



# SENATE BILL 157: Limited Provisional License Modification.

2023-2024 General Assembly

<b>Committee:</b>	Senate Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 9, 2023
<b>Introduced by:</b>	Sens. Sawyer, Lazzara, McInnis	<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	Second Edition		Committee Co-Counsel

### OVERVIEW: Senate Bill 157 would:

- Reduce the minimum amount of time a minor must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license under graduated drivers licensing.
- Provide 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.

[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 3 for detailed requirements and restrictions for each level.)

### Level 2 Eligibility

In addition to other requirements, a minor 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 minor must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license. This change allowed minors 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, s. 12](#). As of January 1, 2023, the original 12-month waiting period is 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

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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.

## **BILL ANALYSIS:**

### **Level 2 Eligibility**

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

**Section 2** would permanently reduce from 12 months to nine months the minimum amount of time a minor 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** would provide 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 is effective when it becomes law, and expires on December 31, 2023. Section 2 becomes effective January 1, 2024. Section 3 becomes effective August 1, 2023 and applies to offenses committed on or after that date.

*LAD Staff Attorney Wendy Ray, counsel to the Senate Transportation Committee, substantially contributed to this summary.*

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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"> <li>· Eligible at 15.</li> <li>· Passes driver education course.</li> <li>· Passes DMV written test.</li> <li>· Has driving eligibility certificate, high school diploma, or equivalent.</li> </ul>	<ul style="list-style-type: none"> <li>· Eligible at 16.</li> <li>· Has held a Level 1 permit for at least 12 months.</li> <li>· Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months.</li> <li>· Passes DMV road test.</li> <li>· Has driving eligibility certificate, high school diploma, or equivalent.</li> <li>· 60 logged hours driving, 10 at night.</li> </ul>	<ul style="list-style-type: none"> <li>· Eligible at 16.5.</li> <li>· Has held a Level 2 license for at least 6 months.</li> <li>· Has no convictions for moving violations, seat belt infractions, or violations of mobile phone prohibition within the last 6 months.</li> <li>· Has driving eligibility certificate, high school diploma, or equivalent.</li> <li>· 12 logged hours driving, 6 at night.</li> </ul>
TIME RESTRICTIONS	<ul style="list-style-type: none"> <li>· 5:00 am – 9:00 pm for first 6 months.</li> <li>· After 6 months, no restriction.</li> </ul>	<ul style="list-style-type: none"> <li>· If supervised, no restriction.</li> <li>· If unsupervised:               <ul style="list-style-type: none"> <li>o 5:00 am – 9:00 pm.</li> <li>o Driving directly to or from work.</li> <li>o Driving directly to or from an activity of a volunteer fire department, rescue squad, or emergency medical service.</li> </ul> </li> </ul>	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 licensee 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"> <li>· 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.</li> <li>· No limitation on passengers who are family members or members of the same household or over the age of 21.</li> </ul>	NONE
USE OF MOBILE PHONE	All use prohibited.	All use prohibited	Use prohibited except in emergencies and calling parent, guardian, or spouse.

\*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.