



HOUSE BILL 158: COVID-19 New Driver Response.

2019-2020 General Assembly

Committee:		Date:	November 5, 2020
Introduced by:		Prepared by:	Wendy Ray Staff Attorney
Analysis of:	S.L. 2020-30		

OVERVIEW: *S.L. 2020-30 does the following:*

- *Waives the road test requirement to obtain a Level 2 limited provisional license. A Level 2 limited provisional license holder who receives a waiver has to pass a road test in order to obtain a Level 3 full provisional license. The waiver provision expires when the Division resumes administering road tests.*
- *Provides accommodations for students enrolled in a driver education course in the spring semester of 2020.*

This act became effective June 19, 2020.

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

The Division of Motor Vehicles has general statutory authority in issuing drivers licenses to administer tests, including road tests, in order to examine an applicant's physical and mental ability. However, it is a specific statutory requirement under the graduated drivers licensing provisions that an applicant pass a road test administered by the Division in order to obtain a Level 2 limited provisional license.

On March 18, 2020, the Division closed many offices and limited services, including suspension of road tests, due to the COVID-19 crisis. Road tests are not currently being offered, except for commercial drivers licensing and medical reassessments.

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.

BILL ANALYSIS: S.L. 2020-30:

- Requires the Division to waive the requirement that an applicant for a Level 2 limited provisional license pass a road test to obtain the license if the applicant meets all other requirements. Any Level 2 limited provisional license holder who receives a waiver under the act is required to pass a road test prior to obtaining a Level 3 full provisional license. The road test waiver provision expires on the date the Division resumes administering road tests for Level 2 limited provisional license applicants.

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Director



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- Deems 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 also ensures 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 clarifies that behind-the-wheel instruction is not waived for students. Public schools are authorized to resume driver education programs in accordance with guidance issued by the Department of Public Instruction (DPI).

EFFECTIVE DATE: This act became effective June 19, 2020.

	LEVEL 1 – Limited Learner's Permit	LEVEL 2 – Limited Provisional License	LEVEL 3 – Full Provisional License
REQUIREMENTS	<ul style="list-style-type: none"> • Eligible at 15. • Passes driver education course. • Passes DMV written test. • Has driving eligibility certificate, high school diploma, or equivalent. 	<ul style="list-style-type: none"> • Eligible at 16. • 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 prohibition within the last 6 months. • Passes DMV road test. • Has driving eligibility certificate, high school diploma, or equivalent. • 60 logged hours driving, 10 at night. 	<ul style="list-style-type: none"> • Eligible at 16.5. • 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 prohibition within the last 6 months. • Has driving eligibility certificate, high school diploma, or equivalent. • 12 logged hours driving, 6 at night.
TIME RESTRICTIONS	<ul style="list-style-type: none"> • 5:00 am – 9:00 pm for first 6 months. • After 6 months, no restriction. 	<ul style="list-style-type: none"> • If supervised, no restriction. • If unsupervised: <ul style="list-style-type: none"> ○ 5:00 am – 9:00 pm. ○ Driving directly to or from work. ○ Driving directly to or from an activity of a volunteer fire department, rescue squad, or emergency medical service. 	NONE
SUPERVISION	Supervision 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, if no family member or household occupant is under 21. 	NONE

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USE OF MOBILE PHONE	All use prohibited.	All use prohibited	Use prohibited except in emergencies and calling parent, guardian, or spouse.
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*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.