# HOUSE BILL 350:
# Restore Driving Privileges/Competency

*2015-2016 General Assembly*

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| **Committee:** | House Judiciary II | **Date:** | April 21, 2015 |
| **Introduced by:** | Reps. Farmer-Butterfield, Richardson, Hurley, R. Turner | **Prepared by:** | Susan Sitze* Committee Counsel |
| **Analysis of:** | First Edition | | |

*SUMMARY: House Bill 350 would require the Division of Motor Vehicles to restore a person's driving privilege upon notification from the clerk of court that the person has been adjudicated to be restored to competency.*

**CURRENT LAW:** Article 1 of Chapter 35A of the General Statutes provides a procedure for adjudicating a person to be incompetent. The clerk of the court in which the adjudication is made is required to notify the Commissioner of Motor Vehicles of the adjudication. Upon receipt of notice that any person has been adjudicated incompetent, G.S. 20-17.1 authorizes the Division of Motor Vehicles to revoke that person's driving privilege unless the Commissioner is satisfied that the person is competent to operate a motor vehicle safely.

Article 3 of Chapter 35A provides for a proceeding before the clerk of court to restore a person's competency. When a person's competency is restored, the person is authorized to manage his or her affairs and exercise his or her rights as if he or she had never been adjudicated incompetent. There is no provision that specifically addresses restoration of the driving privilege in the event that the person's competency is later restored.

**BILL ANALYSIS:** House Bill 350 would add a provision to Chapter 35A requiring the clerk of court to send a certified copy of an order adjudicating a person to be restored to competency to the Division of Motor Vehicles. Upon receipt of the notice, the Division would be required to restore the person's drivers license, unless the license was otherwise revoked or the person does not otherwise meet requirements for restoration.

**EFFECTIVE DATE:** The act would become effective July 1, 2015.

*\*This summary was originally prepared by Wendy Graf Ray, Staff Attorney.*