

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1149

Short Title: Police Notice of Person w/ IDD in Vehicle. (Public)

Sponsors: Representatives Hawkins, White, and Ball (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 18, 2020

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO DEVELOP A DESIGNATION FOR DRIVERS LICENSES THAT MAY BE GRANTED UPON REQUEST TO A PERSON WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(q2) reads as rewritten:

"(q2) Special Designations. – The Division shall develop the following special designations in accordance with the provisions of this subsection:

(1) Deaf or Hard of Hearing Designation. – The Division shall develop, in consultation with the Department of Public Safety, the State Highway Patrol, the Division of Services for the Deaf and Hard of Hearing, and pursuant to this ~~subsection,~~ subdivision a drivers license designation that may, upon request, be granted to a person who is deaf or hard of hearing. The Division shall comply with the following requirements applicable to the designation:

(1)a. At the request of a person who is deaf or hard of hearing, the Division shall place a unique symbol on the front of the person's license. The unique symbol placed on the license shall not include any further descriptor. The Division shall record the designation in the electronic record associated with the person's drivers license.

(2)b. At the request of a person who is deaf or hard of hearing, the Division shall enter the drivers license symbol and a descriptor into the electronic record of any motor vehicle registered in the same name of the deaf or hard of hearing person.

(3)c. For the purposes of this ~~subsection,~~ subdivision a person shall be considered to be deaf or hard of hearing if they provide verification or documentation substantiating their hearing loss that is recommended by the Division of Services for the Deaf and the Hard of Hearing as acceptable. The Division of Motor Vehicles shall consult with the Division of Services for the Deaf and the Hard of Hearing to identify acceptable forms of verification that do not result in undue burden to the person requesting the designation of hearing loss. Acceptable documentation shall include any of the following:



- 1 a-1. Documentation of certification or examination by a medical,
- 2 health, or audiology professional showing evidence of hearing
- 3 loss.
- 4 b-2. Affidavit executed by the person, their parent, or guardian
- 5 attesting to the person's hearing loss.
- 6 e-3. Documentation deemed by the Division of Motor Vehicles to
- 7 qualify as satisfactory proof of the person's hearing loss.
- 8 (4)d. Nothing in this ~~subsection~~ subdivision shall be construed as
- 9 authorizing the issuance of a drivers license to a person ineligible
- 10 under G.S. 20-9.
- 11 (5)e. Nothing in this ~~subsection~~ subdivision shall be construed as
- 12 prohibiting the issuance of a drivers license to a person otherwise
- 13 eligible under the law.
- 14 (6)f. Any individual who chooses to register or not to register shall not be
- 15 deemed to have waived any protections under the law.
- 16 (7)g. Information collected under this ~~subsection~~ subdivision shall only be
- 17 available to law enforcement and only for the purpose of ensuring
- 18 mutually safe interactions between law enforcement and persons who
- 19 are deaf or hard of hearing. It shall not be accessed or used for any
- 20 other purpose.
- 21 (8)h. The right to make the decision for inclusion or removal of the
- 22 designation from the database is entirely voluntary and shall only be
- 23 made by the person who holds the drivers license associated with the
- 24 designation.
- 25 (9)i. The Division, in conjunction with the Department of Health and
- 26 Human Services, shall develop a process for removal of the
- 27 designation authorized by this ~~subsection~~ subdivision that is available
- 28 online, by mail, or in person.
- 29 (2) Intellectual or Developmental Disability Designation. – The Division shall
- 30 develop, in consultation with the Department of Public Safety, the State
- 31 Highway Patrol, and the Department of Health and Human Services, Division
- 32 of Mental Health, Developmental Disabilities and Substance Abuse Services,
- 33 and pursuant to this subdivision, a drivers license designation that may, upon
- 34 request, be granted to a person with an intellectual or developmental disability.
- 35 The Division shall comply with the following requirements applicable to the
- 36 designation:
- 37 a. At the request of a person with an intellectual or developmental
- 38 disability, the Division shall place a unique symbol on the front of the
- 39 person's license. The unique symbol placed on the license shall not
- 40 include any further descriptor. The Division shall record the
- 41 designation in the electronic record associated with the person's
- 42 drivers license.
- 43 b. At the request of a person with an intellectual or developmental
- 44 disability, the Division shall enter the drivers license symbol and a
- 45 descriptor into the electronic record of any motor vehicle registered in
- 46 the same name of the person with the intellectual or developmental
- 47 disability.
- 48 c. For the purposes of this subdivision, a person shall be considered to
- 49 have an intellectual or developmental disability if they provide
- 50 verification or documentation substantiating their disability that is
- 51 recommended by the Division of Mental Health, Developmental

1 Disabilities and Substance Abuse Services, as acceptable. The
2 Division of Motor Vehicles shall consult with the Division of Mental
3 Health, Developmental Disabilities and Substance Abuse Services, to
4 identify acceptable forms of verification that do not result in undue
5 burden to the person requesting the designation. Acceptable
6 documentation shall include any of the following:

7 1. Documentation of certification or examination by a medical or
8 mental health professional showing evidence of an intellectual
9 or developmental disability.

10 2. Affidavit executed by the person, their parent, or guardian
11 attesting to the person's intellectual or developmental
12 disability.

13 3. Documentation deemed by the Division of Motor Vehicles to
14 qualify as satisfactory proof of the person's intellectual or
15 developmental disability.

16 d. Nothing in this subdivision shall be construed as authorizing the
17 issuance of a drivers license to a person ineligible under G.S. 20-9.

18 e. Nothing in this subdivision shall be construed as prohibiting the
19 issuance of a drivers license to a person otherwise eligible under the
20 law.

21 f. Any individual who chooses to register or not to register shall not be
22 deemed to have waived any protections under the law.

23 g. Information collected under this subdivision shall only be available to
24 law enforcement and only for the purpose of ensuring mutually safe
25 interactions between law enforcement and persons who have
26 intellectual or developmental disabilities. It shall not be accessed or
27 used for any other purpose.

28 h. The right to make the decision for inclusion or removal of the
29 designation from the database is entirely voluntary and shall only be
30 made by the person who holds the drivers license associated with the
31 designation.

32 i. The Division, in conjunction with the Department of Health and
33 Human Services, shall develop a process for removal of the
34 designation authorized by this subdivision that is available online, by
35 mail, or in person."

36 **SECTION 2.** G.S. 17C-6(a) is amended by adding a new subdivision to read:

37 "(17a) Establish minimum educational and training standards for employment and
38 continuing education for criminal justice officers concerning:

39 a. Recognizing and appropriately interacting with persons with
40 intellectual or developmental disabilities.

41 b. Drivers license and vehicle registration identifiers of persons with
42 intellectual or developmental disabilities, as authorized by
43 G.S. 20-7(q2), including that those identifiers are optional."

44 **SECTION 3.** G.S. 17E-4(a) is amended by adding a new subdivision to read:

45 "(13a) Establish minimum educational and training standards for employment and
46 continuing education for officers concerning:

47 a. Recognizing and appropriately interacting with persons with
48 intellectual or developmental disabilities.

49 b. Drivers license and vehicle registration identifiers of persons with
50 intellectual or developmental disabilities, as authorized by
51 G.S. 20-7(q2), including that those identifiers are optional."

1 **SECTION 4.** There is appropriated from the General Fund to the Department of
2 Transportation, Division of Motor Vehicles, the sum of ten thousand dollars (\$10,000) in
3 nonrecurring funds for the 2020-2021 fiscal year to implement the provisions of this act.

4 **SECTION 5.** This act becomes effective January 1, 2021.