

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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SENATE BILL 492

Short Title: Limited Driving Privilege/Church. (Public)

Sponsors: Senators D. Davis, Soucek, Daniel (Primary Sponsors); Hise, Sanderson, and Waddell.

Referred to: Rules and Operations of the Senate.

March 26, 2015

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE HOLDER OF A LIMITED DRIVING PRIVILEGE TO DRIVE TO AND FROM HIS OR HER PLACE OF RELIGIOUS WORSHIP.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179.3 reads as rewritten:

"§ 20-179.3. Limited driving privilege.

(a) Definition of Limited Driving Privilege. - A limited driving privilege is a judgment issued in the discretion of a court for good cause shown authorizing a person with a revoked driver's license to drive for essential purposes related to any of the following:

- (1) His-The person's employment.
(2) The maintenance of his-the person's household.
(3) His-The person's education.
(4) His-The person's court-ordered treatment or assessment.
(5) Community service ordered as a condition of the person's probation.
(6) Emergency medical care.
(7) Religious worship.

(b) Eligibility. -

- (1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if:
a. At the time of the offense he-the person held either a valid driver's license or a license that had been expired for less than one year;
b. At the time of the offense he-the person had not within the preceding seven years been convicted of an offense involving impaired driving;
c. Punishment Level Three, Four, or Five was imposed for the offense of impaired driving;
d. Subsequent to the offense he-the person has not been convicted of, or had an unresolved charge lodged against him-the person for, an offense involving impaired driving; and
e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if he-the person would be eligible for it had the conviction occurred in North Carolina.



1 Eligibility for a limited driving privilege following a revocation under
2 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

3 (2) Any person whose licensing privileges are forfeited pursuant to
4 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds
5 that at the time of the forfeiture, the person held either a valid drivers license
6 or a drivers license that had been expired for less than one year and

7 a. The person is supporting existing dependents or must have a drivers
8 license to be gainfully employed; or

9 b. The person has an existing dependent who requires serious medical
10 treatment and the defendant is the only person able to provide
11 transportation to the dependent to the health care facility where the
12 dependent can receive the needed medical treatment.

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

17 ...

18 (c1) Privilege Restrictions for High-Risk Drivers. – Notwithstanding any other provision
19 of this section, any limited driving privilege issued to a person convicted of an impaired driving
20 offense with an alcohol concentration of 0.15 or more at the time of the offense shall:

21 (1) Not become effective until at least 45 days after the final conviction under
22 G.S. 20-138.1;

23 (2) Require the applicant to comply with the ignition interlock requirements of
24 subsection (g5) of this section; and

25 (3) Restrict the applicant to driving only to and from the applicant's place of
26 employment, the place the applicant is enrolled in school, the applicant's
27 place of religious worship, any court ordered treatment or substance abuse
28 education, and any ignition interlock service facility.

29 For purposes of this subsection, the results of a chemical analysis presented at trial or
30 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and
31 shall not be subject to modification by any party, with or without approval by the court.

32 ...

33 (e) Limited Basis for and Effect of Privilege. – A limited driving privilege issued under
34 this section authorizes a person to drive if ~~his~~the person's license is revoked solely under
35 G.S. 20-17(a)(2) or as a result of a conviction in another jurisdiction substantially similar to
36 impaired driving under G.S. 20-138.1; if the person's license is revoked under any other statute,
37 the limited driving privilege is invalid.

38 ...

39 (g1) Driving for Work-Related Purposes in Nonstandard Hours. – If the applicant is
40 required to drive during nonstandard working hours for an essential work-related purpose, ~~he~~
41 the applicant must present documentation of that fact before the judge may authorize ~~him~~the
42 applicant to drive for this purpose during those hours. If the applicant is self-employed, the
43 documentation must be attached to or made a part of the limited driving privilege. If the judge
44 determines that it is necessary for the applicant to drive during nonstandard hours for a
45 work-related purpose, ~~he~~the judge may authorize the applicant to drive subject to these
46 limitations:

47 (1) If the applicant is required to drive to and from a specific place of work at
48 regular times, the limited driving privilege must specify the general times
49 and routes in which the applicant will be driving to and from work, and
50 restrict driving to those times and routes.

- 1 (2) If the applicant is required to drive to and from work at a specific place, but
2 is unable to specify the times at which that driving will occur, the limited
3 driving privilege must specify the general routes in which the applicant will
4 be driving to and from work, and restrict the driving to those general routes.
- 5 (3) If the applicant is required to drive to and from work at regular times but is
6 unable to specify the places at which work is to be performed, the limited
7 driving privilege must specify the general times and geographic boundaries
8 in which the applicant will be driving, and restrict driving to those times and
9 within those boundaries.
- 10 (4) If the applicant can specify neither the times nor places in which ~~he~~the
11 applicant will be driving to and from work, or if ~~he~~the applicant is required
12 to drive during these nonstandard working hours as a condition of
13 employment, the limited driving privilege must specify the geographic
14 boundaries in which ~~he~~the applicant will drive and restrict driving to that
15 within those boundaries.

16 The limited driving privilege must state the name and address of the applicant's place of work
17 or employer, and may include other information and restrictions applicable to work-related
18 driving, in the discretion of the court.

19 (g2) Driving for Other than Work-Related Purposes. – A limited driving privilege may
20 not allow driving for maintenance of the household except during standard working hours, and
21 the limited driving privilege may contain any additional restrictions on that driving, in the
22 discretion of the court. The limited driving privilege must authorize driving essential to the
23 completion of any community work assignments, course of instruction at an Alcohol and Drug
24 Education Traffic School, or substance abuse assessment or treatment, to which the applicant is
25 ordered by the court as a condition of probation for the impaired driving conviction. If this
26 driving will occur during nonstandard working hours, the limited driving privilege must specify
27 the same limitations required by subsection (g1) for work-related driving during those hours,
28 and it must include or have attached to it the name and address of the Alcohol and Drug
29 Education Traffic School, the community service coordinator, or mental health treatment
30 facility to which the applicant is assigned. Driving for educational purposes other than the
31 course of instruction at an Alcohol and Drug Education Traffic School is subject to the same
32 limitations applicable to work related driving under subsections (g) and (g1). Driving to and
33 from the applicant's place of religious worship is subject to the same limitations applicable to
34 work-related driving under subsections (g) and (g1).

35 ...

36 (h) Other Mandatory and Permissive Conditions or Restrictions. – In all limited driving
37 privileges the judge shall also include a restriction that the applicant not consume alcohol while
38 driving or drive at any time while ~~he~~the applicant has remaining in ~~his~~the applicant's body any
39 alcohol or controlled substance previously consumed, unless the controlled substance was
40 lawfully obtained and taken in therapeutically appropriate amounts. The judge may impose any
41 other reasonable restrictions or conditions necessary to achieve the purposes of this section.

42 (i) Modification or Revocation of Privilege. – A judge who issues a limited driving
43 privilege is authorized to modify or revoke the limited driving privilege upon a showing that
44 the circumstances have changed sufficiently to justify modification or revocation. If the judge
45 who issued the privilege is not presiding in the court in which the privilege was issued, a
46 presiding judge in that court may modify or revoke a privilege in accordance with this
47 subsection. The judge must indicate in the order of modification or revocation the reasons for
48 the order, or ~~he~~the judge must make specific findings indicating the reason for the order and
49 those findings must be entered in the record of the case.

50 (j) Effect of Violation of Restriction. – A holder of a limited driving privilege who
51 violates any of its restrictions commits the offense of driving while ~~his~~ license is revoked under

1 G.S. 20-28(a) and is subject to punishment and license revocation as provided in that section. If
2 a law-enforcement officer has reasonable grounds to believe that the holder of a limited driving
3 privilege has consumed alcohol while driving or has driven while he or she has remaining in his
4 or her body any alcohol previously consumed, the suspected offense of driving while license is
5 revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.
6 If a holder of a limited driving privilege is charged with driving while license revoked by
7 violating a restriction contained in his or her limited driving privilege, and a judicial official
8 determines that there is probable cause for the charge, the limited driving privilege is
9 suspended pending the resolution of the case, and the judicial official must require the holder to
10 surrender the limited driving privilege. The judicial official must also notify the holder that he
11 or she is not entitled to drive until his or her case is resolved.

12 Notwithstanding any other provision of law, an alcohol screening test may be administered
13 to a driver suspected of violating this section, and the results of an alcohol screening test or the
14 driver's refusal to submit may be used by a law enforcement officer, a court, or an
15 administrative agency in determining if alcohol was present in the driver's body. No alcohol
16 screening tests are valid under this section unless the device used is one approved by the
17 Department of Health and Human Services, and the screening test is conducted in accordance
18 with the applicable regulations of the Department as to the manner of its use.

19"

20 **SECTION 2.** This act becomes effective July 1, 2015, and applies to limited
21 driving privileges issued on or after that date.