

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 248\*  
Committee Substitute Favorable 2/19/97

Short Title: Graduated Drivers Licenses.

(Public)

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Sponsors:

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Referred to:

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February 17, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-11 reads as rewritten:

5 **"§ 20-11. Application of minors.**

6 (a) The Division shall not grant the application of any minor between the ages of  
7 16 and 18 years for a ~~driver's~~drivers license or a learner's permit unless such application  
8 is signed both by the applicant and by the parent, guardian, husband, wife or employer of  
9 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer  
10 residing in this State, by some other responsible adult person. It shall be unlawful for any  
11 person to sign the application of a minor under the provisions of this section when such  
12 application misstates the age of the minor and any person knowingly violating this  
13 provision shall be guilty of a Class 2 misdemeanor.

14 The Division shall not grant the application of any minor between the ages of 16 and  
15 18 years for a ~~driver's~~drivers license unless such minor presents evidence of having  
16 satisfactorily completed the driver training and safety education courses offered at the  
17 public high schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a  
18 course of driving instruction offered at a licensed commercial driver training school or an  
19 approved nonpublic secondary school, provided instruction offered in such schools shall

1 be approved by the State Commissioner of Motor Vehicles and the State Superintendent  
2 of Public Instruction and all expenses for such instruction shall be paid by the persons  
3 enrolling in such courses and/or by the schools offering them. All approved driver  
4 training and safety education courses and courses of driving instruction shall include at  
5 least six hours of actual driving experience.

6 (b) The Division may issue a Level 1 limited learner's permit to a minor who is at  
7 least 15 years old ~~but is less than 16 years old~~ and who otherwise meets the requirements of  
8 this section. An application for a Level 1 limited learner's permit ~~must~~ shall be signed by  
9 both the applicant and the applicant's parent or guardian or some other responsible adult  
10 with whom the applicant resides and who is approved by the Division. A Level 1 limited  
11 learner's permit authorizes the permit holder to drive a specified type or class of motor  
12 vehicle under the conditions specified in subdivision (d)(1) of this section while in  
13 possession of the permit and accompanied by a parent, guardian, or other person  
14 approved by the Division who is licensed to operate the motor vehicle being driven and is  
15 seated beside the permit holder. A Level 1 limited learner's permit is valid for a period of  
16 18 months. The fee for a Level 1 limited learner's permit is ten dollars (\$10.00). In the  
17 event a minor who holds a Level 1 limited learner's permit drives a motor vehicle in  
18 violation of law, the permit shall be canceled.

19 A driver who holds a Level 1 limited learner's permit only shall not be deemed a  
20 licensed driver for the purpose of determining the inexperienced operator premium  
21 surcharge under automobile insurance policies.

22 (c) The Division may, upon satisfactory proof that a minor between the ages of 16  
23 and 18 years has become a resident of North Carolina and holds a valid unrestricted  
24 motor vehicle driver's drivers license from his prior state of ~~residence~~ but has not completed  
25 a course in driver education which meets the requirements of this State, grant to such residence:

- 26 (1) Issue to the minor a temporary driver's permit under such with any  
27 necessary terms and conditions as shall be deemed necessary by the  
28 Division to allow the minor to operate a motor vehicle of a specified  
29 type or class in this State in order to obtain the driver education courses  
30 or a course of driving instruction necessary for a drivers license in North  
31 Carolina. Carolina;
- 32 (2) Issue to the minor the graduated license appropriate to his age and  
33 experience as provided by this section; or
- 34 (3) Issue to the minor an unrestricted drivers license if the minor has  
35 possessed a valid unrestricted drivers license in his previous state of  
36 residence for the 12-month period immediately preceding the date of the  
37 application and has not been convicted of a traffic violation for which  
38 points may be assessed under this Article.

39 Every application for a temporary driver's permit shall be made upon the approved form  
40 furnished by the Division. A temporary driver's permit issued pursuant to this section  
41 shall be subject to all provisions of law relating to a ~~driver's~~ drivers license.

1       (d) Graduated Drivers Licenses. – Provisional licensees shall be issued the  
2 graduated provisional drivers licenses appropriate to their driving experience with the  
3 following experience-based restrictions:

4       (1) Level 1. – Limited learner's permit.

5       a. An applicant for this level provisional license shall have:

6           1. Passed a course of driver education prescribed in G.S. 20-  
7 88.1 or a course of driver instruction at a licensed  
8 commercial driver training school or an approved  
9 nonpublic secondary school;

10          2. Passed a written test administered by the Division; and

11          3. Obtained a limited learner's permit pursuant to subsection  
12 (b) of this section.

13       b. For the first six months, a Level 1 limited learner's permit allows  
14 only supervised driving between the hours of 5:00 a.m. and 9:00  
15 p.m.

16       c. The supervisor shall be a parent, guardian, or other person  
17 approved by the Division, who is a licensed driver, and who has  
18 been licensed to drive for at least five years. The supervisor shall  
19 be the only other occupant allowed in the front seat with the  
20 driver.

21       d. After the first six months of issuance, a holder of this level  
22 provisional license may drive under supervision at any time.

23       e. Every person occupying the vehicle being driven by the Level 1  
24 provisional licensee shall have a safety belt properly fastened  
25 about his or her body, or be restrained by a child passenger  
26 restraint system as provided in G.S. 20-137.1(a), when the  
27 vehicle is in motion.

28       (2) Level 2. – Limited provisional license.

29       a. An applicant for this level provisional license shall have:

30           1. Possessed a Level 1 provisional license for a period of not  
31 less than 12 months with no moving violations or seat belt  
32 infractions;

33           2. Passed a road test administered by the Division; and

34           3. Paid a fee of ten dollars (\$10.00).

35       b. A Level 2 provisional license allows unsupervised driving from  
36 5:00 a.m. to 9:00 p.m. and when going to and coming from work.

37       c. A Level 2 provisional licensee may drive under supervision at  
38 any time. The supervisor shall be a parent, guardian, or other  
39 person approved by the Division, who is a licensed driver, and  
40 who has been licensed to drive for at least five years.

41       d. When a Level 2 provisional licensee is driving under supervision,  
42 the supervisor shall be the occupant of the next occupied seat to

1                   the right of the driver, but need not be the only other occupant of  
2                   the front seat.

3           e.       Every person occupying the vehicle being driven by the Level 2  
4                   provisional licensee shall have a safety belt properly fastened  
5                   about his or her body, or be restrained by a child passenger  
6                   restraint system as provided in G.S. 20-137.1(a), when the  
7                   vehicle is in motion.

8           (3)   Level 3. – Full provisional license.

9           a.       An applicant for this level provisional license shall have:

10                   1.       Possessed a Level 2 provisional license for a period of not  
11                    less than six months with no moving violations or seat belt  
12                    infractions; and

13                   2.       Paid a fee of ten dollars (\$10.00).

14           b.       A Level 3 provisional licensee may drive unsupervised at any  
15                    time.

16           (e)     The provisional licenses shall bear a distinctive color photographic background  
17                   or border indicating the level of driving experience of the licensee.

18           (f)     After deducting the costs of administering the provisional license program  
19                   pursuant to this section, the Division shall transfer, quarterly, any balance of the funds  
20                   received as fees to the Highway Fund."

21           Section 2. This act becomes effective December 1, 1997, but shall not apply to  
22           any person who holds a valid North Carolina limited learner's permit issued before the  
23           effective date of this act, a valid North Carolina learner's permit issued before the  
24           effective date of this act, or who is a provisional licensee holding a valid North Carolina  
25           drivers license issued before the effective date of this act.