

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 90  
Second Edition Engrossed 3/5/91

Short Title: "Desert Storm" MV License Renewals.

(Public)

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Sponsors: Senators Pollard, Bryan; Allran, Barnes, Blackmon, Carpenter, Carter, Cochrane, Daniel, Daughtry, Forrester, Hartsell, Murphy, Plexico, Raynor, Shaw, Sherron, Simpson, and Tally.

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Referred to: Transportation.

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February 18, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR A NINETY-DAY PERIOD OF TIME FOR THE  
2 RENEWAL OF DRIVERS LICENSES, TO WAIVE THE CIVIL PENALTY FOR  
3 LAPSED LIABILITY INSURANCE, AND TO WAIVE THE SERVICE CHARGE  
4 FOR REREGISTRATION OF A VEHICLE OF MILITARY PERSONNEL  
5 DEPLOYED IN SUPPORT OF "OPERATION DESERT SHIELD" OR  
6 "OPERATION DESERT STORM."  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-7(f) reads as rewritten:

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

19 Any person serving in the armed forces of the United States on active duty and  
20 holding a valid driver's license properly issued under this section and stationed outside  
21 the State of North Carolina may renew his license by making application to the Division

1 by mail. Any other person, except a nonresident as defined in this Article, who holds a  
2 valid driver's license issued under this section and who is temporarily residing outside  
3 North Carolina, may also renew by making application to the Division by mail. For  
4 purposes of this section 'temporarily' shall mean not less than 30 days continuous  
5 absence from North Carolina. In either case, the Division may waive the examination  
6 and color photograph ordinarily required for the renewal of a driver's license, and may  
7 impose in lieu thereof such conditions as it may deem appropriate to each particular  
8 application; provided that such license shall expire 30 days after licensee returns to  
9 North Carolina, and such license shall be designated as temporary.

10 Any person serving in the armed forces of the United States on active duty and any  
11 member of the North Carolina National Guard or North Carolina Air National Guard on  
12 active duty who holds a drivers license issued pursuant to this section who was  
13 deployed outside the State in support of 'Operation Desert Shield,' or 'Operation Desert  
14 Storm' on or after August 6, 1990, shall have 90 days from the date of that person's  
15 return to the State to renew a drivers license that expired during the deployment. This  
16 period shall not exceed two years from the original scheduled expiration date of the  
17 drivers license. During this period the drivers license shall be valid for all purposes. In  
18 any proceedings in which the validity of the drivers license is at issue, a copy of the  
19 person's military orders specifying the deployment shall be sufficient evidence to prove  
20 the drivers license validity during the period.

21 Provided further, that no person who applies for the renewal of his driver's license  
22 shall be required to take a written examination or road test as a part of any such  
23 examination unless such person has been convicted of a traffic violation or had prayer  
24 for judgment continued with respect to any traffic violation within a four-year period  
25 immediately preceding the date of such person's renewal application or unless such  
26 person suffers from a mental or physical condition which impairs his ability to operate a  
27 motor vehicle.

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

- 32 (1) A written certificate or electronically-transmitted facsimile thereof  
33 from any insurance carrier duly authorized to do business in this State  
34 certifying that there is in effect a nonfleet private passenger motor  
35 vehicle liability policy for the benefit of the person required to furnish  
36 proof of financial responsibility. The certificate or facsimile shall state  
37 the effective date and expiration date of the nonfleet private passenger  
38 motor vehicle liability policy and shall state the date that the certificate  
39 or facsimile is issued. The certificate or facsimile shall remain  
40 effective proof of financial responsibility for a period of 30  
41 consecutive days following the date the certificate or facsimile is  
42 issued but shall not in and of itself constitute a binder or policy of  
43 insurance or

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

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

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

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

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

19           Sec. 2. G.S. 20-309(e) reads as rewritten:

20           "(e) Upon termination by cancellation or otherwise of an insurance policy  
21 provided in subsection (b) of this section, the insurer shall notify the Division of such  
22 termination. The Division, upon receiving notice of cancellation or termination of an  
23 owner's financial responsibility as required by this Article, shall notify such owner of  
24 such cancellation or termination, and such owner shall, to retain the registration plate  
25 for the vehicle registered or required to be registered, within 10 days from date of notice  
26 given by the Division either:

- 27           (1) Certify to the Division that he had financial responsibility effective on  
28           or prior to the date of such termination; or  
29           (2) In the case of a lapse in financial responsibility, pay a fifty dollar  
30           (\$50.00) civil penalty; and certify to the Division that he now has  
31           financial responsibility effective on the date of certification, that he did  
32           not operate the vehicle in question during the period of no financial  
33           responsibility with the knowledge that there was no financial  
34           responsibility, and that the vehicle in question was not involved in a  
35           motor vehicle accident during the period of no financial responsibility.

36           Failure of the owner to certify that he has financial responsibility as herein required  
37 shall be **prima facie** evidence that no financial responsibility exists with regard to the  
38 vehicle concerned and unless the owner's registration plate has on or prior to the date of  
39 termination of insurance been surrendered to the Division by surrender to an agent or  
40 representative of the Division designated by the Commissioner, or depositing the same  
41 in the United States mail, addressed to the Division of Motor Vehicles, Raleigh, North  
42 Carolina, the Division shall revoke the vehicle's registration for 30 days.

43           In no case shall any vehicle, the registration of which has been revoked for failure to  
44 have financial responsibility, be reregistered in the name of the registered owner,

1 spouse, or any child of the spouse, or any child of such owner within less than 30 days  
2 after the date of receipt of the registration plate by the Division of Motor Vehicles,  
3 except that a spouse living separate and apart from the registered owner may register  
4 such vehicle immediately in such spouse's name. Additionally, as a condition precedent  
5 to the reregistration of the vehicle by the registered owner, spouse, or any child of the  
6 spouse, or any child of such owner, except a spouse living separate and apart from the  
7 registered owner, the payment of a restoration fee of fifty dollars (\$50.00) and the  
8 appropriate fee for a new registration plate is required. Any person, firm or corporation  
9 failing to give notice of termination shall be subject to a civil penalty of two hundred  
10 dollars (\$200.00) to be assessed by the Commissioner of Insurance upon a finding by  
11 the Commissioner of Insurance that good cause is not shown for such failure to give  
12 notice of termination to the Division.

13 Any person serving in the armed forces of the United States on active duty and any  
14 member of the North Carolina National Guard or North Carolina Air National Guard on  
15 active duty who was deployed outside the State in support of 'Operation Desert Shield'  
16 or 'Operation Desert Storm' shall be exempt from the civil penalty and restoration fee  
17 provided by this section, if the civil penalty or restoration fee arose during the  
18 deployment or within 90 days after that person's return to the State. This exemption is  
19 available only if the motor vehicle on which financial responsibility lapsed was in  
20 storage during the deployment, and at no time was operated on any State Highway. In  
21 any proceeding to determine if the civil penalty or restoration fee should apply, a copy  
22 of the person's military orders specifying the deployment and a written affidavit stating  
23 that the vehicle was in storage shall be sufficient evidence of qualification for the  
24 exemption."

25 Sec 3. This act is effective upon ratification.