



# HOUSE BILL 529: NC Drivers License Restoration Act

2015-2016 General Assembly

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| <b>Committee:</b>     | House Judiciary IV, if favorable, Finance | <b>Date:</b>        | April 15, 2015    |
| <b>Introduced by:</b> | Reps. Baskerville, Bryan                  | <b>Prepared by:</b> | Kelly Tornow      |
| <b>Analysis of:</b>   | PCS to First Edition<br>H529-CSTH-9       |                     | Committee Counsel |

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**SUMMARY:** *House Bill 529 would limit the applicability of the requirement of an additional period of revocation upon a conviction of driving while license revoked (DWLR).*

**CURRENT LAW:** G.S. 20-28(a) makes it a Class 3 misdemeanor for a person to drive while his or her drivers license is revoked for any reason other than an impaired driving revocation. If the person's license was originally revoked for an impaired driving revocation, the person is guilty of a Class 1 misdemeanor. Upon conviction, the person's license will be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

A person whose license is revoked may apply for a license as follows:

- One year revocation: Apply after 90 days.
- Two year revocation: Apply after one year.
- Permanent revocation: Apply after three years.

Upon application, the Division of Motor Vehicles (DMV) may issue a new license upon satisfactory proof that the person has not been convicted of a moving violation or a violation of the ABC laws or drug laws during the revocation period. If the original revocation was for impaired driving, the person's license may be conditionally restored if the driver obtains a substance abuse assessment and shows proof of financial responsibility.

**BILL ANALYSIS:** House Bill 529 would limit the applicability of the requirement of an additional period of revocation upon a conviction of driving while license revoked by creating a new offense of Aggravated Driving While License Revoked so that the additional period of revocation would be imposed only if the person's license was revoked for any of the following:

- An impaired driving license revocation.
- An accumulation of 12 or more drivers license points within a 3-year period, or eight or more points in the 3-year period immediately following the reinstatement of a suspended or revoked license due to one or more traffic offenses.
- A violation of any limited driving privilege.
- A violation of any ignition interlock requirement.

The bill would also provide that driving while license revoked for any reason under G.S. 20-28 other than an Aggravated Driving While License Revoked offense would not be considered a moving violation for purposes of applying for a new license.

**EFFECTIVE DATE:** This act becomes effective December 1, 2015, and applies to convictions on or after that date.

O. Walker Reagan  
Director



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Research Division  
(919) 733-2578