

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1805*
Judiciary I (Civil) Committee Substitute Adopted 6/12/08

Short Title: No Auto. Revoke/Driv. Lic./Incompetent Person.

(Public)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO CONSIDER
2 RECOMMENDATIONS FROM THE CLERK OF COURT IN DETERMINING
3 WHETHER TO REVOKE THE DRIVERS LICENSE OF A PERSON
4 ADJUDICATED INCOMPETENT UNDER THE GUARDIANSHIP LAWS, AS
5 RECOMMENDED BY THE STUDY COMMISSION ON AGING.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-17.1(a) reads as rewritten:

9 "(a) The Commissioner, upon receipt of notice that any person has been legally
10 adjudicated incompetent or has been involuntarily committed to an institution for the
11 treatment of alcoholism or drug addiction, shall forthwith make inquiry into the facts for
12 the purpose of determining whether such person is competent to operate a motor
13 vehicle. If a person has been adjudicated incompetent under Chapter 35A of the General
14 Statutes, in making an inquiry into the facts, the Commissioner shall consider the clerk
15 of court's recommendation regarding whether the incompetent person should be allowed
16 to retain his or her driving privilege. Unless the Commissioner is satisfied that such
17 person is competent to operate a motor vehicle with safety to persons and property, he
18 shall revoke such person's driving privilege. Provided that if such person requests, in
19 writing, a hearing, he shall retain his license until after the hearing, and if the revocation
20 is sustained after such hearing, the person whose driving privilege has been revoked
21 under the provisions of this section, shall have the right to a review by the review board
22 as provided in G.S. 20-9(g)(4) upon written request filed with the Division."

23 **SECTION 2.** This act is effective October 1, 2008, and applies to persons
24 adjudicated incompetent under Chapter 35A of the General Statutes on or after that date.