



# SENATE BILL 843: Waive Road Test/DMV Expand Office Hours.

2019-2020 General Assembly

<b>Committee:</b>	Senate Transportation. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 3, 2020
<b>Introduced by:</b>	Sens. Brown, McInnis, Perry	<b>Prepared by:</b>	Wendy Ray Staff Attorney
<b>Analysis of:</b>	First Edition		

**OVERVIEW:** Senate Bill 843 would waive the road test requirement to obtain a Level 2 limited provisional license. It would also appropriate funds to the Division of Motor Vehicles to expand operating hours at certain Division offices to accommodate increased demands following pandemic-related closures.

**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. About 65 offices remain closed, and road tests are not currently being offered, except for commercial drivers licensing and medical reassessments.

**BILL ANALYSIS:** Senate Bill 843 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 bill would also appropriate \$200,000 from the Highway Fund to the Division for a pilot program to expand operating hours at high-volume Division offices to accommodate increased demands resulting from COVID-related closures and delays.

**EFFECTIVE DATE:** The road test waiver provision would be effective when the bill becomes law and would expire on the date the Division resumes administering road tests. The appropriation would be effective July 1, 2020. The remainder of the act would be effective when it becomes law.

Karen Cochrane-Brown  
Director



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

	<b>LEVEL 1 – Limited Learner's Permit</b>	<b>LEVEL 2 – Limited Provisional License</b>	<b>LEVEL 3 – Full Provisional License</b>
<b>REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• Eligible at 15.</li> <li>• Passes driver education course.</li> <li>• Passes DMV written test.</li> <li>• Has driving eligibility certificate, high school diploma, or equivalent.</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible at 16.</li> <li>• Has held a Level 1 permit for at least 12 months.</li> <li>• Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months.</li> <li>• Passes DMV road test.</li> <li>• Has driving eligibility certificate, high school diploma, or equivalent.</li> <li>• 60 logged hours driving, 10 at night.</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible at 16.5.</li> <li>• Has held a Level 2 license for at least 6 months.</li> <li>• Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months.</li> <li>• Has driving eligibility certificate, high school diploma, or equivalent.</li> <li>• 12 logged hours driving, 6 at night.</li> </ul>
<b>TIME RESTRICTIONS</b>	<ul style="list-style-type: none"> <li>• 5:00 am – 9:00 pm for first 6 months.</li> <li>• After 6 months, no restriction.</li> </ul>	<ul style="list-style-type: none"> <li>• If supervised, no restriction.</li> <li>• If unsupervised:               <ul style="list-style-type: none"> <li>○ 5:00 am – 9:00 pm.</li> <li>○ Driving directly to or from work.</li> <li>○ Driving directly to or from an activity of a volunteer fire department, rescue squad, or emergency medical service.</li> </ul> </li> </ul>	NONE
<b>SUPERVISION</b>	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
<b>PASSENGER LIMITATIONS</b>	Only the supervising driver may be in the front seat.	If unsupervised: <ul style="list-style-type: none"> <li>• Unlimited number of occupants over the age of 21.</li> <li>• Unlimited number of occupants who are family members or members of the same household.</li> <li>• Only one non-family member occupant under the age of 21, if no family member or household occupant is under 21.</li> </ul>	NONE
<b>USE OF MOBILE PHONE</b>	All use prohibited.	All use prohibited	Use prohibited except in emergencies and calling parent, 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.