



HOUSE BILL 336: Ltd. License/Drive to School Event Past 9:00.

2017-2018 General Assembly

Committee:	House Judiciary II	Date:	April 25, 2017
Introduced by:	Reps. Butler, Iler, Reives, Torbett	Prepared by:	Susan Sitze
Analysis of:	PCS to Second Edition H336-CSBK-21		Jessica Sammons Committee Co-Counsel

OVERVIEW: *The proposed committee substitute (PCS) for House Bill 336 would amend the graduated driver's license statute for drivers under the age of 18 to allow a Level 2 limited provisional licensee to drive unsupervised at any time of day when driving to or from a school-related extracurricular or athletic activity or a school-held class.*

The PCS specifies that the driver has to be actively participating in the extracurricular or athletic activity as more than a spectator to drive unsupervised at any time of day.

CURRENT LAW: Under the graduated driver's license statute (G.S. 20-11), there are three levels of driving privileges for persons less than 18 years old: (i) Level 1 – Driving with a limited learner's permit; (ii) Level 2 – Driving with a limited provisional license; and (iii) Level 3 – Driving with a full provisional license. (See the chart on page 2 for requirements and restrictions for each level.)

Currently, a Level 2 limited provisional licensee is authorized to drive without supervision only during the following circumstances:

- 1) From 5:00 a.m. to 9:00 p.m.
- 2) When driving directly to or from work.
- 3) When driving directly to or from a volunteer fire department, rescue squad, or emergency medical service activity, if the driver is a member of the organization.

A Level 2 limited provisional licensee may drive with supervision at any time. Failure to comply with a restriction concerning the time of driving or the presence of a supervising driver in the vehicle constitutes operating a motor vehicle without a license.

BILL ANALYSIS: The PCS for House Bill 336 would authorize a Level 2 limited provisional licensee to drive without supervision before 5:00 a.m. or after 9:00 p.m. in the following additional circumstances:

- 1) When driving to or from an extracurricular or interscholastic athletic activity that a high school or postsecondary school sponsors or participates in, if the driver is enrolled in the sponsoring or participating high school or postsecondary school and is actively participating in the activity as more than a spectator.
- 2) When driving to or from a class held at a high school or postsecondary school, if the driver is enrolled in the class.

EFFECTIVE DATE: This act would be effective when it becomes law.

Wendy Ray, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.

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GRADUATED DRIVERS LICENSE PROVISIONS (G.S. 20-11)

	LEVEL 1 – Limited Learner's Permit	LEVEL 2 – Limited Provisional License	LEVEL 3 – Full Provisional License
REQUIREMENTS	<ul style="list-style-type: none"> • 15-17 years old • Passes driver education course • Passes DMV written test. • Has driving eligibility certificate, high school diploma, or equivalent. 	<ul style="list-style-type: none"> • 16-17 years old • Has held a Level 1 permit for at least 12 months. • Has no convictions for moving violations, seat belt infractions, or violations of mobile phone use restrictions within the last 6 months. • Passes DMV road test. • Has driving eligibility certificate, high school diploma, or equivalent. • 60 logged hours driving. 	<ul style="list-style-type: none"> • 16-17 years old. • Has held a Level 2 license for at least 6 months. • Has no convictions for moving violations, seat belt infractions, or violations of mobile phone use restrictions within the last 6 months. • Has driving eligibility certificate, high school diploma, or equivalent. • 12 logged hours driving.
TIME RESTRICTIONS	<ul style="list-style-type: none"> • 5:00 a.m. – 9:00 p.m. for first 6 months. • Anytime after 6 months. 	<ul style="list-style-type: none"> • If supervised, anytime. • If unsupervised: <ul style="list-style-type: none"> ○ 5:00 a.m. – 9:00 p.m.; ○ Driving to or from work; or ○ Driving to or from an activity of a volunteer fire department, rescue squad, or emergency medical service. 	NONE
SUPERVISION	Supervision is required at all times, and the supervising driver must be seated beside the permit holder in the front seat of the vehicle.	When supervision is required, the supervising driver must be seated beside the license holder in the front seat of the vehicle.	NONE
PASSENGER LIMITATIONS	Only the supervising driver may be in the front seat.	If unsupervised: <ul style="list-style-type: none"> • Unlimited number of occupants over the age of 21. • Unlimited number of occupants who are family members or members of the same household. • Only one non-family member occupant under the age of 21, but only if no family member occupant or occupant from the same household is under the age of 21. 	NONE
USE OF MOBILE PHONE	All use prohibited	All use prohibited	Use prohibited except: <ul style="list-style-type: none"> • Emergencies • Calling parent, legal guardian, or spouse

*All drivers must be in possession of license or permit when driving, and every person occupying the vehicle must have a safety belt properly fastened or be restrained by child passenger restraint system when the vehicle is in motion.

*A "supervising driver" is a parent, grandparent, guardian, or responsible person approved by the parent, guardian or DMV, who has been a licensed driver for at least five years.