(6) The applicant's color photograph;~~
- ~~(7)~~(6) Certifications including those required by 49 C.F.R., ~~Part~~ C.F.R. § 383.71(a);
- ~~(8)~~(7) A consent to release driving record information; and
- ~~(9)~~(8) Any other information required by the Division.

(b) The application must be accompanied by a nonrefundable application fee of twenty dollars ~~(\$20.00).~~ (\$20.00). This fee does not apply in any of the following circumstances:

- (1) When an individual surrenders a commercial driver learner's permit issued by the Division when submitting the application.
- (2) When the application is to renew a commercial drivers license issued by the Division.

This fee shall entitle the applicant to three attempts to pass the written knowledge test without payment of a new fee. No application fee shall be charged to an applicant eligible for a waiver under G.S. 20-37.13(c).

~~(b)~~(c) When the holder of a commercial ~~driver~~ drivers license changes his ~~name, mailing address, name~~ or residence address, an application for a duplicate shall be made as provided in G.S. 20-7.1 and a fee paid as provided in G.S. 20-14."

Sec. 18. G.S. 20-37.16 reads as rewritten:

"§ 20-37.16. Content of license; classifications and endorsements; fees.

(a) ~~The~~ A commercial ~~driver~~ drivers license must be marked 'Commercial ~~Driver Drivers~~ License' or 'CDL' and shall, to the maximum extent practicable, be tamper proof. It must include:

- (1) The person's name and residential address;
- (2) The person's color photograph;
- (3) A physical description of the person including sex, height, eye color, and hair color;
- (4) The person's date of birth;
- (5) The person's social security number or any number or identifier deemed appropriate by the Division;
- (6) The person's signature;

- (7) The class of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
- (8) The name of this State; and
- (9) The dates between which the license is valid.

(b) ~~Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles. Vehicles that require an endorsement shall not be driven unless the proper endorsement appears on the license. The classes of commercial drivers licenses are:~~

- (1) ~~Class A CDL - Any combination of vehicles with a gross vehicle weight rating, GVWR, of 26,001 pounds or more, provided the GVWR of the vehicle or vehicles being towed is in excess of 10,000 pounds. A Class A commercial drivers license authorizes the holder to drive any Class A motor vehicle.~~
- (2) ~~Class B CDL - Any single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds. A Class B commercial drivers license authorizes the holder to drive any Class B motor vehicle.~~
- (3) ~~Class C CDL - Any single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:~~
 - (1) ~~Vehicles designed to transport 16 or more passengers, including the driver; and~~
 - (2) ~~Vehicles used in the transportation of hazardous materials that require the vehicle to be placarded under 49 C.F.R., Part 172, Subpart F. A Class C commercial drivers license authorizes the holder to drive any Class C motor vehicle.~~

(c) ~~Endorsements and restrictions will be noted on the license when appropriate in the following categories: The endorsements required to drive certain motor vehicles are as follows:~~

- (1) ~~'H'— Authorizes the driver to drive a vehicle transporting hazardous materials.~~
- (2) ~~"K"— Restricts the driver to vehicles not equipped with airbrakes.~~
- (3) ~~'T'— Authorizes driving double trailers.~~
- (4) ~~'P'— Authorizes driving vehicles carrying passengers.~~
- (5) ~~'N'— Authorizes driving tank vehicles.~~
- (6) ~~'X'— Represents a combination of hazardous materials and tank vehicle endorsements.~~
- (7) ~~'M'— Authorizes driving a motorcycle.~~
- (8) ~~"S"— Authorizes driving a school bus.~~

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	<u>Vehicles carrying hazardous materials, other than tank vehicles</u>

<u>L</u>	<u>Double trailers that are longer combination vehicles</u>
<u>M</u>	<u>Motorcycles</u>
<u>N</u>	<u>Tank vehicles not carrying hazardous materials</u>
<u>P</u>	<u>Vehicles carrying passengers</u>
<u>T</u>	<u>Double trailers other than longer combination vehicles</u>
<u>X</u>	<u>Tank vehicles carrying hazardous materials.</u>

To obtain an H or an X endorsement, an applicant must take a written test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a written test unless the person has passed a written test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years.

(d) ~~The fee for issuance of a Class A, B, or C commercial driver-drivers license is forty dollars (\$40.00). Any person applying for a special endorsement or renewal under subsection (c) of this section shall pay an additional five dollars (\$5.00) for each endorsement.~~ The fee for each endorsement is five dollars (\$5.00). The fee-fees required under this section shall be waived for persons who drive do not apply to a person whose license is restricted to driving a school bus or school activity bus or to employees of the Driver License Section of the Division who are designated by the Commissioner.

(e) The requirements for a commercial ~~driver-drivers~~ license do not apply to vehicles used for personal use such as recreational vehicles. A commercial ~~driver-drivers~~ license is also waived for the following classes of vehicles as permitted by regulation of the United States Department of Transportation:

- (1) Vehicles owned or operated by the Department of Defense, including the National Guard, while they are driven by active duty military personnel, or members of the National Guard when on active duty, in the pursuit of military purposes;
- (2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute emergency governmental functions; and
- (3) Farm vehicles that meet all of the following criteria:
 - a. Controlled and operated by the farmer or the farmer's employee and used exclusively for farm use;
 - b. Used to transport either agricultural products, farm machinery, or farm supplies, both to or from a farm;
 - c. Not used in the operations of a common or contract motor carrier; and
 - d. Used within 150 miles of the farmer's farm.

A farm vehicle includes a forestry vehicle that meets the listed criteria when applied to the forestry operation."

Sec. 19. G.S. 20-138.2 reads as rewritten:

"§ 20-138.2. Impaired driving in commercial vehicle.

(a) Offense. – A person commits the offense of impaired driving in a commercial motor vehicle if he drives a commercial motor vehicle upon any highway, any street, or any public vehicular area within the State:

- (1) While appreciably under the influence of an impairing substance; or
- (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.04 or more.

(b) Defense Precluded. – The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(c) Pleading. – To charge a violation of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges the defendant drove a commercial motor vehicle on a highway, street, or public vehicular area while subject to an impairing substance.

(d) Implied Consent Offense. – An offense under this section is an implied consent offense subject to the provisions of G.S. 20-16.2.

(e) Punishment; Effect When Impaired Driving Offense Also Charged. – The offense in this section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00), up to two years imprisonment, or both. This offense is not a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving under G.S. 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the Court may not exceed the maximum punishment applicable to the offense involving impaired driving under G.S. 20-138.1.

~~(f) Limited Driving Privilege. – A person convicted of the offense of impaired driving under this section is not eligible for a limited driving privilege to operate a commercial motor vehicle. If a person is convicted under this section and under G.S. 20-138.1, he may be considered for a limited driving privilege for a noncommercial motor vehicle if he meets the requirements of G.S. 20-179.3(b). Such a privilege shall be for the purposes specified in G.S. 20-179.3(a) and issued according to the procedure in G.S. 20-179.3(d) and subsections (f) through (k).~~

~~If a person is convicted under this section and he had a blood alcohol concentration below 0.10, he is nonetheless eligible to apply for a Class C noncommercial license.~~

(g) Chemical Analysis Provisions. – The provisions of G.S. 20-139.1 shall apply to the offense of impaired driving in a commercial motor vehicle."

Sec. 20. G.S. 20-179(q) and G.S. 20-279.1(2) are repealed.

Sec. 21. G.S. 20-179(m) reads as rewritten:

"(m) Assessment and Treatment Required in Certain Cases. – If a defendant being sentenced under this section is placed on probation, he shall be required as a condition of that probation to obtain a substance abuse assessment.

The judge shall require the defendant to obtain the assessment from an area mental health agency, its designated agent, or a private facility licensed by the State for the treatment of alcoholism and substance abuse. Unless a different time limit is specified in the court's judgment, the defendant shall schedule the assessment within 30 days from the date of the judgment. Any agency performing assessments shall give written notification of its intention to do so to the area mental health authority in the catchment area in which it is located and to the Department of Human Resources. The Secretary of the Department of Human Resources may adopt rules to implement the provisions of this subsection, and these rules may include provisions to allow defendant to obtain assessments and treatment from agencies not located in North Carolina. The assessing agency shall give the client a standardized test capable of providing uniform research data, including, but not limited to, demographic information, defendant history, assessment results and recommended interventions, approved by the Department of Human Resources to determine chemical dependency. A clinical interview concerning the general status of the defendant with respect to chemical dependency shall be conducted by the assessing agency before making any recommendation for further treatment. A recommendation made by the assessing agency shall be signed by a 'Certified Alcoholism, Drug Abuse or Substance Abuse Counselor', as defined by the Department of Human Resources.

If the assessing agency recommends that the defendant participate in a treatment program, the judge may require the defendant to do so, and he shall require the defendant to execute a Release of Information authorizing the treatment agency to report his progress to the court or the Department of Correction. The judge may order the defendant to participate in an appropriate treatment program at the time he is ordered to obtain an assessment, or he may order him to reappear in court when the assessment is completed to determine if a condition of probation requiring participation in treatment should be imposed. An order of the court shall not require the defendant to participate in any treatment program for more than 90 days unless a longer treatment program is recommended by the assessing agency and his alcohol concentration was .15 or greater as indicated by a chemical analysis taken when he was charged or this was a second or subsequent offense within five years. At the time of sentencing the judge shall require the defendant to pay one hundred twenty-five dollars (\$125.00). The payment of the fee of one hundred twenty-five dollars (\$125.00) shall be (i) fifty dollars (\$50.00) to the assessing agency and (ii) seventy-five dollars (\$75.00) to either a treatment facility or to an alcohol and drug education traffic school depending upon the recommendation made by the assessing agency. ~~G.S. 20-179(1) shall not apply to defendants sentenced under this section.~~ Fees received by the Area Mental Health, Mental Retardation, and Substance Abuse Authorities under this section shall be administered pursuant to G.S. 20-179.2(e), provided, however that the provisions of G.S. 20-179.2(c) shall not apply to monies received under this section. The operators of the local alcohol and drug education traffic school may change the length of time required to complete the school in accordance with administrative costs, provided, however that the length and the curriculum of the school shall be approved by the Commission for Mental Health, Mental Retardation and Substance Abuse Services and

in no event shall the school be less than five hours in length. If the defendant is treated by an area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00) fee. If an area mental health facility or its contractor is providing treatment or education services to a defendant pursuant to this subsection, the area facility or its contractor may require that the defendant pay the fees prescribed by law for the services before it certifies that the defendant has completed the recommended treatment or educational program. Any determinations with regard to the defendant's ability to pay the assessment fee shall be made by the judge.

In those cases in which no substance abuse handicap is identified, that finding shall be filed with the court and the defendant shall be required to attend an alcohol and drug education traffic school. When treatment is required, the treatment agency's progress reports shall be filed with the court or the Department of Correction at intervals of no greater than six months until the termination of probation or the treatment agency determines and reports that no further treatment is appropriate. If the defendant is required to participate in a treatment program and he completes the recommended treatment, he does not have to attend the alcohol and drug education traffic school. Upon the completion of the court-ordered assessment and court-ordered treatment or school, the assessing or treatment agency or school shall give the Division of Motor Vehicles the original of the certificate of completion, shall provide the defendant with a copy of that certificate, and shall retain a copy of the certificate on file for a period of five years. The Division of Motor Vehicles shall not reissue the ~~driver's~~ drivers license of a defendant ordered to obtain assessment, participate in a treatment program or school unless it has received the original certificate of completion from the assessing or treatment agency or school or a certificate of completion sent by the agency subsequent to a court order as hereinafter provided; provided, however that a defendant may be issued a limited driving privilege pursuant to G.S. 20-179.3. Unless the judge has waived the fee, no certificate shall be issued unless the agency or school has received the fifty dollar (\$50.00) fee and the seventy-five dollar (\$75.00) fee as appropriate. A defendant may within 90 days after an agency decision to decline to certify, by filing a motion in the criminal case, request that a judge presiding in the court in which he was convicted review the decision of an assessment or treatment agency to decline to certify that the defendant has completed the assessment or treatment. The agency whose decision is being reviewed shall be notified at least 10 days prior to any hearing to review its decision. If the judge determines that the defendant has obtained an assessment, has completed the treatment, or has made an effort to do so that is reasonable under the circumstances, as the case may be, the judge shall order that the agency send a certificate of completion to the Division of Motor Vehicles.

The Department of Human Resources may approve programs offered in another state if they are substantially similar to programs approved in this State, and if that state recognizes North Carolina programs for similar purposes. The defendant shall be responsible for the fees at the approved program."

Sec. 22. G.S. 20-218 reads as rewritten:

"§ 20-218. Standard qualifications for school bus drivers; speed limit.

(a) No person shall drive ~~or operate~~ a school bus over the public roads-highways or public vehicular areas of North Carolina while ~~the same~~ it is occupied by children unless ~~said the~~ person shall be fully trained in the operation of motor vehicles, and shall ~~furnish~~ furnishes to the superintendent of the schools of the county in which ~~said the~~ bus shall be operated a certificate from any representative duly designated by the Commissioner ~~of Motor Vehicles,~~ and from the chief mechanic-Director of Transportation or a designee of the Director in charge of school buses in ~~said the~~ county showing that ~~he the~~ person has been examined by them a representative duly designated by the Commissioner of Motor Vehicles, and said chief mechanic in charge of school buses in said county and that he is a fit and competent person to operate or drive a school bus over the public roads-highways and public vehicular areas of the State. The driver of a school bus ~~or school activity bus~~ must be at least 18 years of age and hold a Class 'A', 'B', or 'C' ~~commercial driver~~ A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus must meet the same qualifications as a school bus driver or must have a license appropriate for the class of vehicle being driven.

(b) It shall be unlawful for any person to operate or drive a school bus loaded with children over the public roads-highways or public vehicular areas of North Carolina at a greater rate of speed than 35 miles per hour, with the following exceptions:

- (1) For school activity buses which are painted a different color from regular school buses and which are being used for transportation of students or others to or from places for participation in events other than regular classroom work, it shall be unlawful to operate such a school activity bus at a greater rate of speed than 55 miles per hour.
- (2) For school buses or special buses with a capacity of 16 pupils or less that are used to transport students who are children with special needs, it shall be unlawful to operate the buses at a greater rate of speed than 45 miles per hour.
- (3) For private school buses that pick up children at a central point and deposit the children at a single school, without picking up children along the way, it shall be unlawful to operate the buses at a greater rate of speed than 45 miles per hour.

(c) Any person violating this section shall, upon conviction, be fined not more than fifty dollars (\$50.00) or imprisoned for not more than 30 days."

Sec. 22.1. G.S. 20-28.1(c) reads as rewritten:

~~"(c) Any person whose driving privilege has been suspended or revoked under this section for 12 months may apply for a license after 90 days; any person whose license has been suspended or revoked under this section for two years may apply for a license after 12 months; any person whose license has been suspended or revoked under this section permanently may apply for a license after three years. Upon the filing of such application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted within the suspension or revocation period of a motor vehicle offense, or a violation of the alcoholic beverages laws, or drug laws of North Carolina or any other state that occurred during the period~~

~~of suspension or revocation. The new license may be issued upon such terms and conditions which the Division may see fit to impose for the balance of the suspension or revocation period. When the suspension or revocation period is permanent, the terms and conditions imposed by the Division may not exceed three years. A person whose license has been revoked under this section for one year may apply for a license after 90 days. A person whose license has been revoked under this section for two years may apply for a license after 12 months. A person whose license has been revoked under this section permanently may apply for a license after three years. Upon the filing of an application, the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, or a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provision of the drug laws of this State or another state when any of these violations occurred during the revocation period. The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years."~~

Sec. 23. Section 8 of Chapter 672 of the 1991 Session Laws reads as rewritten:

"Sec. 8. This act becomes effective ~~July 1, 1991.~~ October 1, 1991."

Sec. 24. Section 23 of this act is effective upon ratification. The remainder of this act becomes effective October 1, 1991.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives