

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 1074

Short Title: Drivers License Compact.

(Public)

Sponsors: Senator Lee.

Referred to: Judiciary I.

May 6, 1993

A BILL TO BE ENTITLED
AN ACT PROVIDING FOR NORTH CAROLINA TO JOIN THE DRIVERS
LICENSE COMPACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new
Article 1C to read as follows:

"ARTICLE 1C.
"DRIVERS LICENSE COMPACT.

"§ 20-4.21. Title of Article.

This Article may be cited as the Drivers License Compact.

**"§ 20-4.22. Commissioner may make reciprocity agreements, arrangements, or
declarations**

The Commissioner of Motor Vehicles shall have the authority to execute or make
agreements, arrangements, or declarations to carry out the provisions of this Article.

"§ 20-4.23. Legislative findings and policy.

(a) The General Assembly and the states that are party to the Compact find that:

(1) The safety of their streets and highways is materially affected by the
degree of compliance with state laws and local ordinances relating to
the operation of motor vehicles.

(2) The violation of such a law or ordinance is evidence that the violator
engages in conduct which is likely to endanger the safety of persons
and property.

1 (3) The continuance in force of a license to drive is predicated upon
2 compliance with laws and ordinances relating to the operation of
3 motor vehicles in whichever jurisdiction the vehicle is operated.

4 (b) It is the policy of the General Assembly and of each of the party states to:

5 (1) Promote compliance with the laws, ordinances, and administrative
6 rules and regulations relating to the operation of motor vehicles by
7 their operators in each of the jurisdictions where such operators drive
8 motor vehicles.

9 (2) Make the reciprocal recognition of licenses to drive and eligibility
10 therefor more just and equitable by considering the overall compliance
11 with motor vehicle laws, ordinances, and administrative rules and
12 regulations as a condition precedent to the continuance or issuance of
13 any license by reason of which the licensee is authorized to operate a
14 motor vehicle in any of the party states.

15 **"§ 20-4.24. Definitions. As used in this Article:**

16 (1) 'Conviction' means a conviction of any offense related to the use or
17 operation of a motor vehicle which is prohibited by state law,
18 municipal ordinance, or administrative regulation, or a forfeiture of
19 bail, bond, or other security deposited to secure appearance by a
20 person charged with having committed any of these offenses, and
21 which conviction or forfeiture is required to be reported to the
22 licensing authority.

23 (2) 'Home state' means the state which has issued and has the power to
24 suspend or revoke the use of the license or permit to operate a motor
25 vehicle.

26 (3) 'State' means a state, territory, or possession of the United States, the
27 District of Columbia, or the Commonwealth of Puerto Rico.

28 **"§ 20-4.25. Reciprocity in reporting convictions; information to be reported.**

29 (a) The licensing authority in the home state, for the purpose of suspension,
30 revocation, or limitation of the license to operate a motor vehicle, shall give the same
31 effect to the conduct reported pursuant to G.S. 20-4.25, as it would if the conduct had
32 occurred in the home state, in the case of convictions for:

33 (1) Manslaughter or negligent homicide resulting from the operation of a
34 motor vehicle.

35 (2) Driving a motor vehicle while under the influence of intoxicating
36 liquor or a narcotic drug, or under the influence of any other drug to a
37 degree which renders the driver incapable of safely driving a motor
38 vehicle.

39 (3) Any felony in the commission of which a motor vehicle is used.

40 (4) Failure to stop and render aid in the event of a motor vehicle accident
41 resulting in the death or personal injury of another.

42 (b) As to other convictions, reported pursuant to G.S. 20-4.25, the licensing
43 authority in the home state shall give such effect to conduct as is provided by the laws
44 of the home state.

1 (c) If the laws of a party state do not provide for offenses or violations
2 denominated or described in precisely the words employed in subsection (a) of this
3 section, such party state shall construe the denomination and description appearing in
4 subsection (a) of this section hereof as being applicable to and identifying those
5 offenses or violations of a substantially similar nature and the laws of such party state
6 shall contain such provisions as may be necessary to ensure that full force and effect is
7 given to this section.

8 **"§ 20-4.26. Review of license status in other states upon application for license in**
9 **party state.**

10 Upon application for a license to drive, the licensing authority in a party state shall
11 ascertain whether the applicant has ever held, or is the holder of, a license to drive
12 issued by any other party state. The licensing authority in the state where application is
13 made may not issue a license to drive to the applicant if:

- 14 (1) The applicant has held a license, but it has been suspended for a
15 violation and the suspension period has not terminated.
16 (2) The applicant has held a license, but it has been revoked for a
17 violation, and the revocation has not terminated, except that after the
18 expiration of one year from the date the license was revoked, the
19 person may make application for a new license if permitted by law.
20 The licensing authority may refuse to issue a license to any applicant
21 if, after investigation, the licensing authority determines that it will not
22 be safe to grant to such person the privilege of driving a motor vehicle
23 on the public highways.
24 (3) The applicant is the holder of a license to drive issued by another party
25 state and currently in force unless the applicant surrenders the license.

26 **"§ 20-4.27. Effect on other laws or agreements.**

27 Except as expressly required by provisions of this Article, nothing herein affects the
28 right of any party state to apply any of its other laws relating to licenses to drive to any
29 person or circumstance, nor to invalidate or prevent any driver license agreement or
30 other cooperative arrangement between a party state and a nonparty state.

31 **"§ 20-4.28. To the extent that this Article conflicts with general driver licensing**
32 **provisions, this Article prevails. Where this Article is silent, the general**
33 **driver licensing provisions apply.**

34 **"§ 20-4.29. Administration, exchange, or information.**

35 (a) The head of the licensing authority of each party state is the administrator of
36 this Compact for that state. The administrators, acting jointly, have the power to
37 formulate all necessary procedures for the exchange of information under this Compact.

38 (b) The administrator of each party state shall furnish to the administrator of each
39 other party state any information or documents reasonably necessary to facilitate the
40 administration of this Compact.

41 **"§ 20-4.30. Withdrawal from Compact.**

42 Any party state may withdraw from this Compact, but no withdrawal may take effect
43 until six months after the heads of all other party states have received notice.
44 Withdrawal shall not affect the validity or applicability by the licensing authorities of

1 states remaining party to the Compact of any report of conviction occurring prior to the
2 withdrawal.

3 **"§ 20-4.31. Construction and severability.**

4 This Compact shall be liberally construed as to effectuate the purposes thereof. The
5 provisions of this Compact shall be severable and if any phrase, clause, sentence, or
6 provisions of this Compact is declared to be contrary to the constitution of any party
7 state or of the United States or the applicability thereof to any government, agency,
8 person, or circumstance is held invalid, the validity of the remainder of this Compact
9 and the applicability thereof to any government, agency, person, or circumstance shall
10 not be affected thereby. If this Compact shall be held contrary to the constitution of any
11 state party thereto, the Compact shall remain in full force and effect as to the remaining
12 states and in full force and effect as to the state affected as to all severable matters."

13 Sec. 2. This act is effective upon ratification.