



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 97

AMENDMENT NO. \_\_\_\_\_
(to be filled in by
Principal Clerk)

H97-AML-49 [v.4]

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Amends Title [NO]
PCS

Date \_\_\_\_\_, 2015

Senator Hise

1 moves to amend the bill on page 76, lines 12-20, by deleting the lines; and

2
3 moves to amend the bill on page 429, lines 27-28, by inserting between the lines a new section
4 to read:

5 "GRADUATED DRIVER LICENSING SYSTEM/REPEAL REQUIREMENT OF
6 DRIVER EDUCATION AND ADJUST PASSING SCORE FOR WRITTEN TEST

7 SECTION 29.39.(a) G.S. 20-11(b)(1) is repealed.

8 SECTION 29.39.(b) G.S. 20-11(h) reads as rewritten:

9 "(h) Exception for Persons 16 to 18 Who Have an Unrestricted Out-of-State License. —
10 A person who is at least 16 years old but less than 18 years old, who was a resident of another
11 state and has an unrestricted drivers license issued by that state, and who becomes a resident of
12 this State may obtain one of the following upon the submission of a driving eligibility
13 certificate or a high school diploma or its equivalent:

14 (1) A temporary permit, if the person has not completed a drivers education
15 program that meets the requirements of the Superintendent of Public
16 Instruction but is currently enrolled in a drivers education program that
17 meets these requirements. A temporary permit is valid for the period
18 specified in the permit and authorizes the holder of the permit to drive a
19 specified type or class of motor vehicle when in possession of the permit,
20 subject to any restrictions imposed by the Division concerning time of
21 driving, supervision, and passenger limitations. The period must end within
22 10 days after the expected completion date of the drivers education program
23 in which the applicant is enrolled.

24 (2) A full provisional license, if the person has completed a drivers education
25 program that meets the requirements of the Superintendent of Public
26 Instruction, has held the license issued by the other state for at least 12
27 months, months and has not been convicted during the preceding six months
28 of a motor vehicle moving violation, a seat belt infraction, or an offense
29 committed in another jurisdiction that would be a motor vehicle moving
30 violation or seat belt infraction if committed in this State.

31 (2a) A full provisional license, if the person has completed a drivers education
32 program that meets the requirements of the Superintendent of Public



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1           ~~Instruction~~, has held both a learner's permit and a restricted license from  
2 another state for at least six months each, the Commissioner finds that the  
3 requirements for the learner's permit and restricted license are comparable to  
4 the requirements for a learner's permit and restricted license in this State, and  
5 the person has not been convicted during the preceding six months of a  
6 motor vehicle moving violation, a seat belt infraction, or an offense  
7 committed in another jurisdiction that would be a moving violation or a seat  
8 belt infraction if committed in this State.

- 9           (3) A limited provisional license, if the person ~~has completed a drivers~~  
10 ~~education program that meets the requirements of the Superintendent of~~  
11 ~~Public Instruction but either~~ did not hold the license issued by the other state  
12 for at least 12 months or was convicted during the preceding six months of a  
13 motor vehicle moving violation, a seat belt infraction, or an offense  
14 committed in another jurisdiction that would be a motor vehicle moving  
15 violation or seat belt infraction if committed in this State."

16           **SECTION 29.39.(c)** G.S. 20-11(h1) reads as rewritten:

17           "(h1) Exception for Persons 16 to 18 Who Have an Out-of-State Restricted License. — A  
18 person who is at least 16 years old but less than 18 years old, who was a resident of another  
19 state and has a restricted drivers license issued by that state, and who becomes a resident of this  
20 State may obtain one of the following:

- 21           (1) A limited provisional license, if the person ~~has completed a drivers~~  
22 ~~education program that meets the requirements of the Superintendent of~~  
23 ~~Public Instruction~~, held the restricted license issued by the other state for at  
24 least 12 ~~months, months~~ and ~~whose~~the person's parent or guardian certifies  
25 that the person has not been convicted during the preceding six months of a  
26 motor vehicle moving violation, a seat belt infraction, or an offense  
27 committed in another jurisdiction that would be a motor vehicle moving  
28 violation or seat belt infraction if committed in this State.

- 29           (2) A limited learners permit, if the person ~~has completed a drivers education~~  
30 ~~program that meets the requirements of the Superintendent of Public~~  
31 ~~Instruction but either~~ did not hold the restricted license issued by the other  
32 state for at least 12 months or was convicted during the preceding six  
33 months of a motor vehicle moving violation, a seat belt infraction, or an  
34 offense committed in another jurisdiction that would be a motor vehicle  
35 moving violation or seat belt infraction if committed in this State. A person  
36 who qualifies for a limited learners permit under this subdivision and whose  
37 parent or guardian certifies that the person has not been convicted of a  
38 moving violation in the preceding six months shall be deemed to have held a  
39 limited learners permit in this State for each month the person held a  
40 restricted license in another state."

41           **SECTION 29.39.(d)** G.S. 20-11(h2) reads as rewritten:

42           "(h2) Exception for Persons Age 15 Who Have an Out-of-State Unrestricted or Restricted  
43 License. — A person who is age 15, who was a resident of another state, has an unrestricted or

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1 restricted drivers license issued by that state, and who becomes a resident of this State may  
2 obtain a limited learners permit if the ~~person has completed a drivers education program that~~  
3 ~~meets the requirements of the Superintendent of Public Instruction. A person who qualifies for~~  
4 ~~a limited learners permit under this subsection and whose person's~~ parent or guardian certifies  
5 that the person has not been convicted of a moving violation in the preceding six  
6 ~~months~~months. A person who qualifies for a limited learners permit under this subsection shall  
7 be deemed to have held a limited learners permit in this State for each month the person held an  
8 unrestricted or restricted license in another state."

9       **SECTION 29.39.(e)** G.S. 20-11(h3) reads as rewritten:

10       "(h3) Exception for Persons Less Than Age 18 Who Have a Federally Issued Unrestricted  
11 or Restricted License. — A person who is less than age 18, who has an unrestricted or  
12 restricted drivers license issued by the federal government, and who becomes a resident of this  
13 State may obtain a limited provisional license or a provisional license if the ~~person has~~  
14 ~~completed a drivers education program substantially equivalent to the drivers education~~  
15 ~~program that meets the requirements of the Superintendent of Public Instruction. A person who~~  
16 ~~qualifies for a limited provisional license or a provisional license under this subsection and~~  
17 ~~whose person's~~ parent or guardian certifies that the person has not been convicted of a moving  
18 violation in the preceding six ~~months~~months. A person who qualifies for a limited provisional  
19 license or a provisional license under this subsection shall be deemed to have held a limited  
20 provisional license or a provisional license in this State for each month the person held an  
21 unrestricted or restricted license issued by the federal government."

22       **SECTION 29.39.(f)** G.S. 20-11(d)(5) reads as rewritten:

23       "(5) Has completed a driving log, on a form approved by the Division, detailing a  
24 minimum of ~~60~~85 hours as the operator of a motor vehicle of a class for  
25 which the driver has been issued a limited learner's permit. The log must  
26 show at least 10 hours of the required driving occurred during nighttime  
27 hours. Driving completed by the driver as part of a course of driver  
28 instruction offered in accordance with G.S. 115D-76.5 or at a licensed  
29 commercial driver training school may be counted toward the 85-hour  
30 requirement upon the driver providing proof acceptable to the Division of  
31 the number of hours he or she drove as part of the course. No more than 10  
32 hours of driving per week may be counted toward the ~~60-hour~~85-hour  
33 requirement. The driving log must be signed by the supervising driver and  
34 submitted to the Division at the time the applicant seeks to obtain a limited  
35 provisional license. If the Division has cause to believe that a driving log has  
36 been falsified, the limited learner's permit holder shall be required to  
37 complete a new driving log with the same requirements and shall not be  
38 eligible to obtain a limited provisional license for six months."

39       **SECTION 29.39.(g)** G.S. 20-7(c) reads as rewritten:

40       "(c) Tests. — To demonstrate physical and mental ability, a person must pass an  
41 examination. The examination may include road tests, vision tests, oral tests, and, in the case of  
42 literate applicants, written tests, as the Division may require. The tests must ensure that an  
43 applicant recognizes the handicapped international symbol of access, as defined in

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1 G.S. 20-37.5. If the Division requires a written test on the person's knowledge of the rules of  
2 the road, the person must answer at least eighty-five percent (85%) of the questions correctly in  
3 order to pass the test. The Division may not require a person who applies to renew a license  
4 that has not expired to take a written test or a road test unless one or more of the following  
5 applies:

- 6           (1) The person has been convicted of a traffic violation since the person's license  
7           was last issued.  
8           (2) The applicant suffers from a mental or physical condition that impairs the  
9           person's ability to drive a motor vehicle.

10           The Division may not require a person who is at least 60 years old to parallel park a motor  
11 vehicle as part of a road test."

12           **SECTION 29.39.(h)** G.S. 20-11(b)(2) reads as rewritten:

13           "(2) Passes a written test administered by the Division. The person must answer  
14 at least eighty-five percent (85%) of the questions correctly in order to pass  
15 the test."

16           **SECTION 29.39.(i)** Subsections (a) through (e) and (i) of this section are effective  
17 when this act becomes law. The remainder of this section becomes effective July 1, 2016, and  
18 applies to applications for permits and licenses received by the Division on or after that date."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_