



HOUSE BILL 359: Driver Eligibility Cert. Waiver & Restore.

2021-2022 General Assembly

Committee:	House State Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 28, 2021
Introduced by:	Reps. Winslow, Moffitt, Torbett, Elmore	Prepared by:	Howard Marsilio
Analysis of:	PCS to First Edition H359-CSBG-9		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for House Bill 359 would temporarily waive requirements that relate to driving eligibility certificates and restore certain learner's permits and provisional licenses revoked due to certificate ineligibility for enrollment and school progress reasons.*

CURRENT LAW: Current law requires a driving eligibility certificate or a high school diploma or its equivalent to obtain and maintain a limited learner's permit or provisional license under the graduated licensing program.

A driving eligibility certificate must meet conditions outlined under G.S. 20-11(n), which include form and timing requirements, and:

- A determination that one of the following requirements is met:
 - The person is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.
 - A substantial hardship would be placed on the person or the person's family if the person does not receive a certificate.
 - The person cannot make progress toward obtaining a high school diploma or its equivalent.
- A determination that the person is not subject to the Lose Control; Lose License law under G.S. 20-11(n1), or is subject and is otherwise eligible those provisions.

DMV is required to revoke a learner's permit or provisional license when the DMV receives notification from the proper school authority that a person no longer meets the requirements for a driving eligibility certificate.

School authorities are also required to implement rules, and follow statutory requirements for issuing driving eligibility certificates, and informing the DMV when conditions for driving eligibility certificates are not met.

BILL ANALYSIS: The PCS would:

- Waive the requirement that an applicant for a limited learner's permit or provisional license have a driving eligibility certificate or a high school diploma or its equivalent, and clarifies that upon expiration of this waiver a current permit or provisional license remains valid. This waiver expires on the last day of the 2021-2022 school year.
- Prohibits DMV from revoking a person's permit or provisional license due to a notification from a school authority that a person no longer meets the requirements for a driving eligibility certificate

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919-733-2578

House PCS 359

Page 2

for school enrollment and progress reasons. This prohibition expires on the last day of the 2021-2022 school year.

- Requires the DMV to restore a person's permit or provisional license that was revoked due to ineligibility for a driving eligibility certificate for school enrollment and progress reasons. This restoration applies to revocations occurring during the 2020-2021 school year through the effective date of this provision.
- Waives the requirement that a school authority provide notification to the DMV that a person does not meet the requirements for a driving eligibility certificate for the 2020-2021 and 2021-2022 school years.

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