

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

1

SENATE BILL 636

Short Title: Modify Graduated Licensing Requirements. (Public)

Sponsors: Senator Rouzer.

Referred to: Judiciary II.

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES;
TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF
DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3
PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A ONE-YEAR
REVOCATION OF A PROVISIONAL LICENSEE'S OR SUPERVISING DRIVERS
LICENSE IF A DRIVING LOG IS FALSIFIED; TO REQUIRE AN IMMEDIATE
REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS
CHARGED WITH A VIOLATION OF THE RESTRICTIONS FOR A PROVISIONAL
LICENSEE, A MOVING VIOLATION, OR A SEAT BELT VIOLATION; AND TO
REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE
EFFECTIVENESS OF THE PROVISIONS OF THIS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-11(e) reads as rewritten:

"(e) Level 2 Restrictions. – A limited provisional license authorizes the license holder to drive a specified type or class of motor vehicle only under the following conditions:

...

(2) The license holder may drive without supervision in any of the following circumstances:

- a. From 5:00 a.m. to 9:00 p.m.
- b. When driving directly to or from work.
- c. When driving directly to or from an activity of a volunteer fire department, volunteer rescue squad, or volunteer emergency medical service, if the driver is a member of the organization.

...."

SECTION 2. G.S. 20-11(f) reads as rewritten:

"(f) Level 3. – A person who is at least 16 years old but less than 18 years old may obtain a full provisional license if the person meets all of the following requirements:

- (1) Has held a limited provisional license issued by the Division for at least six months.
- (2) Has not been convicted of a motor vehicle moving violation or seat belt infraction or a violation of G.S. 20-137.3 during the preceding six months.
- (3) Has a driving eligibility certificate or a high school diploma or its equivalent.
- (4) Has completed a driving log detailing a minimum of 120 hours as the operator of a motor vehicle of a class for which the driver is licensed. The log must show at least 10 hours of the required driving occurred during



1 nighttime hours. No more than 10 hours of driving per week may be counted
2 toward the 120-hour requirement. The driving log must be signed by the
3 supervising driver and submitted to the Division at the time the applicant
4 seeks to obtain a level 3 provisional license. If the Division determines that a
5 log has been falsified, the provisional licensee's and the supervising drivers
6 license shall be revoked for one year, and the provisional licensee and the
7 supervising driver shall not be eligible for a limited driving privilege."

8 **SECTION 3.** G.S. 20-11 is amended by adding a new subsection to read:

9 "(o) Penalties. – If a provisional licensee is charged with violating the restrictions
10 established by this section for the level or class of license issued, any moving violation, or a
11 seat belt violation, the provisional licensee's license shall be immediately revoked by the
12 Division upon notification."

13 **SECTION 4.** G.S. 20-11 is amended by adding a new subsection to read:

14 "(n) Notification Procedures. – A law enforcement officer shall immediately notify the
15 Division that a provisional licensee has been charged with a violation of the restrictions
16 established by this section for the level or class of license issued, any moving violation, or seat
17 belt violation in a manner established by the Division for the transmission and receipt of the
18 required information so the Division may take action pursuant to subsection (a) of this section."

19 **SECTION 5.** The Division of Motor Vehicles shall evaluate the effectiveness of
20 the provisions of this act by determining if:

- 21 (1) The number of property damage crashes involving provisional licensees has
22 decreased.
- 23 (2) The number of personal injury crashes involving provisional licensees has
24 decreased.
- 25 (3) The number of fatal crashes involving provisional licensees has decreased.
- 26 (4) The number of moving violations by provisional licensees has decreased.
- 27 (5) The number of seat belt violations by provisional licensees have decreased.

28 The Division shall report its findings to the Joint Legislative Transportation
29 Oversight Committee not later than February 1, 2013.

30 **SECTION 6.** This act becomes effective October 1, 2011, and applies to
31 provisional licenses issued and offenses committed on or after that date.