

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-56
SENATE BILL 1026**

AN ACT TO RESTORE THE LICENSEE'S BIRTHDAY AS THE EXPIRATION DATE OF A DRIVERS LICENSE FOR A PERSON EIGHTEEN YEARS OLD OR OLDER; TO CORRECT THE DESCRIPTION OF THE DOCUMENTS REQUIRED TO BE PRESENTED BY LEGAL NONIMMIGRANT APPLICANTS FOR A DRIVERS LICENSE TO ESTABLISH THAT THEY ARE LEGALLY PRESENT IN THE UNITED STATES AND HOW LONG THEY ARE AUTHORIZED TO STAY; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CANCEL A DRIVERS LICENSE ISSUED TO A LEGAL NONIMMIGRANT IF THAT PERSON IS NO LONGER AUTHORIZED UNDER FEDERAL LAW TO BE IN THE UNITED STATES, ALL AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

- (1) Duration of license for persons under age 18. – A full provisional license issued to a person under the age of 18 ~~shall expire~~expires on the person's twenty-first birthday.
- (2) Duration of original license for persons at least 18 years of age or older. – A drivers license issued to a person at least 18 years old but less than 54 years old ~~expires eight years after the date of issuance on the birthday of the licensee in the eighth year after issuance.~~ A drivers license issued to a person at least 54 years old ~~expires five years after the date of issuance on the birthday of the licensee in the fifth year after issuance.~~
- (2a) Duration of renewed licenses. – A renewed drivers license that was issued by the Division to a person at least 18 years old but less than 54 years old expires eight years after the expiration date of the license that is renewed. A renewed drivers license that was issued by the Division to a person at least 54 years old expires five years after the expiration date of the license that is renewed.
- (3) ~~Duration of license.~~license for certain other drivers. – ~~A drivers license that was issued by the Division and is renewed by the Division expires at the end of the period provided by this subsection after the expiration date of the license that is renewed. The durations listed in subdivisions (1), (2), and (2a) of this subsection are valid unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of Homeland Security, but in no event shall the license expire later than the applicant's lawful presence in the United States. A person may apply to the Division to renew a license during the 180 day period before the license expires. The Division may not~~

~~accept an application for renewal made before the 180-day period begins.~~

(3a) When to renew. – A person may apply to the Division to renew a license during the 180-day period before the license expires. The Division may not accept an application for renewal made before the 180-day period begins.

(4) Renewal by mail. – The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

a. Is serving on active duty in the armed forces of the United States and is stationed outside this State.

b. Is a resident of this State and has been residing outside the State for at least 30 continuous days.

When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State.

(5) **(Effective July 1, 2008)** License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for 20 days, unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes only and shall not be valid for identification purposes. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant.

SECTION 2. G.S. 20-7(f)(3), as amended by Section 1 of this act, reads as

rewritten:

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

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

(3) Duration of license for certain other drivers. –The durations listed in subdivisions (1), (2) and (2a) if this subsection are valid unless the Division determines that a license of shorter duration should be issued when the applicant holds a ~~visa of limited duration from the United States Department of Homeland Security, but in no event shall the license expire later than the applicant's lawful presence in the United States.~~ valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States. In no event shall a license of limited duration expire later than the expiration of the authorization for the applicant's legal presence in the United States."

SECTION 3. G.S. 20-7(s) reads as rewritten:

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

(s) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid social security number, the Division shall issue a drivers license of limited duration, under subsection (f) of this section, to an applicant present in the United States under a valid visa issued to the applicant by the United States Department of Homeland Security if the applicant presents that valid visa who holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States

if the applicant presents that valid documentation and meets all other requirements for a license of limited duration."

SECTION 4. G.S. 20-4.01(2) reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

- ...
(2) Canceled. – As applied to drivers' licenses and permits, a declaration that a license or permit which was issued through error or ~~fraud~~ fraud, or to which G.S. 20-15(a)(3) applies, is void and terminated.

"

...
SECTION 5. G.S. 20-15(a) reads as rewritten:

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

(a) The Division shall have authority to cancel any driver's license upon determining ~~that the licensee was not entitled to the issuance thereof hereunder, or that said licensee failed to give the required or correct information in his application, or committed fraud in making such application.~~ any of the following:

- (1) The licensee was not entitled to the issuance of the license under this Chapter.
- (2) The licensee failed to give the required or correct information on the license application or committed fraud in making the application.
- (3) The licensee is no longer authorized under federal law to be legally present in the United States."

SECTION 6. Section 1 of this act becomes effective January 1, 2007, and applies to drivers licenses issued or renewed on or after that date. Sections 2 through 5 are effective when this act becomes law and apply to drivers licenses issued or renewed on or after that date. The remainder of the act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of May, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:05 p.m. this 23rd day of May, 2007