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OVERVIEW: *House Bill 1189 would provide accommodations for students enrolled in a driver education course in the spring semester of 2020, require the Department of Motor Vehicles to waive the road test requirement for applicants temporarily if applicants meet certain requirements, and would reappropriate reverted funding for the 2020-2021 fiscal year for driver education.*

CURRENT LAW: G.S. 115C-215, G.S. 115C-216, and the State Board of Education Policy DRIV-004 set the guidelines for the driver education program. Enrollees must complete at least 30 hours of classroom instruction or take and pass the Department of Public Instruction proficiency examination. Each student must also complete a minimum of 6 hours of behind-the-wheel instruction. For a person under 18, passage of the driver education program is a requirement to receive a limited learner's permit under G.S. 20-11.

G.S. 20-7 sets guidelines on the issuance and renewal of a drivers license. To demonstrate physical and mental ability, a person must pass an examination that may include road, vision, oral, and written tests. G.S. 20-11 sets guidelines on the issuance of a limited provisional license to a person less than 18 years old. A person eligible for a limited provisional license must, among other qualifications, pass a road test.

BILL ANALYSIS:

Section 1 would deem complete required classroom instruction for students enrolled in classroom driver education between January 2020 and March 16, 2020 who completed at least 15 hours of classroom instruction. It would also ensure students who completed less than 15 hours could be offered the opportunity to take a proficiency examination to waive the classroom instruction requirement entirely. It would clarify that behind-the-wheel instruction is not waived for students. Sec. 1 would authorize public schools to resume driver education programs in accordance with guidance issued by the Department of Public Instruction (DPI).

Section 2 would require the Division of Motor Vehicles (DMV) to temporarily waive the requirement that applicants pass a road test to obtain a regular drivers license or limited provisional license. Instead, applicants would be given a temporary license, subject to the following conditions: (i) the applicant must meet all other requirements for the applicable license, and (ii) the applicant must furnish the required proof of financial responsibility. The temporary licenses would expire no later than 90 days from issuance. The DMV could issue additional temporary licenses following expiration if the DMV has not yet started administration of regularly scheduled road tests. This section would expire the earlier of when the DMV resumes road test administration or 180 days from the effective date of the act.

Section 3 would appropriate reverted funding in the amount of ten million dollars to DPI for the 2020-2021 fiscal year for the driver education allotment. The funds would be allotted pro rata to local school administrative units based on the amount of funds that reverted from the 2019-2020 school year. This section would become effective July 1, 2020.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective when it becomes law.

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