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SENATE BILL 490
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Short Title: License to Work.

(Public)

Sponsors:

Referred to:

April 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE CERTAIN LICENSE REVOCATION LAWS TO ENABLE ACCESS
3 TO EMPLOYMENT.

4 The General Assembly of North Carolina enacts:

5
6 **REVISE REVOCATION FOR FAILURE TO APPEAR OR PAY FINES AND**
7 **PENALTIES**

8 SECTION 1.(a) G.S. 20-24.1 reads as rewritten:

9 "**§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
10 **offenses.**

11 (a) The Division must revoke the driver's license of a person upon receipt of notice from
12 a court that the person was charged with a motor vehicle offense and ~~he~~the person did one of the
13 following:

- 14 (1) ~~failed~~Failed to appear, after being notified to do so, when the case was called
15 for a trial or ~~hearing~~or hearing.
16 (2) ~~failed~~Failed to pay a fine, penalty, or court costs ordered by the court.
17 Revocation orders entered under the authority of this section are effective on
18 the sixtieth day after the order is mailed or personally delivered to the person.
19 (3) Failed to pay a minimum of ten dollars (\$10.00) a month towards the judgment
20 pursuant to subsection (h) of this section as ordered by the court to satisfy any
21 outstanding penalty, fine, or costs.

22 (b) ~~A~~Except as provided in subsection (g) of this section, a license revoked under this
23 section remains revoked until the person whose license has been revokedone of the following
24 occurs:

- 25 (1) The person disposes of the charge in the trial division in which ~~he~~the person
26 failed to appear when the case was last called for trial or ~~hearing~~or hearing.
27 (2) The person demonstrates to the court that ~~he~~the person is not the person
28 charged with the ~~offense~~or offense.
29 (3) The person pays the penalty, fine, or costs ordered by the ~~court~~or court.
30 (4) The person demonstrates to the court that ~~his~~the person's failure to pay the
31 penalty, fine, or costs was not willful and that ~~he~~the person is making a good
32 faith effort to pay or that the penalty, fine, or costs should be remitted.
33 (5) The court orders any outstanding penalty, fine, or costs be satisfied pursuant
34 to subsection (h) of this section.



1 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
2 applicable to his case, the Division must restore the person's license as provided in subsection
3 ~~(e)-(c) of this section.~~ In addition, if the person whose license is revoked is not a resident of this
4 State, the Division may notify the driver licensing agency in the person's state of residence that
5 the person's license to drive in this State has been revoked.

6 (b1) A defendant must be afforded an opportunity for a trial or a hearing within a
7 reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order
8 that a hearing or a trial be heard within a reasonable time.

9 (c) If the person satisfies the conditions of subsection (b) of this section, that are
10 applicable to ~~his~~ the person's case before the effective date of the revocation order, the revocation
11 order and any entries on ~~his~~ the person's driving record relating to it shall be deleted and the
12 person does not have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~ Except as otherwise
13 provided in subsection (g) of this section, for all other revocation orders issued pursuant to this
14 section, G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any
15 other applicable requirements of this Article before the person may be relicensed.

16 (d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving
17 while license revoked, the clerk of court, upon request, must give the person a copy of the notice
18 it sends to the Division to indicate that the person has complied with the conditions of subsection
19 ~~(b)-(b) of this section,~~ applicable to his case. If the person complies with the condition before the
20 effective date of the revocation, the notice must indicate that the person is eligible to drive if ~~he~~
21 the person is otherwise validly licensed.

22 (e) As used in this section and in G.S. 20-24.2, the word offense includes crimes and
23 infractions created by this Chapter.

24 (f) If a license is revoked under subdivision (2) of subsection (a) of this section, and for
25 no other reason, the person subject to the order may apply to the court for a limited driving
26 privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court
27 are paid. The court may grant the limited driving privilege in the same manner and under the
28 terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving
29 privilege under this subsection only if the person has not had a limited driving privilege granted
30 under this subsection within the three years prior to application.

31 (g) Except for a revocation order entered under this section resulting from a charge of
32 impaired driving, the Division shall lift a revocation for failure to appear pursuant to subdivision
33 (1) of subsection (a) of this section 12 months after the effective date of revocation if the person
34 furnishes proof to the satisfaction of the Division that the person is maintaining financial
35 responsibility as provided in G.S. 20-279.21. Any person whose drivers license was
36 unencumbered pursuant to this subsection who drives any motor vehicle on the highways of the
37 State without maintaining financial responsibility is guilty of failure to maintain financial
38 responsibility pursuant to G.S. 20-313 and driving while license revoked pursuant to
39 G.S. 20-28(a4).

40 (h) A person may petition the court to order the Division to lift the revocation on the
41 condition that the person pay a minimum of ten dollars (\$10.00) a month towards the judgment
42 which resulted in revocation, to the clerk of superior court in the county where the judgment was
43 entered, every month until the judgment is paid in full. The court shall grant the petition if the
44 person can show that the person has had no conviction for any traffic offense in the 12 months
45 prior to the petition. If the person fails to make a payment of ten dollars (\$10.00) or more for a
46 period of 60 days, the clerk shall notify the Division of the lapse. When notified, the Division
47 shall revoke the person's drivers license in accordance with subsection (a) of this section."

48 **SECTION 1.(b)** G.S. 20-7(i1) reads as rewritten:

49 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
50 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
51 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall

1 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
2 prior to the issuance to such person of a new drivers license or the restoration of the drivers
3 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
4 be provided by law. This restoration fee shall not be required from any licensee whose license
5 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
6 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
7 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
8 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
9 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
10 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
11 Department of Health and Human Services. Notwithstanding any other provision of law, a
12 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
13 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
14 person responsible for payment of the restoration fee has been issued a drivers license by the
15 Division after the effective date of the revocation for which the restoration fee is owed. The
16 Division may also allow the person to pay restoration fees and other service fees on a sliding
17 scale adjusted to reflect the person's ability to pay on a finding by the Commissioner that the
18 license holder has shown good cause for not being able to pay the full amount. The Office of
19 State Budget and Management shall annually report to the General Assembly the amount of fees
20 deposited in the General Fund and transferred to the Forensic Tests for Alcohol Branch of the
21 Chronic Disease and Injury Section of the Department of Health and Human Services under this
22 subsection."

23 **SECTION 1.(c)** This section becomes effective December 1, 2021, and applies to
24 revocations and suspensions before, on, or after that date.

25
26 **REVISE REVOCATION FOR MOVING OFFENSE COMMITTED WHILE LICENSE**
27 **SUSPENDED OR REVOKED**

28 **SECTION 2.(a)** G.S. 20-28.1 reads as rewritten:

29 **"§ 20-28.1. Conviction of moving offense committed while driving during period of**
30 **suspension or revocation of license.**

31 (a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense,
32 such offense having been committed while such person's driving privilege was in a state of
33 suspension or revocation, the Division shall revoke such person's driving privilege for an
34 additional period of time as set forth in ~~subsection (b) hereof.~~ subsection (b) of this section. For
35 purposes of this section a violation of G.S. 20-7(a), 20-24.1, or 20-28(a) or (a2) shall not be
36 considered a "motor vehicle moving offense" unless the offense occurred in a commercial motor
37 vehicle or the person held a commercial drivers license at the time of the offense. A violation of
38 G.S. 20-313 is considered a "motor vehicle moving offense" for the purposes of this section.

39 (b) When a driving privilege is subject to revocation under this section, the additional
40 period of revocation shall be as follows:

41 (1) ~~A first such revocation shall be for one year;~~ For a first offense under this
42 section, there is no additional period of revocation if (i) the offense which
43 resulted in the underlying revocation has been resolved or (ii) the person is
44 complying with a payment plan ordered by the court to satisfy any outstanding
45 penalty, fine, or costs related to the offense which resulted in the underlying
46 revocation.

47 (2) ~~A second such revocation shall be for two years; and~~ For a second offense
48 under this section, the additional period of revocation is one year.

49 (3) ~~A third or subsequent such revocation shall be permanent.~~ For a third and
50 subsequent offense under this section, the additional period of revocation is
51 two years, except that if the person committed the offense while the person's

1 driving privilege was revoked or suspended for impaired driving, the
2 revocation is permanent.

3 (c) A person whose license has been revoked under this section for one year may apply
4 for a license after 90 days. A person whose license has been revoked under this section for two
5 years may apply for a license after 12 months. A person whose license has been revoked under
6 this section permanently may apply for a license after three years. Upon the filing of an
7 application, the Division may, with or without a hearing, issue a new license upon satisfactory
8 proof that the former licensee has not been convicted of a moving violation under this Chapter
9 or the laws of another state, or a violation of any provision of the alcoholic beverage laws of this
10 State or another state, or a violation of any provision of the drug laws of this State or another
11 state when any of these violations occurred during the revocation period. The Division may
12 impose any restrictions or conditions on the new license that the Division considers appropriate
13 for the balance of the revocation period. When the revocation period is permanent, the restrictions
14 and conditions imposed by the Division may not exceed three years. A person that applies for a
15 license under this subsection must furnish proof to the satisfaction of the Division that the person
16 is maintaining financial responsibility as required by G.S. 20-279.21. Any person whose drivers
17 license was issued pursuant to this subsection who drives any motor vehicle on the highways of
18 the State without maintaining financial responsibility in violation of G.S. 20-313 is guilty of
19 failure to maintain financial responsibility pursuant to G.S. 20-313 and driving while license
20 revoked pursuant to G.S. 20-28(a4).

21"

22 **SECTION 2.(b)** This section becomes effective December 1, 2021, and applies to
23 convictions entered before, on, or after that date.

24 **SECTION 3.(a)** G.S. 20-28 reads as rewritten:

25 **"§ 20-28. Unlawful to drive while license revoked, after notification, or while disqualified.**

26 (a) Driving While License Revoked. – Except as provided in subsections (a1) or (a2) of
27 this section, any person whose drivers license has been revoked who drives any motor vehicle
28 upon the highways of the State while the license is revoked is guilty of a Class 3 misdemeanor.

29 (a1) Driving While License Revoked for Impaired Driving. – Any person whose drivers
30 license has been revoked for an impaired driving revocation as defined in G.S. 20-28.2(a) and
31 who drives any motor vehicle upon the highways of the State is guilty of a Class 1 misdemeanor.
32 Upon conviction, the person's license shall be revoked for an additional period of one year for
33 the first offense, two years for the second offense, and permanently for a third or subsequent
34 offense.

35 If the person's license was originally revoked for an impaired driving revocation, the court
36 may order as a condition of probation that the offender abstain from alcohol consumption and
37 verify compliance by use of a continuous alcohol monitoring system, of a type approved by the
38 Division of Adult Correction and Juvenile Justice of the Department of Public Safety, for a
39 minimum period of 90 days.

40 The restoree of a revoked drivers license who operates a motor vehicle upon the highways of
41 the State without maintaining financial responsibility as provided by law shall be punished as for
42 driving without a license.

43 (a2) Driving Without Reclaiming License. – A person convicted under subsection (a) or
44 (a1) of this section shall be punished as if the person had been convicted of driving without a
45 license under G.S. 20-35 if the person demonstrates to the court that either of the following is
46 true:

47 (1) At the time of the offense, the person's license was revoked solely under
48 G.S. 20-16.5 and one of the following applies:

49 a. The offense occurred more than 45 days after the effective date of a
50 revocation order issued under G.S. 20-16.5(f) and the period of

- 1 revocation was 45 days as provided under subdivision (3) of that
2 subsection; or
3 b. The offense occurred more than 30 days after the effective date of the
4 revocation order issued under any other provision of G.S. 20-16.5.
5 (2) At the time of the offense the person had met the requirements of
6 G.S. 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the
7 person's drivers license privilege as provided therein.

8 In addition, a person punished under this subsection shall be treated for drivers license and
9 insurance rating purposes as if the person had been convicted of driving without a license under
10 G.S. 20-35, and the conviction report sent to the Division must indicate that the person is to be
11 so treated.

12 (a3) Driving After Notification or Failure to Appear. – A person shall be guilty of a Class
13 1 misdemeanor if:

- 14 (1) The person operates a motor vehicle upon a highway while that person's
15 license is revoked for an impaired drivers license revocation after the Division
16 has sent notification in accordance with G.S. 20-48; or
17 (2) The person fails to appear for two years from the date of the charge after being
18 charged with an implied-consent offense.

19 Upon conviction, the person's drivers license shall be revoked for an additional period of one
20 year for the first offense, two years for the second offense, and permanently for a third or
21 subsequent offense. The restorer of a revoked drivers license who operates a motor vehicle upon
22 the highways of the State without maintaining financial responsibility as provided by law shall
23 be punished as for driving without a license.

24 (a4) Driving After Restoration Without Insurance. – In addition to the penalty for violating
25 G.S. 20-313, a person shall be guilty of a Class 1 misdemeanor if the person operates a motor
26 vehicle upon a highway without maintaining financial responsibility as provided by law after the
27 Division has restored the license pursuant to G.S. 20-24.1(g), as provided in G.S. 20-28.1(c).

28"

29 **SECTION 3.(b)** The Division of Motor Vehicles shall adopt rules to implement this
30 section and provide a designation for the new offense of Driving After Restoration Without
31 Insurance in the digital platform used by law enforcement.

32 **SECTION 3.(c)** Subsection (a) of this section becomes effective December 1, 2021,
33 and applies to offenses committed on or after that date. The remainder of this section is effective
34 when this act becomes law.

35 **SECTION 4.(a)** Section 7 of S.L. 2015-186, as amended by Section 86 of S.L.
36 2015-264, reads as rewritten:

37 "**SECTION 7.** This act becomes effective December 1, 2015, and applies to offenses
38 committed ~~on or before, or after that date. Prosecutions for offenses committed before the~~
39 ~~effective date of this act are not abated or affected by this act, date,~~ and the statutes that would
40 be applicable but for this act remain applicable to those prosecutions."

41 **SECTION 4.(b)** This section is effective when it becomes law.

42 **SECTION 5.** The Administrative Office of the Courts shall adopt rules to implement
43 this act and adopt automation which will properly reflect the lifting of a revocation.

44 **EFFECTIVE DATE**

45 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
46 law.
47