

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1087
Judiciary II Committee Substitute Adopted 4/19/05

Short Title: Limited Driving Privilege for DWLR.

(Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN PERSONS WITH A REVOKED DRIVERS
3 LICENSE TO OBTAIN A LIMITED DRIVING PRIVILEGE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-179.3(b) reads as rewritten:

6 "(b) Eligibility.

7 (1) A person convicted of the offense of impaired driving under
8 G.S. 20-138.1 is eligible for a limited driving privilege if:

- 9 a. At the time of the offense he held either a valid driver's license
10 or a license that had been expired for less than one year;
11 b. At the time of the offense he had not within the preceding seven
12 years been convicted of an offense involving impaired driving;
13 c. Punishment Level Three, Four, or Five was imposed for the
14 offense of impaired driving;
15 d. Subsequent to the offense he has not been convicted of, or had
16 an unresolved charge lodged against him for, an offense
17 involving impaired driving; and
18 e. The person has obtained and filed with the court a substance
19 abuse assessment of the type required by G.S. 20-17.6 for the
20 restoration of a drivers license.

21 A person whose North Carolina driver's license is revoked because
22 of a conviction in another jurisdiction substantially similar to impaired
23 driving under G.S. 20-138.1 is eligible for a limited driving privilege if
24 he would be eligible for it had the conviction occurred in North
25 Carolina. Eligibility for a limited driving privilege following a
26 revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

27 (2) Any person whose licensing privileges are forfeited pursuant to
28 G.S. 15A-1331A is eligible for a limited driving privilege if the court
29 finds that at the time of the forfeiture, the person held either a valid

1 drivers license or a drivers license that had been expired for less than
2 one year and:

- 3 a. The person is supporting existing dependents or must have a
4 drivers license to be gainfully employed; or
- 5 b. The person has an existing dependent who requires serious
6 medical treatment and the defendant is the only person able to
7 provide transportation to the dependent to the health care
8 facility where the dependent can receive the needed medical
9 treatment.

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

15 (3) Except as otherwise provided by law for a particular motor vehicle
16 offense, any person whose licensing privileges have been revoked for a
17 motor vehicle offense other than an impaired driving offense is eligible
18 for a limited driving privilege if the court finds that the person is
19 supporting existing dependents or must have a drivers license to be
20 gainfully employed. The limited driving privilege granted under this
21 subdivision may, in the court's discretion, authorize the person to drive
22 for essential purposes related to any of the activities in subsection (a)
23 of this section. This subdivision shall not apply to a person whose
24 license has been revoked for an impaired driving offense and who has
25 subsequently been found guilty of violating G.S. 20-28."

26 **SECTION 2.** This act becomes effective October 1, 2005.