

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-243
SENATE BILL 57

AN ACT PROVIDING FOR LOSS OF DRIVERS LICENSE PRIVILEGES BY
CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN FOR COMMITTING
DESIGNATED ACTS.

The General Assembly of North Carolina enacts:

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

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

- (1) The person who is required to sign the certificate under subdivision (4) of this subsection must show that he or she has determined that one of the following requirements is met:
 - a. The person is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.
 - b. A substantial hardship would be placed on the person or the person's family if the person does not receive a certificate.
 - c. The person cannot make progress toward obtaining a high school diploma or its equivalent.
- (1a) The person who is required to sign the certificate under subdivision (4) of this subsection also must show that one of the following requirements is met:
 - a. The person who seeks a permit or license issued under this section is not subject to subsection (n1) of this section.
 - b. The person who seeks a permit or license issued under this section is subject to subsection (n1) of this section and is eligible for the certificate under that subsection.
- (2) It must be on a form approved by the Division.
- (3) It must be dated within 30 days of the date the person applies for a permit or license issuable under this section.
- (4) It must be signed by the applicable person named below:
 - a. The principal, or the principal's designee, of the public school in which the person is enrolled.

- b. The administrator, or the administrator's designee, of the nonpublic school in which the person is enrolled.
- c. The person who provides the academic instruction in the home school in which the person is enrolled.
- c1. The person who provides the academic instruction in the home in accordance with an educational program found by a court, prior to July 1, 1998, to comply with the compulsory attendance law.
- d. The designee of the board of directors of the charter school in which the person is enrolled.
- e. The president, or the president's designee, of the community college in which the person is enrolled.

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

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

"(n1) Lose Control; Lose License.

(1) The following definitions apply in this subsection:

- a. Applicable State entity. – The State Board of Education for public schools and charter schools, the State Board of Community Colleges for community colleges, or the Secretary of Administration for nonpublic schools and home schools.
- b. Certificate. – A driving eligibility certificate that meets the conditions of subsection (n) of this section.
- c. Disciplinary action. – An expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10 consecutive days.
- d. Enumerated student conduct. – One of the following behaviors that results in disciplinary action:
 - 1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
 - 2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
 - 3. The physical assault on a teacher or other school personnel on school property.
- e. School. – A public school, charter school, community college, nonpublic school, or home school.

- f. School administrator. – The person who is required to sign certificates under subdivision (4) of subsection (n) of this section.
 - g. School property. – The physical premises of the school, school buses or other vehicles under the school's control or contract and that are used to transport students, and school-sponsored or school-related activities that occur on or off the physical premises of the school.
 - h. Student. – A person who desires to obtain a permit or license issued under this section.
- (2) Any student who was subject to disciplinary action for enumerated student conduct that occurred either after the first day of July before the school year in which the student enrolled in the eighth grade or after the student's fourteenth birthday, whichever event occurred first, is subject to this subsection.
- (3) A student who is subject to this subsection is eligible for a certificate when the school administrator determines that the student has exhausted all administrative appeals connected to the disciplinary action and that one of the following conditions is met:
- a. The enumerated student conduct occurred before the student reached the age of 15, and the student is now at least 16 years old.
 - b. The enumerated student conduct occurred after the student reached the age of 15, and it is at least one year after the date the student exhausted all administrative appeals connected to the disciplinary action.
 - c. The student needs the certificate in order to drive to and from school, a drug or alcohol treatment counseling program, as appropriate, or a mental health treatment program, and no other transportation is available.
- (4) A student whose permit or license is denied or revoked due to ineligibility for a certificate under this subsection may otherwise be eligible for a certificate if, after six months from the date of the ineligibility, the school administrator determines that one of the following conditions is met:
- a. The student has returned to school or has been placed in an alternative educational setting, and has displayed exemplary student behavior, as defined by the applicable State entity.
 - b. The disciplinary action was for the possession or sale of an alcoholic beverage or an illegal controlled substance on school property, and the student subsequently attended and successfully completed, as defined by the applicable State entity, a drug or alcohol treatment counseling program, as appropriate."

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

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

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

- (1) If the revocation is because of ineligibility for a driving eligibility certificate under G.S. 20-11(n)(1), then the revocation shall last until the person's eighteenth birthday.
- (2) If the revocation is because of ineligibility for a driving eligibility certificate under G.S. 20-11(n1), then the revocation shall be for a period of one year.

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

- (1) A high school diploma or its equivalent.
- (2) A driving eligibility certificate as required under G.S. 20-11(n).

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

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

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

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

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

- "(28) Duty to Develop Rules for Issuance of Driving Eligibility Certificates.
– The State Board of Education shall ~~issue rules defining~~ adopt the

following rules to assist schools in their administration of procedures necessary to implement G.S. 20-11 and G.S. 20-13.2:

- a. To define what is equivalent to a high school diploma for the purposes of G.S. 20-11 and G.S. 20-13.2. These rules shall apply to all educational programs offered in the State by public schools, charter schools, nonpublic schools, or community colleges.
- b. To establish ~~The State Board also shall issue rules for the procedures a person who is or was enrolled in a public school, in a school or in a charter school, or in a nonpublic school accredited by the Board~~ school must follow and the requirements that person must ~~shall~~ meet to obtain a driving eligibility certificate.
- c. To require the ~~The person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must to provide the certificate if he or she determines that one of the following requirements is met:~~
 - a. ~~The person seeking the certificate is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.~~
 - b. ~~A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate.~~
 - e. ~~The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent.~~
 - 1. The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).
 - 2. The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).These rules shall apply to public schools and charter schools.
- d. To provide for an appeal to an appropriate education authority by a person who is denied a driving eligibility certificate. These rules shall apply to public schools and charter schools.
- e. To define exemplary student behavior and to define what constitutes the successful completion of a drug or alcohol treatment counseling program. These rules shall apply to public schools and charter schools.

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

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

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

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

(a) The Secretary of Administration, upon consideration of the advice of the Division of Nonpublic Education in the Office of the Governor and representatives of nonpublic schools, shall ~~issue~~ adopt rules for the procedures a person who is or was enrolled in a home school, in a nonpublic school that is not accredited by the State Board of Education, or in an educational program found by a court, prior to July 1, 1998, to comply with the compulsory attendance law, must follow and the requirements that person must meet to obtain a driving eligibility certificate. ~~The person~~ The procedures shall provide that the person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must provide the certificate if he or she determines that one of the following requirements is met:

- (1) ~~The person seeking the certificate is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.~~
- (2) ~~A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate.~~
- (3) ~~The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent. eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).~~
- (2) The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

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

(b) The Secretary of Administration shall develop a form for parents, guardians, or emancipated juveniles, as appropriate, to provide their written, irrevocable consent

for a school to disclose to the Division of Motor Vehicles that the student no longer meets the conditions for a driving eligibility certificate under G.S. 20-11(n)(1) or G.S. 20-11(n1), if applicable, in the event that this disclosure is necessary to comply with G.S. 20-11 or G.S. 20-13.2. Other than identifying under which statutory subsection the student is no longer eligible, no other details or information concerning the student's school record shall be released pursuant to this consent. This form shall be used for students enrolled in home schools or nonpublic schools.

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

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

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

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

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

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

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

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

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

- (1) To establish the procedures a person who is or was enrolled in a community college must follow and the requirements that person must meet to obtain a driving eligibility certificate. The
- (2) To require the person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must to provide the certificate if he or she determines that one of the following requirements is met:
 - (1) ~~The person seeking the certificate is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.~~
 - (2) ~~A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate.~~
 - (3) ~~The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent.~~
 - a. The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).
 - b. The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).
- (3) ~~The rules shall To provide for an appeal through the grievance procedures established by the board of trustees of each community college by a person who is denied a driving eligibility certificate.~~
- (4) To define exemplary student behavior and to define what constitutes the successful completion of a drug or alcohol treatment counseling program.

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

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

Section 10. The State Board of Education shall initiate and coordinate meetings with the Division of Nonpublic Education in the Office of the Governor, with representatives of nonpublic schools, and with the State Board of Community Colleges

in order to develop coordinated rules, policies, and guidelines needed to implement this act.

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

In the General Assembly read three times and ratified this the 28th day of June, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:30 p.m. this 1st day of July, 1999