# GENERAL ASSEMBLY OF NORTH CAROLINA 

SESSION 1991
H

HOUSE BILL 581*

Short Title: Five-year Drivers License Renewal.
Sponsors: Representatives Sam Hunt; Albertson, Barbee, Beall, Beard, Buchanan, N.J. Crawford, Culp, DeVane, Gardner, Gottovi, Hensley, Hurley, Jeffus, Kahl, Lilley, Loflin, Luebke, McLawhorn, Mercer, Privette, Redwine, Rogers, Russell, Smith, Warner, and Woodard.

Referred to: Transportation.

April 3, 1991

## AN ACT TO CHANGE THE GENERAL DRIVERS LICENSE RENEWAL CYCLE FROM FOUR YEARS TO FIVE YEARS AND TO MAKE UNIFORM THE REQUIREMENTS FOR OBTAINING A DRIVERS LICENSE. <br> The General Assembly of North Carolina enacts: <br> Section 1. G.S. 20-7 reads as rewritten: <br> "§ 20-7. Drivers' licenses; expiration; examination; fees.-Issuance and renewal of drivers license. <br> (a) Requirement. - 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 licensed by the Division under the provisions of this Article or Article 2C for the class of vehicle being driven. Driver-Drivers licenses shall be classified under this Article as follows:(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 motorcycles.
(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 motorcycles.
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 license does not entitle the licensee to drive a motorcycle.
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.

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.
(a1) Motorcycles and Mopeds. -No operator's or chauffeur's license isstued on or after October 1, 1979, shall-A drivers license does not 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 drivers license.
(b) Form. - Every application for a driver's-drivers license shall be made upon the approved form furnished by the Division.
(c) Issuance. - No person shall hereafter be issued a driver's-drivers 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 may include road tests, oral and in the case of literate applicants written tests, and tests of vision, 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) Insurance. - In addition to the other requirements of this section, no person shall be issued a driver's-drivers license until such person has furnished 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 instrance or-insurance.
(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) Tests When License Renewed. - 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-The Division shall renew the drivers licenses of those persons found, as a result of stuch examination or reexamination, to be capable of safely operating motor vehicles over the highways of the State shall be reissued drivers' licenses; and-and shall not renew the drivers licenses of those persons found to be incapable of safely operating motor vehicles over the highways of the state shall not be reissted drivers' licenses. State. The examination required by this subsection may include steh-road tests, vision tests, oral and-tests, 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-applicants, written tests, as determined by the Division. The tests shall ensure 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.

The Division may not require an applicant for renewal whose license has not expired to take a written examination or a road test unless one or more of the following applies:
(1) The applicant has been convicted of a traffic violation or had prayer for judgment continued with respect to a traffic violation since the applicant's license was last issued or renewed.
(2) The applicant suffers from a mental or physical condition that impairs the applicant's ability to operate a motor vehicle.
(e) Restrictions. - The Division is hereby authorized to grant unlimited licenses or licenses containing such limitations as it may deem advisable. Such limitation or limitations shall be noted on the face of the license, and it shall be unlawful for the holder of a 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 equivalent of operating a motor vehicle without a driver's-drivers 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, to any person deemed to be incapable of operating a motor vehicle with safety to himself and to the public: Provided, that nothing herein shall prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section.
(f) Expiration and Renewal. -The drivers' licenses issued under this section shall attomatically expire on the birthday of the licensee in the fourth year following the year of isstance; 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, 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. An initial drivers license issued by the Division expires on the licensee's birthday in the fourth or subsequent year after the license is issued in which the $\underline{\text { licensee's age is evenly divisible by five, unless the person to whom the license is issued }}$ is 17 years old or is at least 62 years old. An initial drivers license issued to a person who is 17 years old expires on the person's twentieth birthday. An initial drivers license issued to a person who is 62 years old or older expires on the licensee's birthday in the fifth year after the license is issued.

A drivers license renewed by the Division expires five years after the expiration date of the license being renewed, unless the person to whom the license is issued is 17 years old or is at least 62 years old. A renewed drivers license issued to a person who is 17 years old expires on the person's twentieth birthday. A renewed drivers license issued to a person who is 62 years old or older expires on the licensee's birthday in the fifth year after the license is issued.

A licensee may apply to renew a drivers license during the 60-day period before the date the license expires. The Division may not accept an application for renewal made before the 60-day period begins.

Subsection (d) governs the examination of an applicant for renewal of a drivers license. An applicant for renewal of a drivers license who must take a written examination under subsection (d) must provide the financial information required by subsection (c1).

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 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 contimed 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 license and who must take the written examination pursuant to this section shall be issued a renewed license unless such person has furnished proof that he is financially responsible. Proof of financial responsibility shall be in one of the following forms:
(1) A written certificate or electrenically 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 tiability instrance under which the applicant is insured, provided that the binder or poliey 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 'nomfleet private passenger motor vehiele' has the definition aseribed 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 respensibility in any other manner authorized by Articles $9 A$ and 13 of this Chapter.
(g) Repealed by Session Laws 1979, c. 667, s. 6.
(h) Repealed by Session Laws 1979, c. 113, s. 1.
(i) Fee. - The fee for issuance or reisstance-renewal of a Class ' C ' license is ten dollars $(\$ 10.00)$. The fee for isstance or reisstance of a Class ' $B$ ' or Class ' A ' license is fifteen dellars $(\$ 15.00)$.-drivers license is the amount set in the following table multiplied by the number of years in the period for which the license is issued or renewed:

| Class of License | $\underline{\text { Fee Per Year }}$ |
| :---: | :---: |
| Class A <br> Class B <br> Class C | $\underline{\$ 3.75}$ |
| $\underline{3.75}$ |  |

A person receiving at the same time a driver's-drivers license and an endorsement purstant to G.S. 20-7(a1) a motorcycle endorsement under subsection (a1) shall be charged only the fee required for the class of driver's-drivers license he is receiving. received.
(i1) Restoration Fee. - Any person whose driver's-drivers license or other privilege to operate a motor vehicle in this State has been suspended, canceled or 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-drivers license or privilege; such 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) Highway Fund.- 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.
(1) Learner's Permit. - Any person who except for lack of instruction in operating a motor vehicle would be qualified to obtain an operator's -a drivers 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).
(1-1) Drivers Ed Permit. - 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-drivers 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) Instruction Permit. - 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-drivers 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.
(n) Format. - 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'-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-drivers 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.
(o) Violation. - 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-drivers license if he produces in court at the time of his trial upon such charge an expired driver's-drivers license and a renewed driver's-drivers 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. 2. G.S. $20-9(\mathrm{~g})(1)$ reads as rewritten:
"(1) The Division may issue a license to any person who is afflicted with or suffering from a physical or mental disability set out in subsection (e) of this section who is otherwise qualified to obtain a license, provided such person submits to the Division a certificate in the form prescribed in subdivision (2). Unless sooner revoked, suspended or canceled, such ticense Until a license issued under this subdivision expires or is revoked, the license continues in force as long as the licensee presents to the Division one year from the date of issuance of such license and at yearly intervals thereafter a certificate in the form prescribed in subdivision (2), provided the Commissioner may require the submission of such certificate at six menths-six-month intervals where in his opinion public safety demands. In no event shall a license issued purstant to this section be valid beyond the birthday of the licensee in the fourth year following the year of isstance, at which time the license is subject to renewal."
Sec. 3. G.S. 20-37.7(d) reads as rewritten:
"(d) A An initial special identification card issued under this section shall expire on the birth date of the holder in the fourth year of issuance. expires on the holder's birthday in the third or subsequent year after the card is issued in which the holder's age is evenly divisible by five. A special identification card renewed under this section expires five years after the expiration date of the card being renewed. The fee for the issuance or reisstance-renewal of a special identification card shall be five dollars ( $\$ 5.00$ ) which shall be placed in the Highway Fund; provided that a-is one dollar and twenty-five cents (\$1.25) for each year of the period for which the card is issued or renewed. A special identification card may be issued without fee to a resident of North Carolina who is legally blind or has attained the age of 70 years; provided further that the-years. The fees collected under this section shall be credited to the Highway Fund. The fees collected for the issuance of special identification cards to persons under the age of 16 shall be placed in a reserve fund to cover the cost of the operation of the program required by this Article."

Sec. 4. G.S. 20-37.16(d) reads as rewritten:
"(d) The fee for issuance or renewal of a Class A, B, or C commercial driver drivers license is forty dollars (\$40.00)-ten dollars (\$10.00) for each year of the period for which the license is issued or renewed. Any person applying for a special endorsement or renewal of an endorsement under subsection (c) of this section shall pay an additional five dollars ( $\$ 5.00$ ) one dollar and twenty-five cents (\$1.25) a year for each endorsement. The fee required under this section shall be waived for persons who drive a school bus or school activity bus."

Sec. 5. This act becomes effective October 1, 1993. A drivers license or a special identification card issued by the Division of Motor Vehicles before October 1, 1993, and renewed by the Division after that date shall be considered an initial drivers license or an initial special identification card for purposes of determining when the license or card expires.

