



SENATE BILL 490: License to Work.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 10, 2021
Introduced by:	Sens. Hise, Britt, Mohammed	Prepared by:	Jennifer H. Bedford
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: 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.
- Remove the existing limited driving privilege for a revocation due to a failure to pay.
- 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 civil judgment.
- 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.

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

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Section 2 would:

- Eliminate an additional period of revocation for a first conviction for a moving offense while license revoked or suspended.
- 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.

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.