



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

SENATE BILL 157: Limited Provisional License Modification.

2023-2024 General Assembly

Committee:	Senate Transportation. If favorable, re-refer to Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 8, 2023
Introduced by:	Sens. Sawyer, Lazzara, McInnis	Prepared by:	Wendy Ray Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 157 would amend the minimum amount of time a teen must hold a Level 1 limited learner's permit in order to be eligible to apply for a Level 2 limited provisional license under graduated drivers licensing.

[As introduced, this bill was identical to H261, as introduced by Reps. Shepard, Iler, which is currently in the House Transportation Committee.]

CURRENT LAW AND BACKGROUND: Under North Carolina's graduated drivers licensing statute (G.S. 20-11), there are three levels of driving privileges for persons less than 18 years old: Level 1 – limited learner's permit; Level 2 – limited provisional license; and Level 3 – full provisional license. Each level has different statutory requirements for eligibility and restrictions that apply to the privilege (see chart on page 2 for detailed requirements and restrictions for each level.) In addition to other requirements, a teen must hold a Level 1 limited learner's permit for a minimum of 12 months before being eligible to apply for a Level 2 limited provisional license, and a teen must hold a Level 2 limited provisional license for a minimum of 6 months before being eligible to apply for a Level 3. A Level 3 full provisional licensee is not subject to any limitations regarding time of driving, supervision, or passengers.

Legislation was passed by the General Assembly in 2021 that temporarily amended the requirement in G.S. 20-11 that a teen hold a Level 1 limited learner's permit for 12 months before being eligible to move up to a Level 2 limited provisional license. The intent was to allow teens who were delayed in starting the graduated licensing process because of the pandemic to move up more quickly, as long as all other eligibility requirements were met. S.L. 2021-24 originally shortened the requirement from 12 to 6 months and was set to expire on December 31, 2021, but section 12 of S.L. 2021-134 extended it so it would instead expire on December 31, 2022. Since it has expired, the original requirement is back in effect, and an applicant for a Level 2 limited provisional license must have held a Level 1 limited learner's permit for a minimum of 12 months, in addition to meeting all other eligibility requirements.

BILL ANALYSIS: Senate Bill 157 would temporarily reduce the minimum amount of time a teen must hold a Level 1 limited learner's permit in order to be eligible to apply for a Level 2 limited provisional license from 12 months to 6 months. In addition, the bill would permanently amend G.S. 20-11 to reduce the minimum amount of time a teen must hold a Level 1 in order to be eligible to apply for a Level 2 from 12 months to 9 months, effective at the beginning of 2024, after the temporary 6-month provision expires.

EFFECTIVE DATE: The temporary provision shortening the requirement from 12 to 6 months would be effective when it becomes law and expire at the end of 2023, at which time the permanent change shortening the requirement from 12 to 9 months would become effective.

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

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