

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1799*
Judiciary I (Civil) Committee Substitute Adopted 5/29/08
Finance Committee Substitute Adopted 7/2/08

Short Title: DMV Record Checks and License Changes.

(Public)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE TO THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION THE CRIMINAL HISTORY OF APPLICANTS AND EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; TO AUTHORIZE THE USE OF BLACK-AND-WHITE PHOTOGRAPHS OF LICENSE HOLDERS ON DRIVERS LICENSES; AND TO AUTHORIZE ALTERNATE MAIL DELIVERY OF DRIVERS LICENSES FOR APPLICANTS WHO ARE INELIGIBLE FOR RESIDENTIAL POSTAL SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-19.24. Criminal record checks of applicants and of current employees who are involved in the manufacture or production of drivers licenses and identification cards.

(a) The Department of Justice may, upon request, provide to the Department of Transportation, Division of Motor Vehicles, the criminal history from the State and National Repositories of Criminal Histories of the following individuals if the individual (i) is or will be involved in the manufacture or production of drivers licenses and identification cards, or (ii) has or will have the ability to affect the identity information that appears on drivers licenses or identification cards:

- (1) An applicant for employment.
- (2) A current employee.
- (3) A contractual employee or applicant.
- (4) An employee of a contractor.

(b) Along with the request, the Division of Motor Vehicles shall provide the following to the Department of Justice:

- 1 (1) The fingerprints of the person who is the subject of the record check.
2 (2) A form signed by the person who is the subject of the record check
3 consenting to:
4 a. The criminal record check.
5 b. The use of fingerprints.
6 c. Any other identifying information required by the State and
7 National Repositories.
8 d. Any additional information required by the Department of
9 Justice.

10 (c) The fingerprints shall be forwarded to the State Bureau of Investigation for a
11 search of the State's criminal history record file, and the State Bureau of Investigation
12 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
13 criminal history record check.

14 (d) The Division of Motor Vehicles shall keep all information obtained pursuant
15 to this section confidential.

16 (e) The Department of Justice may charge a fee to offset the cost incurred by it to
17 conduct a criminal record check under this section. The fee shall not exceed the actual
18 cost of locating, editing, researching, and retrieving the information."

19 **SECTION 2.** G.S. 20-7(f)(5) reads as rewritten:

20 "(5) **(Effective July 1, 2008)** License to be sent by mail. – The Division
21 shall issue to the applicant a temporary driving certificate valid for 20
22 days, unless the applicant is applying for renewal by mail under
23 subdivision (4) of this subsection. The temporary driving certificate
24 shall be valid for driving purposes only and shall not be valid for
25 identification purposes. The Division shall produce the applicant's
26 drivers license at a central location and send it to the applicant by
27 first-class mail at the residence address provided by the
28 ~~applicant~~ applicant, unless the applicant is ineligible for mail delivery
29 by the United States Postal Service at the applicant's residence. If the
30 United States Postal Service documents that it does not deliver to the
31 residential address provided by the applicant, and the Division has
32 verified the applicant's residential address by other means, the Division
33 may mail the drivers license to the post office box provided by the
34 applicant. Applicants whose only mailing address prior to July 1,
35 2008, was a post office box in this State may continue to receive their
36 license at that post office box, provided the applicant's residential
37 address has been verified by the Division."

38 **SECTION 3.** G.S. 20-7(n) reads as rewritten:

39 "(n) **Format.** – A drivers license issued by the Division must be tamperproof and
40 must contain all of the following information:

- 41 (1) An identification of this State as the issuer of the license.
42 (2) The license holder's full name.
43 (3) The license holder's residence address.
44 (4) A ~~color~~ photograph of the license holder, taken by the Division.

- 1 (5) A physical description of the license holder, including sex, height, eye
2 color, and hair color.
- 3 (6) The license holder's date of birth.
- 4 (7) An identifying number for the license holder assigned by the Division.
5 The identifying number may not be the license holder's social security
6 number.
- 7 (8) Each class of motor vehicle the license holder is authorized to drive
8 and any endorsements or restrictions that apply.
- 9 (9) The license holder's signature.
- 10 (10) The date the license was issued and the date the license expires.

11 ~~The Commissioner may waive the requirement of a color photograph on a license if~~
12 ~~the license holder proves to the satisfaction of the Commissioner that taking the~~
13 ~~photograph would violate the license holder's religious convictions.~~ In taking
14 photographs of license holders, the Division must distinguish between license holders
15 who are less than 21 years old and license holders who are at least 21 years old by using
16 different color backgrounds or borders for each group. The Division shall determine the
17 different colors to be used.

18 At the request of an applicant for a drivers license, a license issued to the applicant
19 must contain the applicant's race."

20 **SECTION 4.** This act is effective when it becomes law.