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SENATE DRS45251-ML-104B (3/3)

Short Title: Limited Driving Privilege/Church. (Public)

Sponsors: Senators D. Davis, Soucek, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE HOLDER OF A LIMITED DRIVING PRIVILEGE TO  
3 DRIVE TO AND FROM HIS OR HER PLACE OF RELIGIOUS WORSHIP.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-179.3 reads as rewritten:

6 "§ 20-179.3. Limited driving privilege.

7 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment  
8 issued in the discretion of a court for good cause shown authorizing a person with a revoked  
9 driver's license to drive for essential purposes related to any of the following:

- 10 (1) ~~His~~The person's employment.  
11 (2) The maintenance of ~~his~~the person's household.  
12 (3) ~~His~~The person's education.  
13 (4) ~~His~~The person's court-ordered treatment or assessment.  
14 (5) Community service ordered as a condition of the person's probation.  
15 (6) Emergency medical care.  
16 (7) Religious worship.

17 (b) Eligibility. –

- 18 (1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is  
19 eligible for a limited driving privilege if:  
20 a. At the time of the offense ~~he~~the person held either a valid driver's  
21 license or a license that had been expired for less than one year;  
22 b. At the time of the offense ~~he~~the person had not within the preceding  
23 seven years been convicted of an offense involving impaired driving;  
24 c. Punishment Level Three, Four, or Five was imposed for the offense  
25 of impaired driving;  
26 d. Subsequent to the offense ~~he~~the person has not been convicted of, or  
27 had an unresolved charge lodged against ~~him~~the person for, an  
28 offense involving impaired driving; and  
29 e. The person has obtained and filed with the court a substance abuse  
30 assessment of the type required by G.S. 20-17.6 for the restoration of  
31 a drivers license.

32 A person whose North Carolina driver's license is revoked because of a  
33 conviction in another jurisdiction substantially similar to impaired driving  
34 under G.S. 20-138.1 is eligible for a limited driving privilege if ~~he~~the person  
35 would be eligible for it had the conviction occurred in North Carolina.



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1 Eligibility for a limited driving privilege following a revocation under  
2 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

3 (2) Any person whose licensing privileges are forfeited pursuant to  
4 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds  
5 that at the time of the forfeiture, the person held either a valid drivers license  
6 or a drivers license that had been expired for less than one year and

7 a. The person is supporting existing dependents or must have a drivers  
8 license to be gainfully employed; or

9 b. The person has an existing dependent who requires serious medical  
10 treatment and the defendant is the only person able to provide  
11 transportation to the dependent to the health care facility where the  
12 dependent can receive the needed medical treatment.

13 The limited driving privilege granted under this subdivision must restrict the  
14 person to essential driving related to the purposes listed above, and any  
15 driving that is not related to those purposes is unlawful even though done at  
16 times and upon routes that may be authorized by the privilege.

17 ...  
18 (c1) Privilege Restrictions for High-Risk Drivers. – Notwithstanding any other provision  
19 of this section, any limited driving privilege issued to a person convicted of an impaired driving  
20 offense with an alcohol concentration of 0.15 or more at the time of the offense shall:

21 (1) Not become effective until at least 45 days after the final conviction under  
22 G.S. 20-138.1;

23 (2) Require the applicant to comply with the ignition interlock requirements of  
24 subsection (g5) of this section; and

25 (3) Restrict the applicant to driving only to and from the applicant's place of  
26 employment, the place the applicant is enrolled in school, the applicant's  
27 place of religious worship, any court ordered treatment or substance abuse  
28 education, and any ignition interlock service facility.

29 For purposes of this subsection, the results of a chemical analysis presented at trial or  
30 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and  
31 shall not be subject to modification by any party, with or without approval by the court.

32 ...  
33 (e) Limited Basis for and Effect of Privilege. – A limited driving privilege issued under  
34 this section authorizes a person to drive if ~~his~~the person's license is revoked solely under  
35 G.S. 20-17(a)(2) or as a result of a conviction in another jurisdiction substantially similar to  
36 impaired driving under G.S. 20-138.1; if the person's license is revoked under any other statute,  
37 the limited driving privilege is invalid.

38 ...  
39 (g1) Driving for Work-Related Purposes in Nonstandard Hours. – If the applicant is  
40 required to drive during nonstandard working hours for an essential work-related purpose, ~~he~~  
41 the applicant must present documentation of that fact before the judge may authorize ~~him~~the  
42 applicant to drive for this purpose during those hours. If the applicant is self-employed, the  
43 documentation must be attached to or made a part of the limited driving privilege. If the judge  
44 determines that it is necessary for the applicant to drive during nonstandard hours for a  
45 work-related purpose, ~~he~~the judge may authorize the applicant to drive subject to these  
46 limitations:

47 (1) If the applicant is required to drive to and from a specific place of work at  
48 regular times, the limited driving privilege must specify the general times  
49 and routes in which the applicant will be driving to and from work, and  
50 restrict driving to those times and routes.

- 1 (2) If the applicant is required to drive to and from work at a specific place, but  
2 is unable to specify the times at which that driving will occur, the limited  
3 driving privilege must specify the general routes in which the applicant will  
4 be driving to and from work, and restrict the driving to those general routes.
- 5 (3) If the applicant is required to drive to and from work at regular times but is  
6 unable to specify the places at which work is to be performed, the limited  
7 driving privilege must specify the general times and geographic boundaries  
8 in which the applicant will be driving, and restrict driving to those times and  
9 within those boundaries.
- 10 (4) If the applicant can specify neither the times nor places in which ~~he~~the  
11 applicant will be driving to and from work, or if ~~he~~the applicant is required  
12 to drive during these nonstandard working hours as a condition of  
13 employment, the limited driving privilege must specify the geographic  
14 boundaries in which ~~he~~the applicant will drive and restrict driving to that  
15 within those boundaries.

16 The limited driving privilege must state the name and address of the applicant's place of work  
17 or employer, and may include other information and restrictions applicable to work-related  
18 driving, in the discretion of the court.

19 (g2) Driving for Other than Work-Related Purposes. – A limited driving privilege may  
20 not allow driving for maintenance of the household except during standard working hours, and  
21 the limited driving privilege may contain any additional restrictions on that driving, in the  
22 discretion of the court. The limited driving privilege must authorize driving essential to the  
23 completion of any community work assignments, course of instruction at an Alcohol and Drug  
24 Education Traffic School, or substance abuse assessment or treatment, to which the applicant is  
25 ordered by the court as a condition of probation for the impaired driving conviction. If this  
26 driving will occur during nonstandard working hours, the limited driving privilege must specify  
27 the same limitations required by subsection (g1) for work-related driving during those hours,  
28 and it must include or have attached to it the name and address of the Alcohol and Drug  
29 Education Traffic School, the community service coordinator, or mental health treatment  
30 facility to which the applicant is assigned. Driving for educational purposes other than the  
31 course of instruction at an Alcohol and Drug Education Traffic School is subject to the same  
32 limitations applicable to work related driving under subsections (g) and (g1). Driving to and  
33 from the applicant's place of religious worship is subject to the same limitations applicable to  
34 work-related driving under subsections (g) and (g1).

35 ...

36 (h) Other Mandatory and Permissive Conditions or Restrictions. – In all limited driving  
37 privileges the judge shall also include a restriction that the applicant not consume alcohol while  
38 driving or drive at any time while ~~he~~the applicant has remaining in ~~his~~the applicant's body any  
39 alcohol or controlled substance previously consumed, unless the controlled substance was  
40 lawfully obtained and taken in therapeutically appropriate amounts. The judge may impose any  
41 other reasonable restrictions or conditions necessary to achieve the purposes of this section.

42 (i) Modification or Revocation of Privilege. – A judge who issues a limited driving  
43 privilege is authorized to modify or revoke the limited driving privilege upon a showing that  
44 the circumstances have changed sufficiently to justify modification or revocation. If the judge  
45 who issued the privilege is not presiding in the court in which the privilege was issued, a  
46 presiding judge in that court may modify or revoke a privilege in accordance with this  
47 subsection. The judge must indicate in the order of modification or revocation the reasons for  
48 the order, or ~~he~~the judge must make specific findings indicating the reason for the order and  
49 those findings must be entered in the record of the case.

50 (j) Effect of Violation of Restriction. – A holder of a limited driving privilege who  
51 violates any of its restrictions commits the offense of driving while ~~his~~ license is revoked under

1 G.S. 20-28(a) and is subject to punishment and license revocation as provided in that section. If  
2 a law-enforcement officer has reasonable grounds to believe that the holder of a limited driving  
3 privilege has consumed alcohol while driving or has driven while he or she has remaining in his  
4 or her body any alcohol previously consumed, the suspected offense of driving while license is  
5 revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.  
6 If a holder of a limited driving privilege is charged with driving while license revoked by  
7 violating a restriction contained in his or her limited driving privilege, and a judicial official  
8 determines that there is probable cause for the charge, the limited driving privilege is  
9 suspended pending the resolution of the case, and the judicial official must require the holder to  
10 surrender the limited driving privilege. The judicial official must also notify the holder that he  
11 or she is not entitled to drive until his or her case is resolved.

12 Notwithstanding any other provision of law, an alcohol screening test may be administered  
13 to a driver suspected of violating this section, and the results of an alcohol screening test or the  
14 driver's refusal to submit may be used by a law enforcement officer, a court, or an  
15 administrative agency in determining if alcohol was present in the driver's body. No alcohol  
16 screening tests are valid under this section unless the device used is one approved by the  
17 Department of Health and Human Services, and the screening test is conducted in accordance  
18 with the applicable regulations of the Department as to the manner of its use.

19 ...."

20 **SECTION 2.** This act becomes effective July 1, 2015, and applies to limited  
21 driving privileges issued on or after that date.