



HOUSE BILL 359: Driver Eligibility Cert. Waiver & Restore.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Reps. Winslow, Moffitt, Torbett, Elmore	Prepared by:	Howard Marsilio
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 359 would temporarily waive certain requirements that relate to driving eligibility certificates (DECs) and restore certain learner's permits and provisional licenses revoked due to certain certificate ineligibility.

CURRENT LAW: Current law requires a DEC or a high school diploma or its equivalent to obtain and maintain a limited learner's permit or provisional license under the graduated licensing program. A DEC must meet conditions outlined under G.S. 20-11(n), which include form and timing requirements, and:

- A determination that one of the following requirements is met:
 - The person is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.
 - A substantial hardship would be placed on the person or the person's family if the person does not receive a certificate.
 - The person cannot make progress toward obtaining a high school diploma or its equivalent.
- A determination that the person is not subject to the Lose Control; Lose License law under G.S. 20-11(n1), or is subject and is otherwise eligible.

DMV is required to revoke a learner's permit or provisional license when the DMV receives notification from the proper school authority that a person no longer meets the requirements for a DEC. School authorities are also required to implement rules, and follow statutory requirements for issuing DEC, and informing the DMV when conditions for DEC are not met.

BILL ANALYSIS: House Bill 359 would:

- Require that a person required to sign a DEC, to issue a DEC without requiring the person to whom it is issued be making progress toward obtaining a high school diploma or its equivalent, and would also prohibit a school authority from notifying the DMV of DEC ineligibility based on making progress grounds. This waiver would become effective when it becomes law and expires on June 30, 2022.
- Require the DMV to restore a person's permit or provisional license that was revoked due to ineligibility for a DEC based on making progress grounds. This restoration requirement would apply to revocations dated on or after March 1, 2020 and through the effective date of this provision.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective when it becomes law.

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Legislative Analysis
Division
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