

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 57
Judiciary I Committee Substitute Adopted 2/24/99

Short Title: Lose Control Lose Your License.

(Public)

Sponsors:

Referred to:

February 9, 1999

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR LOSS OF DRIVERS LICENSE PRIVILEGES BY
3 CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN FOR COMMITTING
4 DESIGNATED ACTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-11(n) reads as rewritten:

7 "(n) Driving Eligibility Certificate. – A person who desires to obtain a permit or
8 license issued under this section ~~and who does not~~ must have a high school diploma or its
9 equivalent or must have a driving eligibility certificate. A driving eligibility certificate
10 must meet the following conditions:

11 (1) The person who is required to sign the certificate under subdivision (4)
12 of this subsection must show that he or she has determined that one of
13 the following requirements is met:

- 14 a. The person is currently enrolled in school and is making progress
15 toward obtaining a high school diploma or its equivalent.
- 16 b. A substantial hardship would be placed on the person or the
17 person's family if the person does not receive a certificate.
- 18 c. The person cannot make progress toward obtaining a high school
19 diploma or its equivalent.

- 1 (1a) The person who is required to sign the certificate under subdivision (4)
2 of this subsection also must show that one of the following requirements
3 is met:
4 a. The person who seeks a permit or license issued under this
5 section is not subject to subsection (n1) of this section.
6 b. The person who seeks a permit or license issued under this
7 section is subject to subsection (n1) of this section and is eligible
8 for the certificate under that subsection.
9 (2) It must be on a form approved by the Division.
10 (3) It must be dated within 30 days of the date the person applies for a
11 permit or license issuable under this section.
12 (4) It must be signed by the applicable person named below:
13 a. The principal, or the principal's designee, of the public school in
14 which the person is enrolled.
15 b. The administrator, or the administrator's designee, of the
16 nonpublic school in which the person is enrolled.
17 c. The person who provides the academic instruction in the home
18 school in which the person is enrolled.
19 c1. The person who provides the academic instruction in the home in
20 accordance with an educational program found by a court, prior
21 to July 1, 1998, to comply with the compulsory attendance law.
22 d. The designee of the board of directors of the charter school in
23 which the person is enrolled.
24 e. The president, or the president's designee, of the community
25 college in which the person is enrolled.

26 Notwithstanding any other law, the decision concerning whether a driving eligibility
27 certificate was properly issued or improperly denied shall be appealed only as provided
28 under the rules adopted in accordance with ~~G.S. 115C-12(27)~~, ~~G.S. 115C-12(28)~~, ~~G.S.~~
29 ~~115D-5(a3)~~, or ~~G.S. 115C-566~~, whichever is applicable, and may not be appealed under
30 this Chapter."

31 Section 2. G.S. 20-11 is amended by adding the following new subsection to
32 read:

33 "(n1) Lose Control; Lose License.

- 34 (1) The following definitions apply in this subsection:
35 a. Applicable State entity. – The State Board of Education for
36 public schools and charter schools, the State Board of
37 Community Colleges for community colleges, or the Secretary of
38 Administration for nonpublic schools and home schools.
39 b. Certificate. – A driving eligibility certificate that meets the
40 conditions of subsection (n) of this section.
41 c. Disciplinary action. – An expulsion, a suspension for more than
42 10 consecutive days, or an assignment to an alternative
43 educational setting.

- 1 d. Enumerated student conduct. – One of the following behaviors
2 that results in disciplinary action:
- 3 1. The possession or sale of alcohol or an illegal controlled
4 substance on school property.
- 5 2. The possession or use on school property of a weapon or
6 firearm that resulted in disciplinary action under G.S.
7 115C-391(d1) or that could have resulted in that
8 disciplinary action if the conduct had occurred in a public
9 school.
- 10 3. The physical assault on a teacher or other school
11 personnel on school property.
- 12 e. School. – A public school, charter school, community college,
13 nonpublic school, or home school.
- 14 f. School administrator. – The person who is required to sign
15 certificates under subdivision (4) of subsection (n) of this section.
- 16 g. School property. – The physical premises of the school, buses or
17 other vehicles used to transport students to the school, and
18 school-sponsored or school-related activities that occur on or off
19 the physical premises of the school.
- 20 h. Student. – A person who desires to obtain a permit or license
21 issued under this section.
- 22 (2) Any student who was subject to disciplinary action for enumerated
23 student conduct that occurred either after the first day of July before the
24 school year in which the student enrolled in the eighth grade or after the
25 student's fourteenth birthday, whichever event occurred first, is subject
26 to this subsection.
- 27 (3) A student who is subject to this subsection is eligible for a certificate
28 when the school administrator determines that the student has exhausted
29 all administrative appeals connected to the disciplinary action and that
30 one of the following conditions is met:
- 31 a. The enumerated student conduct occurred before the student
32 reached the age of 15, and the student is now at least 16 years
33 old.
- 34 b. The enumerated student conduct occurred after the student
35 reached the age of 15, and it is at least one year after the date the
36 student exhausted all administrative appeals connected to the
37 disciplinary action.
- 38 c. The student has returned to school following the period of
39 expulsion or suspension and has displayed exemplary student
40 behavior, in accordance with rules adopted by the applicable
41 State entity.

- 1 d. The student was placed in an alternative educational setting and
2 has displayed exemplary student behavior, in accordance with
3 rules adopted by the applicable State entity.
- 4 e. The disciplinary action was for the possession or sale of alcohol
5 or an illegal controlled substance on school property, and the
6 student subsequently attended and successfully completed a drug
7 or alcohol treatment counseling program, as appropriate. The
8 determination as to whether the student successfully completed
9 this program shall be made in accordance with rules adopted by
10 the applicable State entity.
- 11 f. The student needs the certificate in order to drive to and from
12 school, a drug or alcohol treatment counseling program, as
13 appropriate, or a mental health treatment program, and no other
14 transportation is available.
- 15 (4) A student whose permit or license is denied or revoked due to
16 ineligibility for a certificate under this subsection may otherwise be
17 eligible for a certificate if, after six months from the date of the
18 ineligibility, the school administrator determines that one of the
19 following conditions is met:
- 20 a. The student has returned to school and has displayed exemplary
21 student behavior, as defined by the applicable State entity.
- 22 b. The disciplinary action was for the possession or sale of alcohol
23 or an illegal controlled substance on school property, and the
24 student subsequently attended and successfully completed, as
25 defined by the applicable State entity, a drug or alcohol treatment
26 counseling program, as appropriate."

27 Section 3. G.S. 20-13.2(c1) reads as rewritten:

28 "~~(c1) The Division must revoke the permit or license of a person under the age of 18~~
29 ~~if the proper school authority notifies the Division that the person no longer meets the~~
30 ~~requirements for a driving eligibility certificate under G.S. 20-11(n). Notwithstanding~~
31 ~~subsection (d) of this section, the length of revocations must last until the person's~~
32 ~~eighteenth birthday or until the division restores the permit or license under this~~
33 ~~subsection.~~

34 The Upon receipt of notification from the proper school authority that a person no
35 longer meets the requirements for a driving eligibility certificate under G.S. 20-11(n), the
36 Division must expeditiously notify the person that his or her permit or license is revoked
37 effective on the tenth calendar day after the mailing of the revocation order. The
38 Division must revoke the permit or license of that person on the tenth calendar day after
39 the mailing of the revocation order. Notwithstanding subsection (d) of this section, the
40 length of revocation must last for the following periods:

- 41 (1) If the revocation is because of ineligibility for a driving eligibility
42 certificate under G.S. 20-11(n)(1), then the revocation shall last until the
43 person's eighteenth birthday.

1 (2) If the revocation is because of ineligibility for a driving eligibility
2 certificate under G.S. 20-11(n1), then the revocation shall be for a
3 period of one year.

4 For a person whose permit or license was revoked due to ineligibility for a driving
5 eligibility certificate under G.S. 20-11(n)(1), the Division must restore a person's permit
6 or license before the person's eighteenth birthday, if the person submits to the Division
7 one of the following:

8 (1) A high school diploma or its equivalent.

9 (2) A driving eligibility certificate as required under G.S. 20-11(n).

10 For a person whose permit or license was revoked due to ineligibility for a driving
11 eligibility certificate under G.S. 20-11(n1), the Division shall restore a person's permit or
12 license before the end of the revocation period, if the person submits to the Division a
13 driving eligibility certificate as required under G.S. 20-11(n).

14 Notwithstanding any other law, the decision concerning whether a driving eligibility
15 certificate was properly issued or improperly denied shall be appealed only as provided
16 under the rules adopted in accordance with ~~G.S. 115C-12(27)~~, G.S. 115C-12(28), ~~G.S.~~
17 ~~115D-5(a3)~~, or ~~G.S.~~115C-566, whichever is applicable, and may not be appealed under
18 this Chapter."

19 Section 4. G.S. 20-9 is amended by adding the following new subsection to
20 read:

21 "(b1) The Division shall not issue a drivers license to any person whose permit or
22 license has been suspended or revoked under G.S. 20-13.2(c1) during the suspension or
23 revocation period, unless the Division has restored the person's permit or license under
24 G.S. 20-13.2(c1)."

25 Section 5. G.S. 115C-12(28) reads as rewritten:

26 "(28) Duty to Develop Rules for Issuance of Driving Eligibility Certificates. –
27 The State Board of Education shall ~~issue rules defining~~ adopt the
28 following rules to assist schools in their administration of procedures
29 necessary to implement G.S. 20-11 and G.S. 20-13.2:

30 a. To define what is equivalent to a high school diploma for the
31 purposes of G.S. 20-11 and G.S. 20-13.2. These rules shall apply
32 to all educational programs offered in the State by public schools,
33 charter schools, nonpublic schools, or community colleges.

34 b. To establish ~~The State Board also shall issue rules for the~~
35 procedures a person who is or was enrolled in a public school, in a
36 school or in a charter school, or in a nonpublic school accredited by
37 ~~the Board~~ school must follow and the requirements that person
38 ~~must shall~~ meet to obtain a driving eligibility certificate.

39 c. To require the ~~The person who is required under G.S. 20-11(n) to~~
40 sign the driving eligibility certificate must to provide the
41 certificate if he or she determines that one of the following
42 requirements is met:

- 1 a. ~~The person seeking the certificate is currently enrolled in school~~
2 ~~and is making progress toward obtaining a high school diploma~~
3 ~~or its equivalent.~~
- 4 b. ~~A substantial hardship would be placed on the person seeking the~~
5 ~~certificate or the person's family if the person does not receive~~
6 ~~the certificate.~~
- 7 e. ~~The person seeking the certificate cannot make progress toward~~
8 ~~obtaining a high school diploma or its equivalent.~~
- 9 1. The person seeking the certificate is eligible for the
10 certificate under G.S. 20-11(n)(1) and is not subject to
11 G.S. 20-11(n1).
- 12 2. The person seeking the certificate is eligible for the
13 certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).
- 14 These rules shall apply to public schools and charter schools.
- 15 d. To provide for an appeal to an appropriate education authority by
16 a person who is denied a driving eligibility certificate. These
17 rules shall apply to public schools and charter schools.
- 18 e. To define exemplary student behavior and to define what
19 constitutes the successful completion of a drug or alcohol
20 treatment counseling program. These rules shall apply to public
21 schools and charter schools.

22 The State Board also shall develop policies as to when it is
23 appropriate to notify the Division of Motor Vehicles that a person who
24 is or was enrolled in a public school, ~~in a charter school, or in a nonpublic~~
25 ~~school accredited by the Board school or in a charter school~~ no longer
26 meets the requirements for a driving eligibility certificate.

27 The State Board shall develop a form for parents, guardians, or
28 emancipated juveniles, as appropriate, to provide their written,
29 irrevocable consent for a school to disclose to the Division of Motor
30 Vehicles that the student no longer meets the conditions for a driving
31 eligibility certificate under G.S. 20-11(n)(1) or G.S. 20-11(n1), if
32 applicable, in the event that this disclosure is necessary to comply with
33 G.S. 20-11 or G.S. 20-13.2. Other than identifying under which
34 statutory subsection the student is no longer eligible, no other details or
35 information concerning the student's school record shall be released
36 pursuant to this consent. This form shall be used for students enrolled
37 in public schools or charter schools."

38 Section 6. G.S. 115C-566 reads as rewritten:

39 **"§ 115C-566. Driving eligibility certificates; requirements.**

40 (a) The Secretary of Administration, upon consideration of the advice of the
41 Division of Nonpublic Education in the Office of the Governor and representatives of
42 nonpublic schools, shall ~~issue~~ adopt rules for the procedures a person who is or was
43 enrolled in a home school, in a nonpublic school that is not accredited by the State Board

1 of Education, or in an educational program found by a court, prior to July 1, 1998, to
2 comply with the compulsory attendance law, must follow and the requirements that
3 person must meet to obtain a driving eligibility certificate. ~~The person~~ The procedures
4 shall provide that the person who is required under G.S. 20-11(n) to sign the driving
5 eligibility certificate must provide the certificate if he or she determines that one of the
6 following requirements is met:

7 (1) ~~The person seeking the certificate is currently enrolled in school and is~~
8 ~~making progress toward obtaining a high school diploma or its~~
9 ~~equivalent.~~

10 (2) ~~A substantial hardship would be placed on the person seeking the~~
11 ~~certificate or the person's family if the person does not receive the~~
12 ~~certificate.~~

13 (3) ~~The person seeking the certificate cannot make progress toward~~
14 ~~obtaining a high school diploma or its equivalent. eligible for the~~
15 ~~certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).~~

16 (2) The person seeking the certificate is eligible for the certificate under
17 G.S. 20-11(n)(1) and G.S. 20-11(n1).

18 The rules shall define exemplary student behavior, define what constitutes the
19 successful completion of a drug or alcohol treatment counseling program, and provide for
20 an appeal to an appropriate educational entity by a person who is denied a driving
21 eligibility certificate. The Division of Nonpublic Education also shall develop policies as
22 to when it is appropriate to notify the Division of Motor Vehicles that a person who is or
23 was enrolled in a home school or in a nonpublic school that is not accredited by the State
24 Board of Education no longer meets the requirements for a driving eligibility certificate.

25 (b) The Secretary of Administration shall develop a form for parents, guardians, or
26 emancipated juveniles, as appropriate, to provide their written, irrevocable consent for a
27 school to disclose to the Division of Motor Vehicles that the student no longer meets the
28 conditions for a driving eligibility certificate under G.S. 20-11(n)(1) or G.S. 20-11(n1), if
29 applicable, in the event that this disclosure is necessary to comply with G.S. 20-11 or
30 G.S. 20-13.2. Other than identifying under which statutory subsection the student is no
31 longer eligible, no other details or information concerning the student's school record
32 shall be released pursuant to this consent. This form shall be used for students enrolled in
33 home schools or nonpublic schools.

34 (c) In accordance with rules adopted by the Secretary under this section, persons
35 who are required to sign driving eligibility certificates that meet the conditions
36 established in G.S. 20-11 shall obtain the necessary written, irrevocable consent from
37 parents, guardians, or emancipated juveniles, as appropriate, in order to disclose
38 information to the Division of Motor Vehicles and shall notify the Division of Motor
39 Vehicles when a student who holds a driving eligibility certificate no longer meets the
40 conditions under G.S. 20-11(n)(1) or G.S. 20-11(n1)."

41 Section 7. G.S. 115C-288 is amended by adding the following new subsection
42 to read:

1 "(k) To Sign Driving Eligibility Certificates and to Notify the Division of Motor
2 Vehicles. – In accordance with rules adopted by the State Board of Education, the
3 principal or the principal's designee shall do all of the following:

- 4 (1) Sign driving eligibility certificates that meet the conditions established
5 in G.S. 20-11.
- 6 (2) Obtain the necessary written, irrevocable consent from parents,
7 guardians, or emancipated juveniles, as appropriate, in order to disclose
8 information to the Division of Motor Vehicles.
- 9 (3) Notify the Division of Motor Vehicles when a student who holds a
10 driving eligibility certificate no longer meets its conditions."

11 Section 8. G.S. 115C-238.29F is amended by adding the following new
12 subsection to read:

13 "(j) Driving Eligibility Certificates. – In accordance with rules adopted by the State
14 Board of Education, the designee of the school's board of directors shall do all of the
15 following:

- 16 (1) Sign driving eligibility certificates that meet the conditions established
17 in G.S. 20-11.
- 18 (2) Obtain the necessary written, irrevocable consent from parents,
19 guardians, or emancipated juveniles, as appropriate, in order to disclose
20 information to the Division of Motor Vehicles.
- 21 (3) Notify the Division of Motor Vehicles when a student who holds a
22 driving eligibility certificate no longer meets its conditions."

23 Section 9. G.S. 115D-5(a3) reads as rewritten:

24 "(a3) The State Board of Community Colleges shall ~~issue~~ adopt the following rules
25 for—to assist community colleges in their administration of procedures necessary to
26 implement G.S. 20-11 and G.S. 20-13.2:

- 27 (1) To establish the procedures a person who is or was enrolled in a
28 community college must follow and the requirements that person must
29 meet to obtain a driving eligibility certificate. ~~The~~
- 30 (2) To require the person who is required under G.S. 20-11(n) to sign the
31 driving eligibility certificate ~~must to~~ provide the certificate if he or she
32 determines that one of the following requirements is met:
 - 33 (1) ~~The person seeking the certificate is currently enrolled in school and is~~
34 ~~making progress toward obtaining a high school diploma or its~~
35 ~~equivalent.~~
 - 36 (2) ~~A substantial hardship would be placed on the person seeking the~~
37 ~~certificate or the person's family if the person does not receive the~~
38 ~~certificate.~~
 - 39 (3) ~~The person seeking the certificate cannot make progress toward~~
40 ~~obtaining a high school diploma or its equivalent.~~
- 41 a. The person seeking the certificate is eligible for the certificate
42 under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

1 b. The person seeking the certificate is eligible for the certificate
2 under G.S. 20-11(n)(1) and G.S. 20-11(n1).

3 (3) ~~The rules shall~~ To provide for an appeal through the grievance
4 procedures established by the board of trustees of each community
5 college by a person who is denied a driving eligibility certificate.

6 (4) To define exemplary student behavior and to define what constitutes the
7 successful completion of a drug or alcohol treatment counseling
8 program.

9 The State Board also shall develop policies as to when it is
10 appropriate to notify the Division of Motor Vehicles that a person who
11 is or was enrolled in a community college no longer meets the
12 requirements for a driving eligibility certificate. The State Board also
13 shall adopt guidelines to assist the presidents of community colleges in
14 their designation of representatives to sign driving eligibility
15 certificates.

16 The State Board shall develop a form for the appropriate individuals to provide
17 their written, irrevocable consent for a community college to disclose to
18 the Division of Motor Vehicles that the student no longer meets the
19 conditions for a driving eligibility certificate under G.S. 20-11(n)(1) or
20 G.S. 20-11(n1), if applicable, in the event that this disclosure is
21 necessary to comply with G.S. 20-11 or G.S. 20-13.2. Other than
22 identifying under which statutory subsection the student is no longer
23 eligible, no other details or information concerning the student's school
24 record shall be released pursuant to this consent."

25 Section 10. The State Board of Education shall initiate and coordinate
26 meetings with the Division of Nonpublic Education in the Office of the Governor, with
27 representatives of nonpublic schools, and with the State Board of Community Colleges in
28 order to develop coordinated rules, policies, and guidelines needed to implement this act.

29 Section 11. Sections 5, 6, 9, and 10 of this act are effective when they become
30 law. The remainder of this act becomes effective July 1, 2000. This act does not apply to
31 any person who held a valid North Carolina limited learner's permit issued before
32 December 1, 1997, who held a valid North Carolina learner's permit issued before
33 December 1, 1997, or who was a provisional licensee and held a valid North Carolina
34 drivers license issued before December 1, 1997. This act shall apply only to conduct
35 committed on or after July 1, 2000, by a person who is expelled, suspended, or placed in
36 an alternative educational setting as a result of that conduct.