



SENATE BILL 157: Limited Provisional License Modification.

2023-2024 General Assembly

Committee:		Date:	December 1, 2023
Introduced by:		Prepared by:	Wendy Ray Staff Attorney
Analysis of:	S.L. 2023-13		

OVERVIEW: *S.L. 2023-13 does the following:*

- *Reduces the minimum amount of time a teen must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license under graduated drivers licensing.*
- *Provides that when a vehicle driven by an unsupervised Level 2 limited provisional licensee has a family/household member passenger under the age of 21, the vehicle can also have one non-family/non-household member passenger under the age of 21 when that passenger is a student being driven directly to or from school.*

This act has various effective dates. Please see the full summary for more details.

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.

Level 2 Eligibility

In addition to other requirements, a teen must hold a Level 1 limited learner's permit for a minimum of 12 months before applying for a Level 2 limited provisional license and must hold a Level 2 limited provisional license for a minimum of six months before applying for a Level 3 full provisional license. A Level 3 full provisional licensee is not subject to any limitations regarding time of driving, supervision, or passengers.

S.L. 2021-24 temporarily shortened from 12 months to six months the minimum amount of time a teen must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license. This change allowed teens who were delayed in starting the graduated licensing process because of the pandemic to progress more quickly, as long as all other eligibility requirements were met. The shortened period was set to expire on December 31, 2021, but the expiration date was extended to December 31, 2022 by S.L. 2021-134. As of January 1, 2023, the original 12-month waiting period was in effect.

Level 2 Passenger Restriction

A Level 2 limited provisional licensee is permitted to drive during certain times of the day without supervision, subject to certain restrictions. One of these restrictions is that there can only be one passenger under the age of 21 in the vehicle who is not a member of the driver's family or household. This limit does not apply to members of the driver's family or household. However, if there are any family/household member passengers under the age of 21 in the vehicle, there cannot be any non-family/non-household member passenger under the age of 21.

Jeffrey Hudson
Director



Legislative Analysis
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BILL ANALYSIS:

Level 2 Eligibility

Section 1 of the act temporarily reduces from 12 months to six months the minimum amount of time a teen must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license, until January 1, 2024.

Section 2 permanently reduces from 12 months to nine months the minimum amount of time a teen must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license, beginning January 1, 2024.

Level 2 Passenger Restriction

Section 3 provides that when an unsupervised Level 2 limited provisional licensee is driving a vehicle with a family/household member passenger under the age of 21, the vehicle can have one other passenger under the age of 21 who is *not* a member of the driver's family or household, as long as that passenger is a student being driven directly to or from school.

EFFECTIVE DATE: Section 1 of the act became effective May 6, 2023. Section 2 becomes effective January 1, 2024. Section 3 became effective August 1, 2023, and applies to offenses committed on or after that date.