



HOUSE BILL 158: COVID-19 New Driver Response.

2019-2020 General Assembly

Committee:		Date:	June 11, 2020
Introduced by:	Rep. Presnell	Prepared by:	Kara McCraw* Staff Attorney
Analysis of:	Conference Committee Substitute (H158-CCSTC-11)		

OVERVIEW: *The Conference Committee Substitute for House Bill 158 would do the following:*

- *Waive the road test requirement to obtain a Level 2 limited provisional license. A Level 2 limited provisional license holder who receives a waiver would have to pass a road test in order to obtain a Level 3 full provisional license. The waiver provision would expire when the Division resumes administering road tests.*
- *Provide accommodations for students enrolled in a driver education course in the spring semester of 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: The Conference Committee Substitute for House Bill 158 would:

- Require 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 would be required to pass a road test prior to obtaining a Level 3 full provisional license. The road test waiver provision would expire on the date the Division resumes administering road tests for Level 2 limited provisional license applicants.

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Legislative Analysis
Division
919-733-2578

House CCS 158

Page 2

- 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. Public schools would also be authorized to resume driver education programs in accordance with guidance issued by the Department of Public Instruction (DPI).

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

**This summary was substantially contributed to by Wendy Ray, Staff Attorney.*