

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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HOUSE BILL 738

Short Title: Safer Roads and Communities Act of 2023. (Public)

Sponsors: Representatives Rudow, Cervania, and Harrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE SAFETY OF STATE ROADS AND COMMUNITIES
THROUGHOUT THE STATE BY AUTHORIZING THE DIVISION OF MOTOR
VEHICLES TO ISSUE RESTRICTED DRIVERS LICENSES TO IMMIGRANTS WITH
LIMITED OR NO STATUS.

The General Assembly of North Carolina enacts:

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

"§ 20-7. Issuance and renewal of drivers licenses.

(a) License Required. – To drive a motor vehicle on a highway, a person must be licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must carry the license while driving the vehicle. The Division issues regular drivers licenses under this Article and issues commercial drivers licenses under Article 2C.

A license authorizes the holder of the license to drive any vehicle included in the class of the license and any vehicle included in a lesser class of license, except a vehicle for which an endorsement is required. To drive a vehicle for which an endorsement is required, a person must obtain both a license and an endorsement for the vehicle. A regular drivers license is considered a lesser class of license than its commercial counterpart.

The classes of regular drivers licenses and the motor vehicles that can be driven with each class of license are:

...

(3) Class C. – A Class C license authorizes the holder to drive any of the following:

...

b. When operated by a volunteer member of a fire department, a rescue squad, or an emergency medical service (EMS) in the performance of duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle or a combination of these vehicles. This sub-subdivision does not apply to a person with a restricted drivers license issued under subsection (e1) of this section.

...

(b1) Application. – To obtain an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and, except for an identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least



1 one of the forms of identification shall indicate the applicant's residence address. The Division
2 may copy the identification presented or hold it for a brief period of time to verify its authenticity.
3 To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to
4 drive safely the type of motor vehicle for which the endorsement is required.

5 The application form shall request all of the following information, and it shall contain the
6 disclosures concerning the request for an applicant's social security number required by section
7 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 8 (1) The applicant's full name.
- 9 (2) The applicant's mailing address and residence address.
- 10 (3) A physical description of the applicant, including the applicant's sex, height,
11 eye color, and hair color.
- 12 (4) The applicant's date of birth.
- 13 (5) The applicant's valid social security number.
- 14 (6) The applicant's signature.

15 ~~The~~ Except as otherwise provided in subsection (e1) of this section, the Division shall not
16 issue an identification card, learners permit, or drivers license to an applicant who fails to provide
17 the applicant's valid social security number.

18 ...

19 (c2) Applicants with Limited English Proficiency. – Upon the request of the applicant, the
20 Division shall provide a copy of any application, form, or test required for licensure under this
21 section in the native language of the applicant.

22 ...

23 (e1) Restricted License. – Notwithstanding the requirements of subsection (b1) of this
24 section, the Division shall issue a Class C drivers license under subsection (f) of this section to
25 an applicant present in the United States who does not present a valid social security number if
26 the applicant meets all of the following:

- 27 (1) The applicant has limited legal status or is not lawfully present in the United
28 States.
- 29 (2) The applicant provides (i) a valid Individual Taxpayer Identification Number,
30 (ii) a current passport issued by the United States or a foreign government,
31 (iii) a valid, unexpired consular identification document issued by a consulate
32 from the applicant's country of citizenship, or (iv) a community identification
33 card issued by FaithAction International House or a member of the
34 FaithAction ID network.
- 35 (3) The applicant completes the training course established under subsection (e2)
36 of this section.
- 37 (4) The applicant provides proof satisfactory to the Division of the applicant's
38 residency in North Carolina for at least one year prior to the date of
39 application.
- 40 (5) The applicant demonstrates one of the following:
 - 41 a. The applicant complied with the requirements of G.S. 105-153.8 in the
42 preceding 12 months.
 - 43 b. The applicant's gross income in the preceding 12 months did not
44 exceed the standard deduction amount provided in
45 G.S. 105-153.5(a)(1).
 - 46 c. Another person claimed the applicant as a dependent on a North
47 Carolina income tax return in the preceding 12 months.
- 48 (6) The applicant meets all other requirements for a drivers license, including
49 proof of financial responsibility.

50 (e2) Training Course for Restricted Drivers License. – The Division shall contract with a
51 nonprofit or community-based agency to establish and conduct a training course at least one hour

1 in length for persons applying for a restricted drivers license under subsection (e1) of this section.
 2 The training course shall provide students with (i) an overview of the social systems and
 3 resources available to North Carolina residents and (ii) an overview of laws applicable to North
 4 Carolina residents. Training may be completed remotely.

5 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
 6 pursuant to the provisions of this subsection:

7 ...

8 (3) Duration of license for certain other drivers. – The durations listed in
 9 subdivisions (1), (2) and (2a) of this subsection are valid unless ~~the~~ either of
 10 the following conditions is satisfied:

11 a. The Division determines that a license of shorter duration should be
 12 issued when the applicant holds valid documentation issued by, or
 13 under the authority of, the United States government that demonstrates
 14 the applicant's legal presence of limited duration in the United States.
 15 In no event shall a license of limited duration expire later than the
 16 expiration of the authorization for the applicant's legal presence in the
 17 United States. A drivers license issued to an H-2A worker expires
 18 three years after the date of issuance of the H-2A worker's visa;
 19 provided, if at any time during that three-year period an H-2A worker's
 20 visa duration is not extended by United States Citizenship and
 21 Immigration Services, the license expires on the date the H-2A
 22 worker's visa expires. For purposes of this subdivision, the term "H-2A
 23 worker" means a foreign worker who holds a valid H-2A visa pursuant
 24 to the Immigration and Nationality Act (8 U.S.C. §
 25 1101(a)(15)(H)(ii)(a)) and who is legally residing in this State.

26 b. The Division issues a restricted drivers license to a person qualifying
 27 under subsection (e1) of this section. The restricted license shall expire
 28 on the licensee's birthday in the second year after issuance. A renewed
 29 restricted drivers license shall expire two years after the expiration
 30 date of the license that is renewed.

31 ...

32 (6) Remote renewal or conversion. – Subject to the following requirements and
 33 limitations, the Division may offer remote renewal of a drivers ~~license~~ license,
 34 a restricted drivers license, or remote conversion of a full provisional license
 35 issued by the Division:

36 ...

37 (i) Fees. – The fee for a regular drivers license is the amount set in the following table
 38 multiplied by the number of years in the period for which the license is issued:

Class of Regular License	Fee for Each Year
Class A	\$5.50
Class B	\$5.50
Class C	\$5.50

44
 45 The fee for a motorcycle endorsement is two dollars and fifty-five cents (\$2.55) for each year of
 46 the period for which the endorsement is issued. The appropriate fee shall be paid before a person
 47 receives a regular drivers license or an endorsement. The Division shall set the fee for the
 48 issuance or renewal of a restricted drivers license not to exceed fifty-three dollars (\$53.00).

49 ...

50 (n1) Restricted Drivers License Format Requirements. – In addition to the requirements in
 51 subsection (n) of this section, a restricted drivers license shall be of a unique design or color

1 distinguishing it from the REAL ID compliant drivers license. The Division shall consult with
2 interested nonprofits and community-based agencies in designing the restricted license.

3"

4 **SECTION 2.** Article 2 of Chapter 20 of the General Statutes is amended by adding
5 a new section to read:

6 **"§ 20-10.2. Privacy of restricted drivers license.**

7 Information provided by an applicant to obtain a restricted drivers license under
8 G.S. 20-7(e1) shall not be admissible in any criminal, civil, or immigration trial, action, or
9 proceeding. Possession of a restricted drivers license alone shall not be used as a basis for a
10 criminal investigation, arrest, or detention in circumstances in which a person who possesses
11 some other form of identification would not be criminally investigated, arrested, or detained."

12 **SECTION 3.** G.S. 20-15 reads as rewritten:

13 **"§ 20-15. Authority of Division to cancel license or endorsement.**

14 (a) The Division shall have authority to cancel any driver's license upon determining any
15 of the following:

16 ...

17 (3) The licensee is no longer authorized under federal law to be legally present in
18 the United States, States and is not eligible for licensure under G.S. 20-7(e1).

19"

20 **SECTION 4.** This act becomes effective October 1, 2023, and applies to drivers
21 licenses issued on or after that date.