



SENATE BILL 490: License to Work.

2021-2022 General Assembly

Committee:	House Judiciary 2	Date:	August 19, 2021
Introduced by:	Sens. Hise, Britt, Mohammed	Prepared by:	Jennifer Bedford, Robert Ryan
Analysis of:	PCS to Third Edition S490-CSCE-27		Staff Attorneys

OVERVIEW: *The PCS for Senate Bill 490 would amend certain license revocation laws to enable access to employment.*

[As introduced, this bill was identical to H570, as introduced by Reps. Morey, Alston, Hurtado, Rogers, which is currently in House Judiciary 2.]

CURRENT LAW AND BILL ANALYSIS:

G.S. 20-24.1 authorizes the Division of Motor Vehicles (DMV) to revoke a driver's license for failure to appear, and failure to pay fine. A limited driving privilege may be granted under limited circumstances if the revocation is due to a failure to pay.

Section 1 would:

- Make changes to conform with current drafting conventions.
- Require the DMV to lift revocations for failure to appear in court 12 months after revocation if the person has proof of insurance coverage for no less than 12 months, and the revocation is not related to an impaired driving charge.
- Allow a person who has not been convicted of any traffic offense in 12 months, to petition the court to make outstanding fines, penalties, or costs which have caused a revocation, and the monies are not related to an impaired driving charge, a criminal judgment. A person would then have to pay a minimum of \$10.00 a month towards that criminal judgment or else the person's license would then be revoked.
- Provide that driving without insurance on a license restored on the condition of having insurance, is driving while license revoked in addition to failure to maintain financial responsibility.

G.S. 20-7 provides a driver's license restoration fee of \$65.00 for most revocations but \$130.00 restoration fee for an impaired driving related revocation.

Section 1 would also:

- Allow the DMV to waive restoration fees on a finding by the Commissioner of good cause for the inability to pay based on a sliding scale.

G.S. 20-28.1 provides that a conviction for a moving offense committed during a period of license suspension or revocation results in the following additional period of revocation:

- A first revocation is one year. (The person may apply for a license after 90 days.)
- A second revocation is two years. (The person may apply for a license after 12 months.)

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- A third or subsequent revocation is permanent. (The person may apply for a license after 3 years.)

Section 2 would:

- Eliminate an additional period of revocation for a first conviction for a moving offense while license revoked or suspended if the underlying revocation is resolved or the person is complying with the court ordered payment plan.
- Reduce the additional period of revocation for a second conviction for a moving offense while license revoked or suspended, from two years to one year.
- Reduce a permanent revocation for the third or subsequent conviction for a moving offense while license revoked or suspended, to two years unless the revocation was related to impaired driving.
- Provide that driving without insurance on a license restored on the condition of having insurance, is driving while license revoked in addition to failure to maintain financial responsibility.

Section 3 would:

- Create a new Class 1 misdemeanor for Driving After Restoration Without Insurance.
- Direct the DMV to add the new offense designation in the digital platform for charging crimes.

Section 4 would amend a 2015 Session Law's effective date. **S.L. 2015-186** enacted the North Carolina Drivers License Restoration Act, which relieved certain defendants of the mandatory license revocations that historically have followed DWLR convictions. The act was amended to render it applicable to offenses committed on or after December 1, 2015.

Section 5 would direct the Administrative Office of the Courts to adopt rules implementing this act and adopt automation for the lifting of a revocation.

EFFECTIVE DATE: Sections 1 and 2 become effective December 1, 2021, and apply to revocations and suspensions before, on, or after that date. Section 3 becomes effective December 1, 2021, and applies to offenses committed on or after that date. The remainder of the bill is effective when it becomes law.

BACKGROUND: **S.L. 2020-77 (S488)** created a limited driving privilege for a person whose license was revoked solely for failing to pay fines or court costs ordered by a court. The privilege would be valid up to one year, and a person would only be eligible if he or she had not had a limited privilege granted for the same reason within the previous three years. This provision became effective December 1, 2020, and applied to applications for limited driving privileges filed on or after that date.