#### **SESSION 1991**

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#### HOUSE BILL 581\*

Short Title: Five-year Drivers License Renewal.

(Public)

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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

1	A BILL TO BE ENTITLED
2	AN ACT TO CHANGE THE GENERAL DRIVERS LICENSE RENEWAL CYCLE
3	FROM FOUR YEARS TO FIVE YEARS AND TO MAKE UNIFORM THE
4	REQUIREMENTS FOR OBTAINING A DRIVERS LICENSE.
5	The General Assembly of North Carolina enacts:
6	Section 1. G.S. 20-7 reads as rewritten:
7	"§ 20-7. Drivers' licenses; expiration; examination; fees. Issuance and renewal of
8	drivers license.
9	(a) <u>Requirement.</u> – Except as otherwise provided in this Chapter, no person shall
10	operate a motor vehicle on a highway unless such person is a resident of this State and
11	has first been licensed by the Division under the provisions of this Article or Article 2C
12	for the class of vehicle being driven. Driver-Drivers licenses shall be classified under
13	this Article as follows:
14	(1) Class 'A' which entitles a licensee to drive any vehicle or combination
15	of vehicles with a gross vehicle weight rating (GVWR) of 26,001
16	pounds or more, provided the GVWR of the vehicle or vehicle being
17	towed are in excess of 10,000 pounds and are exempt from Article 2C
18	of this Chapter. A Class A license entitles the licensee to operate
19	Class B and C vehicles except motorcycles.
20	(2) Class 'B' which entitles a licensee to drive a single vehicle with a
21	GVWR of 26,001 pounds or more, or any such vehicle towing a single

1		which not in average of 10,000 normals provided the toward which is
1		vehicle not in excess of 10,000 pounds provided the towed vehicle is
2 3		exempt from Article 2C of this Chapter. A Class B license entitles the
3 4	(2)	licensee to operate Class C vehicles except motorcycles. Class 'C' which entitles a licensee to drive a single vehicle with a
4 5	(3)	GVWR of less than 26,001 pounds or any such vehicle towing another
5 6		vehicle with a GVWR not in excess of 10,000 pounds, both of which
0 7		are exempt from Article 2C. A Class C license does not entitle the
8		licensee to drive a motorcycle.
9	Any unusual	vehicle shall be assigned by the Commissioner to the most appropriate
10	•	subsection or Article 2C with suitable special restrictions if they appear
11	to be necessary.	subsection of Anticle 2C with subtrole special restrictions if they appear
12	•	who takes up residence in this State on a permanent basis is exempt
13	• •	ions of this subsection for 30 days from the date that residence is
14	-	is properly licensed in the jurisdiction of which he is a former resident.
15		cycles and Mopeds. <u>No operator's or chauffeur's license issued on or after</u>
16		shall <u>A drivers license does not</u> authorize the licensee to operate a
17		ss the license has been appropriately endorsed by the Division to
18		ie licensee has passed special road and written (or oral) tests
19		ompetence to operate a motorcycle. Any person licensed prior to
20	•	who has operated a motorcycle for at least two years prior to that date,
21	•	from the provisions of this subsection upon filing with the Division of
22	-	an affidavit attesting to said two years' experience. Nothing contained
23		on shall be construed to require a moped operator to have a driver's
24	drivers license.	
25		<u>– Every application for a <del>driver's</del> drivers</u> license shall be made upon the
26		urnished by the Division.
27		<u>ce. – No person shall hereafter be issued a driver's-drivers license until</u>
28	it is determined	that such person is physically and mentally capable of safely operating
29	motor vehicles (o	of the type or class for which the person applied to be licensed) over the
30	highways of the	e State. In determining whether or not a person is physically and
31	mentally capable	e of safely operating motor vehicles over the highways of the State, the
32	Division shall	require such person to demonstrate his capability by passing an
33	examination, wh	ich may include road tests, oral and in the case of literate applicants
34	written tests, and	tests of vision, as the Division may require. The Commissioner may
35		s that allow employees of governmental agencies or private businesses
36		er's-drivers license without taking a road test if the conditions specified
37		s are complied with. Provided, however, that persons 60 years of age and
38		examined as herein provided, shall not be required to parallel park a motor
39	-	any such examination.
40		<u>nce.</u> In addition to the other requirements of this section, no person
41		driver's drivers license until such person has furnished proof that he is
42	• •	nsible. Proof of financial responsibility shall be in one of the following
43	forms:	

	1991     GENERAL ASSEMBLY OF NORTH CAROLINA
1	(1) A written certificate or electronically-transmitted facsimile thereof
2	from any insurance carrier duly authorized to do business in this State
3	certifying that there is in effect a nonfleet private passenger motor
4	vehicle liability policy for the benefit of the person required to furnish
5	proof of financial responsibility. The certificate or facsimile shall state
6 7	the effective date and expiration date of the nonfleet private passenger
7 8	motor vehicle liability policy and shall state the date that the certificate or facsimile is issued. The certificate or facsimile shall remain
8 9	effective proof of financial responsibility for a period of 30
10	consecutive days following the date the certificate or facsimile is
11	issued but shall not in and of itself constitute a binder or policy of
12	insurance or insurance.
13	(2) A binder for or policy of nonfleet private passenger motor vehicle
14	liability insurance under which the applicant is insured, provided that
15	the binder or policy states the effective date and expiration date of the
16	nonfleet private passenger motor vehicle liability policy.
17	The preceding provisions of this subsection do not apply to applicants who do not
18	own currently registered motor vehicles and who do not operate nonfleet private
19 20	passenger motor vehicles that are owned by other persons and that are not insured under
20 21	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
21	Division and may be incorporated into the license application form. Any material
22	misrepresentation made by such person on such certificate shall be grounds for
24	suspension of that person's license for a period of 90 days.
25	For the purpose of this subsection, the term 'nonfleet private passenger motor
26	vehicle' has the definition ascribed to it in Article 40 of General Statute Chapter 58.
27	The Commissioner may require that certificates required by this subsection be on a
28	form approved by the Commissioner.
29	Nothing in this subsection precludes any person from showing proof of financial
30	responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.
31 32	(d) <u>Tests When License Renewed.</u> — The Division shall cause each person who
33	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
34	capable of safely operating motor vehicles over the highways of the State. Those The
35	Division shall renew the drivers licenses of those persons found, as a result of such
36	examination or reexamination, to be capable of safely operating motor vehicles over the
37	highways of the State shall be reissued drivers' licenses; and and shall not renew the
38	drivers licenses of those persons found to be incapable of safely operating motor
39	vehicles over the highways of the State shall not be reissued drivers' licenses. State. The
40	examination required by this subsection may include such-road tests, vision tests, oral
41	and tests, and, in the case of literate applicants written tests, and tests of vision, as the
42	Division may require and shall include such test as is necessary to assure applicants, written
43 44	tests, as determined by the Division. The tests shall ensure that applicants recognize the 'international symbol of access' for the handicapped (sign B7.8. Manual on Uniform
44	'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 1 2 Article 2A of this Chapter. Provided, however, that persons 60 years of age and over, when 3 being examined as herein provided, shall not be required to parallel park a motor vehicle as part 4 of any such examination. 5 The Division may not require an applicant for renewal whose license has not expired 6 to take a written examination or a road test unless one or more of the following applies: The applicant has been convicted of a traffic violation or had prayer 7 (1)for judgment continued with respect to a traffic violation since the 8 applicant's license was last issued or renewed. 9 The applicant suffers from a mental or physical condition that impairs 10 (2)the applicant's ability to operate a motor vehicle. 11 12 Restrictions. - The Division is hereby authorized to grant unlimited licenses (e) or licenses containing such limitations as it may deem advisable. Such limitation or 13 limitations shall be noted on the face of the license, and it shall be unlawful for the 14 15 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 16 17 by a person holding a license with such limitations shall be the equivalent of operating a 18 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 19 20 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. 21 22 This certificate shall in all cases be treated as confidential. Nothing in this subsection 23 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 24 safety to himself and to the public: Provided, that nothing herein shall prohibit deaf 25 26 persons from operating motor vehicles who in every other way meet the requirements of 27 this section. 28 Expiration and Renewal. - The drivers' licenses issued under this section shall (f)29 automatically expire on the birthday of the licensee in the fourth year following the year 30 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. 31 32 Any operator may at any time within 60 days prior to the expiration of his license apply 33 for a new license and if the applicant meets the requirements of this Article, the 34 Division shall issue a new license to him. A new license issued within 60 days prior to 35 the expiration of an applicant's old license or within 12 months thereafter shall 36 automatically expire four years from the date of the expiration of the applicant's old 37 license. An initial drivers license issued by the Division expires on the licensee's 38 birthday in the fourth or subsequent year after the license is issued in which the 39 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 40 41 who is 17 years old expires on the person's twentieth birthday. An initial drivers license 42 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. 43

1	A drivers license renewed by the Division expires five years after the expiration date
2	of the license being renewed, unless the person to whom the license is issued is 17 years
3	old or is at least 62 years old. A renewed drivers license issued to a person who is 17
4	years old expires on the person's twentieth birthday. A renewed drivers license issued
5	to a person who is 62 years old or older expires on the licensee's birthday in the fifth
6	year after the license is issued.
7	A licensee may apply to renew a drivers license during the 60-day period before the
8	date the license expires. The Division may not accept an application for renewal made
9	before the 60-day period begins.
10	Subsection (d) governs the examination of an applicant for renewal of a drivers
11	license. An applicant for renewal of a drivers license who must take a written
12	examination under subsection (d) must provide the financial information required by
13	subsection (c1).
14	Any person serving in the armed forces of the United States on active duty and
15	holding a valid driver's-drivers license properly issued under this section and stationed
16	outside the State of North Carolina may renew his license by making application to the
17	Division by mail. Any other person, except a nonresident as defined in this Article, who
18	holds a valid driver's drivers license issued under this section and who is temporarily
19	residing outside North Carolina, may also renew by making application to the Division
20	by mail. For purposes of this section 'temporarily' shall mean not less than 30 days
21	continuous absence from North Carolina. In either case, the Division may waive the
22	examination and color photograph ordinarily required for the renewal of a driver's
23	drivers license, and may impose in lieu thereof such conditions as it may deem
24	appropriate to each particular application; provided that such license shall expire 30
25	days after the licensee returns to North Carolina, and such license shall be designated as
26	temporary.
27	Provided further, that no person who applies for the renewal of his driver's license
28	shall be required to take a written examination or road test as a part of any such
29	examination unless such person has been convicted of a traffic violation or had prayer
30	for judgment continued with respect to any traffic violation within a four-year period
31	immediately preceding the date of such person's renewal application or unless such
32	person suffers from a mental or physical condition which impairs his ability to operate a
33	motor vehicle.
34	Provided further, that no person who applies for the renewal of his driver's license
35	and who must take the written examination pursuant to this section shall be issued a
36	renewed license unless such person has furnished proof that he is financially
37	responsible. Proof of financial responsibility shall be in one of the following forms:
38	(1) A written certificate or electronically-transmitted facsimile thereof
39	from any insurance carrier duly authorized to do business in this State
40	certifying that there is in effect a nonfleet private passenger motor
41	vehicle liability policy for the benefit of the person required to furnish
42	proof of financial responsibility. The certificate or facsimile shall state
43	the effective date and expiration date of the nonfleet private passenger
44	motor vehicle liability policy and shall state the date that the certificate

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1				or facsimile shall remain
2				lity for a period of 30
3		•	•	certificate or facsimile is
4		issued but shall not in	and of itself const	titute a binder or policy of
5		insurance or		
6	<del>(2)</del>			e passenger motor vehicle
7		•		nt is insured, provided that
8		1 7		e and expiration date of the
9		nonfleet private passeng		
10	*		• • • • • • •	y to applicants who do not
11	•			ot operate nonfleet private
12			• •	d that are not insured under
13		•	*	ch cases, the applicant shall
14	•			shall be furnished by the
15		• •		ation form. Any material
16				cate shall be grounds for
17	-	at person's license for a p	÷	
18				et private passenger motor
19		lefinition ascribed to it in		*
20		· ·	certificates required	l by this subsection be on a
21	**	y the Commissioner.	0	1
22				showing proof of financial
23	· ·	any other manner author	2	and 13 of this Chapter.
24		led by Session Laws 197		
25	• • •	led by Session Laws 197		
26				of a Class 'C' license is ten
27				ss 'B' or Class 'A' license is
28				set in the following table
29		ie number of years in t	he period for whi	ch the license is issued or
30	renewed:	ст :		
31	<u>Cla</u>	ass of License		Fee Per Year
32		<u>Class A</u>		<u>\$3.75</u>
33		<u>Class B</u>		3.75
34		<u>Class C</u>	1 1 .	2.50
35	-	-		license and an endorsement
36	pursuant to G.S. 2	· · · ·		er subsection (a1) shall be
37		e fee required for the c	lass of driver's-driv	vers license he is receiving.
38	received.		1	
39		• •		ers license or other privilege
40	-		-	nded, canceled or revoked
41	-	-	-	G.S. $20-17(2)$ , shall pay a
42		-	ý <b>–</b>	hose driver's drivers license
43				bration fee of fifty dollars
44	(\$50.00) until th	e end of the fiscal year	in which the cum	alative total amount of fees

deposited under this subsection in the General Fund exceeds five million dollars 1 2 (\$5,000,000), and shall pay a restoration fee of twenty-five dollars (\$25.00) thereafter. 3 The fee shall be paid to the Division prior to the issuance to such person of a new 4 <del>driver's</del>-drivers license or the restoration of such <del>driver's</del>-drivers license or privilege; such 5 restoration fee shall be paid to the Division in addition to any and all fees which may be 6 provided by law. This restoration fee shall not be required from any licensee whose 7 license was suspended, canceled, revoked or voluntarily surrendered for medical or 8 health reasons whether or not a medical evaluation was conducted pursuant to this 9 Chapter. The twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) 10 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 11 12 General Fund of the State. The Office of State Budget and Management shall certify to 13 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 14 15 dollars (\$5,000,000), and shall annually report to the General Assembly the amount of 16 fees deposited in the General Fund under this subsection. 17 It is the intent of the General Assembly to annually appropriate the funds deposited 18 in the General Fund under this subsection to the Board of Governors of The University 19 of North Carolina to be used for the Center for Alcohol Studies Endowment at The 20 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of 21 five million dollars (\$5,000,000).

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

24 (k) Any person operating a motor vehicle in violation of this section shall be 25 guilty of a misdemeanor and upon conviction shall be punished as provided in this 26 section.

27 Learner's Permit. - Any person who except for lack of instruction in (1)operating a motor vehicle would be qualified to obtain an operator's a drivers license 28 under this Article may apply for a temporary learner's permit, and the Division shall 29 30 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 31 period of 18 months. The fee for issuance of a temporary learner's permit shall be five 32 dollars (\$5.00). Any such learner's permit may be renewed, or a second learner's permit 33 34 may be issued, for an additional period of 18 months. The permittee must, while 35 operating a motor vehicle over the highways, be accompanied by a person who is 36 licensed to operate the class or type of vehicle being operated and who is seated in the 37 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) <u>Drivers Ed Permit. –</u> 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 <u>driver's-drivers</u> 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 1 2 motor vehicle subject to the restrictions imposed by the Division. The restrictions 3 which the Division may impose on such permits include but are not limited to 4 restrictions to designated areas and highways and restrictions prohibiting operation 5 except when an approved instructor is occupying a seat beside the permittee.

6 (m) Instruction Permit. - The Division upon receiving proper application may in 7 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 8 9 State Superintendent of Public Instruction even though the applicant has not yet reached 10 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 11 12 specified type or class of motor vehicle subject to the restrictions imposed by the 13 Division. The restrictions which the Division may impose on such permits include but 14 are not limited to restrictions to designated areas and highways and restrictions 15 prohibiting operation except when an approved instructor is occupying a seat beside the 16 permittee.

17 (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 18 19 licensee of a size approved by the Commissioner and shall contain the name, age, 20 residence address and a brief description of the licensee, who, for the purpose of 21 identification and as a condition precedent to the validity of the license, immediately 22 upon receipt thereof, shall endorse his or her regular signature in ink upon the same in 23 the space provided for that purpose unless a facsimile of his or her signature appears 24 thereon; provided the requirement that a color photograph of the licensee appear on the 25 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 26 27 licenses shall be issued with differing color photographic backgrounds according to the licensee's age at time of issuance for the following age groups: 28

29 30 (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 31 32 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 33 34 convicted if he produces in court a driver's drivers license issued to him which was valid 35 at the time of his arrest for the type or class of vehicle he was operating at the time of 36 his arrest.

37 Violation. – Any person convicted of violating any provision of this section (0)38 shall be guilty of a misdemeanor and punished in the discretion of the court: Provided, 39 that no person shall be convicted of operating a motor vehicle without a driver's drivers 40 license if he produces in court at the time of his trial upon such charge an expired 41 driver's-drivers license and a renewed driver's-drivers license issued to him within 30 42 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." 43 44

Sec. 2. G.S. 20-9(g)(1) reads as rewritten:

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	"(1) The Division may issue a license to any person who is afflicted with or suffering from <u>a physical</u> 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 license–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 months six-month intervals where
,	in his opinion public safety demands. In no event shall a license issued
	pursuant to this section be valid beyond the birthday of the licensee in the fourth year following the year of issuance, at which time the license is
	subject to renewal."
	Sec. 3. G.S. 20-37.7(d) reads as rewritten:
,	"(d) <u>A-An initial special identification card issued under this section shall expire on</u>
	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
	reissuance-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 and may be issued without fee to a regident of North Caroline who is
	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 <u>of an endorsement</u> 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
,	neense of an initial special identification card for purposes of determining when the