

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1087  
Judiciary II Committee Substitute Adopted 4/19/05  
Finance Committee Substitute Adopted 8/10/05  
House Committee Substitute Favorable 6/28/06

Short Title: Limited Driving Privileges - DWLR.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING  
WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING  
PRIVILEGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 20 of the General Statutes is amended by  
adding a new section to read:

**"§ 20-20.1. Limited driving privilege for certain revocations.**

(a) Definitions. – As used in this section, the following definitions apply:

- (1) Limited driving privilege. – A judgment issued by a court authorizing a person with a revoked drivers license to drive under the terms and conditions authorized under this section.
- (2) Nonfleet private passenger motor vehicle. – As defined in Article 40 of Chapter 58 of the General Statutes.
- (3) Nonstandard working hours. – Any time other than 6 A.M. until 8 P.M. on Monday through Friday.
- (4) Offense involving impaired driving. – As defined in G.S. 20-4.01(24a).
- (5) Standard working hours. – Any time from 6 A.M. until 8 P.M. on Monday through Friday.

(b) Eligibility. – The court, for good cause shown, may issue a limited driving privilege to a person whose North Carolina drivers license is permanently revoked under G.S. 20-28(a) or G.S. 20-28.1 if all of the following conditions apply:

- (1) The person has no other current drivers license revocations other than the revocation under G.S. 20-28(a) or G.S. 20-28.1.

- 1           (2)   The person has complied with the permanent revocation for at least  
2           two years immediately preceding the motion for a limited driving  
3           privilege.
- 4           (3)   The person has no unresolved or outstanding motor vehicle offenses or  
5           motor vehicle charges or unpaid motor vehicle fines or penalties in this  
6           or any other state.
- 7           (4)   The person has not held a limited driving privilege issued under this  
8           section at any time during the three years prior to the filing of the  
9           current action.

10       (c)   Ineligibility. – A person is not eligible to receive a limited driving privilege  
11       under this section if any of the following conditions apply:

- 12           (1)   The person is eligible to receive a limited driving privilege under any  
13           other provision of law.
- 14           (2)   The person's drivers license was revoked for an offense involving  
15           impaired driving at the time the person was charged under  
16           G.S. 20-28(a) or G.S. 20-28.1.
- 17           (3)   The person's drivers license is revoked under G.S. 20-17.1.
- 18           (4)   The person is not eligible to receive a North Carolina drivers license  
19           under G.S. 20-9(f).
- 20           (5)   The Division has refused to issue a drivers license to the person under  
21           G.S. 20-9(e).
- 22           (6)   The person's drivers license issued by another state has been revoked  
23           by that state for any reason or the person's North Carolina drivers  
24           license has been revoked under any interstate compact or agreement.

25       (d)   Scope of Privilege. – A limited driving privilege must restrict the holder to  
26       essential driving related to one or more of the purposes listed in this subsection. Any  
27       driving that is not related to the purposes authorized in this subsection is unlawful even  
28       though done at times and upon routes that may be authorized by the privilege. Except as  
29       otherwise provided, all driving must be for a purpose and done within the restrictions  
30       specified in the privilege.

31       The permissible purposes for a limited driving privilege are: (i) travel to and from  
32       the person's employment; and in the course of employment; (ii) necessary maintenance  
33       of the person's household; and (iii) emergency medical care for the person or for an  
34       immediate family member of the person who resides in the same household with the  
35       person. Driving related to emergency medical care is authorized at any time and without  
36       restriction as to routes.

37       (e)   Jurisdiction. – A motion for a limited driving privilege under this section is  
38       separate from any action that resulted in the initial revocation and is a civil action filed  
39       in district court in the county of the person's residence as reflected by the Division's  
40       records. The costs required under G.S. 7A-305(a3) apply to this action.

41       (f)   Motion. – A motion for a limited driving privilege requested under this  
42       section must include a copy of the person's driving history. The motion must also  
43       include a sworn statement that there are no outstanding or unresolved charges, no  
44       unpaid fines, and no violations in this or any other state that could result in the

1 revocation of the person's drivers license, and that the person has complied with the  
2 current revocation for the time period required under subdivision (b)(2) of this section  
3 immediately preceding the person's motion for a limited driving privilege under this  
4 section.

5 (g) Employment Driving in Standard Working Hours. – The court may authorize  
6 driving for employment-related purposes during standard working hours without  
7 specifying the times and routes in which the driving must occur. If the person is not  
8 required to drive for essential employment-related purposes except during standard  
9 working hours, the limited driving privilege must prohibit driving during nonstandard  
10 working hours unless the driving is for emergency medical care or is authorized by  
11 subsection (i) of this section. The limited driving privilege must state the name and  
12 address of the applicant's place of work or employer and may include other information  
13 and restrictions applicable to work-related driving in the discretion of the court.

14 (h) Employment Driving in Nonstandard Working Hours. – If a person is  
15 required to drive during nonstandard working hours for an essential employment-related  
16 purpose and the person provides to the court documentation of that fact, the court may  
17 authorize the person to drive for that purpose during those hours. If the person is  
18 self-employed, the documentation must be attached to or made a part of the limited  
19 driving privilege. The limited driving privilege must state the name and address of the  
20 person's place of employment or employer and may include other information and  
21 restrictions applicable to work-related driving, in the discretion of the court. If the court  
22 determines that it is necessary for the person to drive during nonstandard working hours  
23 for an employment-related purpose, the court may authorize the person to drive subject  
24 to these limitations:

- 25 (1) If the person is required to drive to and from a specific place of  
26 employment at regular times, the limited driving privilege must  
27 specify the general times and routes in which the person will be  
28 driving to and from work and restrict driving to those times and routes.
- 29 (2) If the person is required to drive to and from work at a specific place  
30 but is unable to specify the times during which the driving will occur,  
31 the limited driving privilege must specify the general routes which the  
32 person will be driving to and from work and restrict the driving to  
33 those general routes.
- 34 (3) If the person is required to drive to and from work at regular times but  
35 is unable to specify the places at which work is to be performed, the  
36 limited driving privilege must specify the general times and  
37 geographic boundaries in which the person will be driving and restrict  
38 driving to those times and within those boundaries.
- 39 (4) If the person can specify neither the times nor places in which the  
40 person will be driving to and from work, or if the person is required to  
41 drive during these nonstandard working hours as a condition of  
42 employment, the limited driving privilege must specify the geographic  
43 boundaries in which the person will drive and restrict driving to within  
44 those boundaries.

1       (i) Household Maintenance. – A limited driving privilege may not allow driving  
2 for maintenance of the household except during standard working hours. The limited  
3 driving privilege may contain any additional restrictions on that driving, in the  
4 discretion of the court.

5       (j) Proof of Financial Responsibility. – A person applying for a limited driving  
6 privilege under this section must provide to the court proof of financial responsibility,  
7 and a limited driving privilege must be conditioned upon the maintenance of financial  
8 responsibility during the period of the limited driving privilege. The Commissioner may  
9 require that certificates required by this subsection be on a form approved by the  
10 Commissioner. Nothing in this subsection precludes any person from showing proof of  
11 financial responsibility in any other manner authorized by Articles 9A and 13 of this  
12 Chapter. This subsection does not apply to a person who does not own a currently  
13 registered motor vehicle and who does not operate a nonfleet private passenger motor  
14 vehicle that is owned by another person and that is not insured under a commercial  
15 motor vehicle liability insurance policy. If this subsection applies, the person must sign  
16 a written certificate to that effect. The Division shall furnish the certificate. Any  
17 material misrepresentation made by the person on the certificate shall be grounds for the  
18 court to revoke the limited driving privilege granted under this section.

19       Proof of financial responsibility shall be in one of the following forms:

20           (1) A written certificate or electronically transmitted facsimile of the  
21 certificate issued by an insurance carrier duly authorized to do  
22 business in this State certifying that there is in effect a nonfleet private  
23 passenger motor vehicle liability policy for the benefit of the person  
24 required to furnish proof of financial responsibility. The certificate or  
25 facsimile shall state the effective date and expiration date of the  
26 nonfleet private passenger motor vehicle liability policy and must state  
27 the date that the certificate or facsimile is issued. The certificate or  
28 facsimile must remain effective proof of financial responsibility for a  
29 period of 30 consecutive days following the date the certificate or  
30 facsimile is issued but must not in and of itself constitute a binder or  
31 policy of insurance.

32           (2) A binder for or policy of nonfleet private passenger motor vehicle  
33 liability insurance under which the applicant is insured, provided that  
34 the binder or policy states the effective date and expiration date of the  
35 nonfleet private passenger motor vehicle liability policy.

36       (k) Other Restrictions. – The court must include in all limited driving privileges a  
37 restriction that the holder of the privilege not consume alcohol while driving or drive at  
38 any time while the holder has remaining in the holder's body any alcohol or controlled  
39 substance previously consumed, unless the controlled substance was lawfully obtained  
40 and taken in therapeutically appropriate amounts. The court may impose any other  
41 reasonable restrictions or conditions necessary to achieve the purposes of this section.

42       (l) Term. – The term of a limited driving privilege issued under this section shall  
43 be one year. Upon the expiration of the term of the limited driving privilege or after

1 three years from the date of the permanent revocation, the person may apply to the  
2 Division for a license under G.S. 20-28(c) or G.S. 20-28.1(c).

3 (m) Notification. – The clerk of court must send a copy of any limited driving  
4 privilege issued in the county to the Division. A limited driving privilege that is not  
5 authorized by this section or that does not contain the limitations required by law is  
6 invalid.

7 (n) Modification. – A court may modify or revoke a person's limited driving  
8 privilege issued under this section upon a showing that the circumstances have changed  
9 sufficiently to justify modification or revocation. If the judge who issued the privilege is  
10 not presiding in the court in which the privilege was issued, a presiding judge in that  
11 court may modify or revoke the privilege. The judge must indicate in the order of  
12 modification or revocation the reasons for the order, or the judge must make specific  
13 findings indicating the reason for the order, and those findings must be entered in the  
14 record of the case. When a court issues an order of modification or revocation, the clerk  
15 must send a copy of the order to the Division.

16 (o) Effect of Violation. – A violation of a limited driving privilege issued under  
17 this section constitutes the offense of driving while license revoked under G.S. 20-28.  
18 Whenever a person is charged with operating a motor vehicle in violation of the limited  
19 driving privilege, the limited driving privilege must be suspended pending the final  
20 disposition of the charge."

21 **SECTION 2.** G.S. 7A-305 is amended by adding a new subsection to read:

22 "(a3) In every motion to obtain a limited driving privilege filed under G.S. 20-20.1,  
23 a cost of one hundred dollars (\$100.00) shall be assessed against the person filing the  
24 motion. Costs collected by the clerk under this subsection shall be remitted to the State  
25 Treasurer. The State Treasurer must credit one-half of the assessed cost to the Highway  
26 Fund and the remaining one-half of the assessed cost to the Court Information  
27 Technology Fund established under G.S. 7A-343.2. Costs assessed under this subsection  
28 are in addition to any other costs assessed under this section."

29 **SECTION 3.** This act becomes effective December 1, 2006, and applies to  
30 permanent revocations that occurred before, on, or after that date.