GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 328
Committee Substitute Favorable 4/15/15

Short Title: Highway Safety/Citizens Protection Act. (Public)

Sponsors:

Referred to:

March 24, 2015

A BILL TO BE ENTITLED

AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE
MANUFACTURE, SALE, AND POSSESSION OF COUNTERFEIT DOCUMENTS; TO
CLARIFY WHICH DOCUMENTS ARE ACCEPTABLE FOR IDENTIFICATION
BEFORE GOVERNMENT OFFICIALS AND AGENCIES; TO CREATE A
REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN
UNDOCUMENTED ALIENS; AND TO ENSURE THAT CITIZENS AND LAWFULLY
PRESENT ALIENS CAN TRAVEL SAFELY ON THE ROADS OF THIS STATE BY
ENSURING THAT EVERY DRIVER ON THE ROADS OF THIS STATE HAS BEEN
PROPERLY LICENSED OR PERMITTED.

The General Assembly of North Carolina enacts:

PART I. SHORT TITLE
SECTION 1. This act shall be known and may be cited as "The Highway Safety
and Citizens Protection Act of 2015."

PART II. INCREASE PENALTIES FOR POSSESSION, MANUFACTURE, OR SALE
OF FALSE IDENTIFICATION DOCUMENTS
SECTION 2. (a) G.S. 14-100.1 reads as rewritten:
"§ 14-100.1. Possession or manufacture—Possession, manufacture, or sale of certain
fraudulent forms of identification.
(a) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any
person to knowingly possess, manufacture, or sell a false or fraudulent
form of identification as defined in this section for the purpose of deception, fraud, or other
criminal conduct.
(b) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any
person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent
information.
(c) Possession of a form of identification obtained in violation of subsection (b) of this
section shall constitute a violation of subsection (a) of this section.
(d) For purposes of this section, a "form of identification" means any of the following
or any replica thereof:
(1) An identification card containing a picture, issued by any department,
agency, or subdivision of the State of North Carolina, the federal
government, or any other state.
(2) A military identification card containing a picture.
(e) A violation of this section shall be punished as a Class 1 misdemeanor, except that the following violations of this section shall be punished as a Class 1 felony:

(1) A violation based on the mere possession of a false or fraudulent form of identification, rather than the manufacture or sale of a false or fraudulent form of identification.

(2) A violation by a person under the age of 21 for the purpose of the underage purchase of alcohol.

(3) A violation by a person under the age of 18 for the purpose of the underage purchase of tobacco products or cigarette wrapping papers.

SECTION 2.(b) G.S. 20-30 reads as rewritten:

§ 20-30. Violations of license, learner's permit, restricted drivers permit, restricted identification card, or special identification card provisions.

(a) Unlawful Acts. — It shall be unlawful for any person to commit any of the following acts:

(1) To display or cause to be displayed or to have in possession a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

(2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card.

(3) To display or to represent as one's own a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card not issued to the person so displaying same.

(4) To fail or refuse to surrender to the Division upon demand any driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card that has been suspended, canceled or revoked as provided by law.

(5) To use a false or fictitious name or give a false or fictitious address in any application for a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application, or for any person to procure, or knowingly permit or allow another to commit any of the foregoing acts. Any license, learner's permit, restricted drivers permit, restricted identification card, or special identification card procured as aforesaid shall be void from the issuance thereof, and any moneys paid therefor shall be forfeited to the State. Any person violating the provisions of this subdivision shall be guilty of a Class 1 misdemeanor.

(6) To make a color photocopy or otherwise make a color reproduction of a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card or otherwise make a black and white...
(7) To sell or offer for sale any reproduction or facsimile or simulation of a driver's license, learner's permit, restricted drivers permit, restricted identification card, or special identification card. The provisions of this subdivision shall do not apply to agents or employees of the Division while acting in the course and scope of their employment. Any person, firm or corporation violating the provisions of this subsection shall be guilty of a Class I felony.

(8) To possess more than one commercial drivers license or to possess a commercial drivers license and a regular drivers license. Any commercial drivers license other than the one most recently issued is subject to immediate seizure by any law enforcement officer or judicial official. Any regular drivers license possessed at the same time as a commercial drivers license is subject to immediate seizure by any law enforcement officer or judicial official.

(9) To present, display, or use a drivers license, learner's permit, restricted drivers permit, restricted identification card, or special identification card that contains a false or fictitious name in the commission or attempted commission of a felony. Any person violating the provisions of this subdivision shall be guilty of a Class I felony.

(10) To possess more than one special identification card for a fraudulent purpose.

(b) General Penalty. – Except as otherwise provided in subsection (c) of this section, a violation of this section shall be punished as a Class G felony.

(c) Penalty in Certain Cases. – A violation of this section by a person under the age of 21 for the purpose of the under age purchase of alcohol shall be punished as a Class I misdemeanor. A violation of this section by a person under the age of 18 for the purpose of the under age purchase of tobacco products or cigarette wrapping papers shall be punished as a Class 2 misdemeanor.

SECTION 2.(c) G.S. 20-37.8 is repealed.

SECTION 2.(d) G.S. 143-341(8).5. reads as rewritten:

"5. Upon proper requisition, proper showing of need for use on State business only, and proper showing of proof that all persons who will be driving the motor vehicle have valid drivers' licenses, to assign economically suitable transportation, either on a temporary or permanent basis, to any State employee or agency. An agency assigned a motor vehicle may not allow a person to operate that motor vehicle unless that person displays to the agency and allows the agency to copy that person's valid driver's license. Notwithstanding G.S. 20-30(6), G.S. 20-30(a)(6), persons or agencies requesting assignment of motor vehicles may photostat or otherwise reproduce drivers' licenses for purposes of complying with this subpart.

As used in this subpart, "economically suitable transportation" means the most cost-effective standard vehicle in the State motor fleet, unless special towing provisions are required by the agency. The Department may not assign any employee or agency a motor vehicle that is not economically suitable. The Department shall not approve requests for
vehicle assignment or reassignment when the purpose of that assignment or reassignment is to provide any employee with a newer or lower mileage vehicle because of his or her employee's rank, management authority, or length of service or because of any non-job-related reason. The Department shall not assign "special use" vehicles, such as four-wheel drive vehicles or law enforcement vehicles, to any agency or individual except upon written justification, verified by historical data, and accepted by the Secretary. The Department may provide law enforcement vehicles only to those agencies which have statutory pursuit authority."

PART III. CREATION OF REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS

SECTION 3.(a) G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A defendant charged with a noncapital offense must have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If he determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

(d) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;

(2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.16;

(2) The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of an offense described in G.S. 14-50.16 through G.S. 14-50.20, and not more than five years has
elapsed since the date of conviction or the person's release for the offense, whichever is later.

(f) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds there is reasonable cause to believe that the person committed a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and the judicial official also finds any of the following:

(1) The offense was committed while the person was on pretrial release for another felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm.

(2) The person has previously been convicted of a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm and not more than five years have elapsed since the date of conviction or the person's release for the offense, whichever is later.

(f1) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if the person is unlawfully present in the United States and a judicial official finds either of the following:

(1) There is probable cause to believe that the person committed one or more of the following offenses:
   a. A sex offense. As used in this sub-subdivision, a "sex offense" is any offense upon conviction of which the offense becomes a reportable conviction, as that term is defined in G.S. 14-208.6.
   b. A violent felony, as that term is defined in G.S. 14-7.7(b), or any criminal offense other than a violation described in G.S. 14-33(a) that includes assault as an essential element of the offense or as an aggravating factor in sentencing.
   c. A driving offense. As used in this sub-subdivision, the term "driving offense" means any violation that requires a mandatory driver's license revocation upon a first conviction.
   d. A drug offense. As used in this sub-subdivision, the term "drug offense" means a violation of G.S. 90-95, other than a violation for mere possession of a controlled substance.
   e. A gang offense. As used in this sub-subdivision, the term "gang offense" means any violation of Article 13A of Chapter 14 of the General Statutes.

(2) There is probable cause to believe that the person committed an offense not listed in subdivision (f1)(1) of this section and United States Immigration and Customs Enforcement has issued a detainer for the initiation of removal proceedings against the person or has indicated that it will do so.

(g) Persons who are considered for bond under the provisions of subsections (d), (e), and (f), and (f1) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

SECTION 3.(b) Article 26 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-534.7. Pretrial release of certain undocumented aliens.

In all cases in which the defendant is an alien who (i) is not lawfully present in the United States and (ii) is charged with a felony or a Class A1 misdemeanor, the judicial official shall require the defendant to execute a secured appearance bond as a condition of pretrial release, as described in G.S. 15A-534(a)(4)."
PART IV. MISCELLANEOUS PROVISIONS

SECTION 4. Article 1 of Chapter 64 of the General Statutes is amended by adding the following new sections to read:

“§ 64-6. Permissible methods of verifying immigration status.

Verification of a person's immigration status pursuant to this Chapter or any other provision of State law shall be made consistently with federal law and may be made by any of the following methods, as applicable:

1. Pursuant to 8 U.S.C. §§ 1373(c) and 1644 or any other provision of federal law.
2. By a law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.
3. In any other manner authorized by the federal government.

“§ 64-7. Admissibility of immigration status records in courts of this State.

(a) A verification of an alien's immigration status received from the federal government pursuant to G.S. 64-6 shall constitute proof of that alien's status. A court of this State shall consider only a verification of immigration status made pursuant to G.S. 64-6 in determining whether an alien is lawfully present in the United States.

(b) Any record that relates to the immigration status of a person is admissible in any court of this State without further foundation or testimony from a custodian of records if all of the following apply:

1. The record is certified as authentic by the federal government agency that is responsible for maintaining the record.
2. The State notifies the person at least 15 business days before the proceeding at which the evidence would be used of its intention to introduce the record into evidence under this section and provides a copy of the record to the person.
3. The person fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the record would be used that the person objects to the introduction of the record into evidence.

If the person's attorney of record, or that person if he or she is not represented by an attorney, fails to file a written objection as provided in this subsection, then the record may be admitted into evidence without the testimony of the custodian of records. Upon filing a timely objection, the admissibility of the record shall be determined and governed by the appropriate rules of evidence.

“§ 64-8. Law enforcement transport of certain unlawfully present aliens.

Notwithstanding any other provision of law, a State or local law enforcement agency may securely transport an alien who is in the agency's custody and whom the agency has verified is unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency. A law enforcement agency shall obtain judicial or executive authorization from the Governor before securely transporting an alien who is unlawfully present in the United States to a point of transfer that is outside this State.

“§ 64-9. Construction and severability.

(a) Construction. – This Chapter shall be construed in a manner consistent with federal law.

(b) Severability. – The provisions of this Chapter are severable. If any part of this Chapter is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this Chapter is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications.
§ 64-10. No criminal investigation, arrest, or detention in circumstances in which holders of other licenses would not be subject to investigation, arrest, or detention.

Possession of a restricted drivers permit issued under G.S. 20-7 or of a restricted identification card issued under G.S. 20-37.8A, standing alone, shall not be used as a basis for a criminal investigation, arrest, or detention in circumstances in which a person who possesses some other form of identification would not be criminally investigated, arrested, or detained.

PART V. PROHIBIT THE USE OF CERTAIN DOCUMENTS FOR IDENTIFICATION PURPOSES

SECTION 5.(a) Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 18.

Identification Documents.

§ 15A-306. Certain documents not acceptable as identification.

(a) The following documents are not acceptable for use in determining a person’s actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official:

(1) A matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country.

(2) An identity document issued or created by any person, organization, county, city, or other local authority, except where authorized to be used for this purpose by the General Assembly.

(b) No local government or law enforcement agency may establish, by policy or ordinance, the acceptability of any of the documents described in subsection (a) of this section, other than a valid passport, as a form of identification to be used to determine the identity or residency of any person. Any local government policy or ordinance that contradicts this section is hereby repealed.

SECTION 5.(b) G.S. 20-7(b4) reads as rewritten:

"(b4) Examples of documents that are reasonably reliable indicators of residency include, but are not limited to, any of the following:

(1) A pay stub with the payee’s address.

(2) A utility bill showing the address of the applicant-payor.

(3) A contract for an apartment, house, modular unit, or manufactured home with a North Carolina address signed by the applicant.

(4) A receipt for personal property taxes paid.

(5) A receipt for real property taxes paid to a North Carolina locality.

(6) A current automobile insurance policy issued to the applicant and showing the applicant’s address.

(7) A monthly or quarterly financial statement from a North Carolina regulated financial institution.

(8) A matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina.

(9) A document similar to that described in subsection (8) of this section, issued by the consulate or embassy of another country. This subdivision only applies if the Division has consulted with the United State Department of State and is satisfied with the reliability of such document."

SECTION 5.(c) G.S. 58-2-164(c) reads as rewritten:

"(c) The insurer and its agent shall also take reasonable steps to verify that the information provided by an applicant regarding the applicant’s address and the place the motor vehicle is garaged is correct. The insurer may take its own reasonable steps to verify residency..."
or eligible risk status or may rely upon the agent verification of residency or eligible risk status to meet the insurer's verification obligations under this section. The agent shall retain copies of any items obtained under this section as required under the record retention rules adopted by the Commissioner and in accordance with G.S. 58-2-185. The agent may satisfy the requirements of this section by obtaining reliable proof of North Carolina residency from the applicant or the applicant's status as an eligible risk. Reliable proof of residency or eligible risk includes but is not limited to:

1. A pay stub with the payee's address.
2. A utility bill showing the address of the applicant-payer.
3. A lease for an apartment, house, modular unit, or manufactured home with a North Carolina address signed by the applicant.
4. A receipt for personal property taxes paid.
5. A receipt for real property taxes paid to a North Carolina locality.
6. A monthly or quarterly financial statement from a North Carolina regulated financial institution.
7. A valid unexpired North Carolina driver's license.
8. A matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina.
9. A document similar to that described in subdivision (8) of this section, issued by the consulate or embassy of another country that would be accepted by the North Carolina Division of Motor Vehicles as set forth in G.S. 20-7(b4)(9).
10. A valid North Carolina vehicle registration.
11. A valid military ID.
12. A valid student ID for a North Carolina school or university.

SECTION 5.(d) G.S. 108A-55.3(b) reads as rewritten:

"(b) An applicant may meet the requirements of subsection (a) of this section by providing at least two of the following documents:

1. A valid North Carolina drivers license or other identification card issued by the North Carolina Division of Motor Vehicles.
2. A current North Carolina rent or mortgage payment receipt, or current utility bill in the name of the applicant or the applicant's legal spouse showing a North Carolina address.
3. A valid North Carolina motor vehicle registration in the applicant's name and showing the applicant's current address.
4. A document showing that the applicant is employed in this State.
5. One or more documents proving that the applicant's domicile in the applicant's prior state of domicile has ended, such as closing of a bank account, termination of employment, or sale of a home.
6. The tax records of the applicant or the applicant's legal spouse, showing a current North Carolina address.
7. A document showing that the applicant has registered with a public or private employment service in this State.
8. A document showing that the applicant has enrolled the applicant's children in a public or private school or child care facility located in this State.
9. A document showing that the applicant is receiving public assistance or other services requiring proof of domicile, other than medical assistance, in this State.
10. Records from a health department or other health care provider located in this State showing the applicant's current North Carolina address."
(11) A written declaration made under penalty of perjury from a person who has a social, family, or economic relationship with the applicant and who has personal knowledge of the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

(12) Current North Carolina voter registration card.

(13) A document from the U.S. Department of Veterans Affairs, U.S. Department of Defense, or the U.S. Department of Homeland Security verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

(14) Official North Carolina school records, signed by school officials, or diplomas issued by North Carolina schools, including secondary schools, community colleges, colleges, and universities verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

(15) A document issued by the Mexican consular or other foreign consulate verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

PART VI. AUTHORIZE UNDOCUMENTED ALIENS TO OBTAIN RESTRICTED DRIVERS PERMITS AND RESTRICTED IDENTIFICATION CARDS

SECTION 6.(a) G.S. 20-4.01 is amended by adding a new subdivision to read:

"(4c) Criminal history. – A history of conviction of a State or federal crime, whether a misdemeanor or felony, that includes the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses, including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5, but shall not include disturbing the public peace, misdemeanor possession of marijuana, worthless checks, misdemeanor larceny, shoplifting, or public drunkenness. The term shall include a final
conviction in another state or in a federal jurisdiction of an offense which is
substantially similar to any of the offenses listed in this subdivision."

SECTION 6.(b) G.S. 20-7(f)(3) reads as rewritten:
"(3) Duration of license or permit for certain other drivers. – The durations listed
in subdivisions (1), (2) and (2a) of this subsection are valid unless one of the
following conditions is satisfied:

a. The Division determines that a license of shorter duration should
   be issued when the applicant 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. 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.

b. The Division determines that a restricted drivers permit should be
   issued pursuant to subsection (u) of this section. In no event shall a
   restricted drivers permit expire later than one year after the date of
   issuance."

SECTION 6.(c) G.S. 20-7(i) reads as rewritten:
"(i) Fees. – The fee for a regular drivers license or a restricted drivers permit is the
amount set in the following table multiplied by the number of years in the period for which the
license is issued:

<table>
<thead>
<tr>
<th>Class of Regular License</th>
<th>Fee for Each Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>$4.00</td>
</tr>
<tr>
<td>Class B</td>
<td>$4.00</td>
</tr>
<tr>
<td>Class C</td>
<td>$4.00</td>
</tr>
</tbody>
</table>

The fee for a motorcycle endorsement is one dollar and seventy-five cents ($1.75) for each year
of the period for which the endorsement is issued. The Secretary of Transportation shall set the
fee for an initial one-year restricted drivers permit and the fee may not be lower than the actual
cost of processing the relevant application and furnishing the permit. The fee for a renewal of a
restricted drivers permit is twenty-five dollars ($25.00). The appropriate fee shall be paid
before a person receives a regular drivers license, restricted drivers permit, or an
endorsement."

SECTION 6.(d) G.S. 20-7 is amended by adding the following new subsections to
read:
"(u) Notwithstanding the requirements of subsection (b1) of this section that an applicant
present a valid Social Security number, the Division shall issue a restricted drivers permit under
subsection (f) of this section to an applicant present in the United States who meets all of the
following requirements:

(1) The applicant is not lawfully present in the United States.
(2) The applicant agrees to a criminal history check and that check shows that
   the applicant does not have a criminal history. The criminal history check
   shall include the taking of the applicant's fingerprints.
(3) The applicant meets all other requirements for a drivers license, including
   proof of financial responsibility.

(v) Notwithstanding the requirements of subsection (n) of this section addressing
background colors and borders and in addition to the other requirements of this section, a
restricted drivers permit issued under subsection (u) of this section shall do all of the following:

(1) Be printed in a horizontal or vertical format that distinguishes the restricted
   drivers permit, as determined by the age of the applicant and the appropriate
   horizontal or vertical format for that age.
(2) Bear an identifying number for the license holder assigned by the Division, the first character of which shall be a letter that is only assigned to restricted drivers permit holders.

(3) Bear a distinguishing mark or other designation on the face of the permit clearly denoting the limited duration of the permit and clearly distinguishing it from other forms of licenses of limited duration.

(4) Bear a clearly legible statement that the permit (i) is not valid as a means of demonstrating eligibility for voter registration or for public benefits, (ii) does not legitimize the holder's presence in the United States or the State of North Carolina, and (iii) is not valid for any purpose other than demonstrating licensure to drive a motor vehicle in this State.

(w) Wherever the laws of this State refer to a "drivers license," the term shall also be construed to refer to a restricted drivers permit, except when the law being construed confers a benefit, privilege, or right for which lawful presence is a prerequisite.

(x) A State agency or official shall not use any information submitted as part of the application process for a restricted drivers permit to seek the removal from the United States of the applicant for any purpose other than the issuance of the restricted drivers permit. Nor shall a State agency or official release information pertaining to the immigration status of an applicant for a restricted drivers permit, except where expressly required by law to do so. This section does not prohibit the use of the information in the prosecution of crimes that (i) are committed by the applicant after the issuance of the permit or (ii) are revealed by a criminal history check undertaken pursuant to subsection (u) of this section.

(y) The Division shall work with other State and local agencies on an ongoing basis to ensure that restricted drivers permits are not used to obtain public benefits for which only citizens and lawfully present persons are eligible.

SECTION 6.(e) G.S. 20-15 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 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, except that the Division shall not cancel a restricted drivers permit pursuant to this subdivision.

(a1) The Division shall cancel and revoke the restricted drivers permit of a person who is convicted of violating G.S. 20-313.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the Division.

(c) Any person whose license is canceled under this section for failure to give the required or correct information, or for committing fraud, in an application for a commercial drivers license shall be prohibited from reapplying for a commercial drivers license for a period of 60 days from the date of cancellation.

(d) The Division shall have authority to revoke an endorsement of a commercial drivers license holder if the person with the endorsement is determined by the federal Transportation Security Administration to constitute a security threat, as specified in 49 C.F.R. § 1572.5(d)(4)."

SECTION 6.(f) Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read:
"§ 20-309.3. No refund of insurance policy premiums for holders of restricted drivers permits.

When an insurer receives a request to refund any funds to an insured as a result of the cancellation of a liability insurance policy on a motor vehicle, the insurer shall first inquire with the Division of Motor Vehicles as to whether the insured currently has a valid restricted drivers permit and shall refuse to refund any funds if the Division of Motor Vehicles confirms that the person has a valid restricted drivers permit. The Division shall promptly respond to any inquiries made pursuant to this section."

SECTION 6.(g) Article 2B of Chapter 20 of the General Statutes, as rewritten by Section 2(c) of this act, reads as rewritten:

"Article 2B.

"Special Identification Cards and Restricted Identification Cards for Nonoperators.

"§ 20-37.7. Special identification card.

(a) Eligibility. – A person who is a resident of this State is eligible for a special identification card.

(b) Application. – To obtain a special identification card from the Division, a person must complete the application form used to obtain a drivers license.

…

(e) Offense. Any fraud or misrepresentation in the application for or use of a special identification card issued under this section is a Class 2 misdemeanor.

…

"§ 20-37.8A. Restricted identification card.

(a) Eligibility. – A person who is a resident of this State and who is not lawfully present in the United States is eligible for a restricted identification card.

(b) Application. – The Division shall issue a restricted identification card to an applicant who meets all of the following requirements:

(1) The applicant is not lawfully present in the United States.

(2) The applicant completes the application form used to obtain a drivers license.

(3) The applicant agrees to a criminal history check and that check shows that the applicant does not have a criminal history. The criminal history check shall include the taking of the applicant's fingerprints. An applicant for a restricted identification card who is under 16 years old shall not be required to agree to a criminal history check under this subdivision.

(c) Format. – A restricted identification card issued under this section shall do all of the following:

(1) Conform to the requirements of G.S. 20-7(n)(1) through (6), (9), and (10).

(2) Be printed in a horizontal or vertical format that distinguishes the restricted identification card, as determined by the age of the applicant and the appropriate horizontal or vertical format for that age.

(3) Bear an identifying number for the license holder assigned by the Division, the first character of which shall be a letter that is only assigned to restricted identification cards.

(4) Bear a distinguishing mark or other designation on the face of the identification card clearly denoting the limited duration of the identification card and clearly distinguishing it from other forms of licenses of limited duration and identification cards of limited duration.

(5) Bear a clearly legible statement that the identification card (i) is not valid as a means of demonstrating eligibility for voter registration or for public benefits, (ii) does not legitimize the holder's presence in the United States or
the State of North Carolina, and (iii) is not valid for any purpose other than demonstrating identity.

(d) Expiration. – A restricted identification card shall expire no later than one year after the date of issuance.

e) Fee. – The Secretary of Transportation shall set the fee for an initial one-year restricted identification card, and the fee may not be lower than the actual cost of processing the relevant application and furnishing the card. The fee for a renewal of a restricted identification card is twenty-five dollars ($25.00). The fee shall be paid before a person receives a restricted identification card.

(f) Records. – The Division shall maintain a record of all recipients of a restricted identification card.

(g) No State Liability. – The fact of issuance of a restricted identification card pursuant to this section shall not place upon the State of North Carolina or any agency thereof any liability for the misuse thereof and the acceptance thereof as valid identification is a matter left entirely to the discretion of any person to whom such card is presented.

(h) Advertising. – The Division may utilize the various communications media throughout the State to inform North Carolina residents of the provisions of this section.

(i) Misuse of Information. – A State agency or official shall not use any information submitted as part of the application process for a restricted identification card to seek the removal from the United States of the applicant or for any purpose other than the issuance of the restricted identification card. Nor shall a State agency or official release information pertaining to the immigration status of an applicant for a restricted identification card, except where expressly required by law to do so. This section does not prohibit the use of the information in the prosecution of crimes that (i) are committed by the applicant after the issuance of the identification card or (ii) are revealed by a criminal history check undertaken pursuant to subsection (b) of this section.

(j) Definition of Criminal History. – For purposes of this section, the term "criminal history" means a history of conviction of a State or federal crime, whether a misdemeanor or felony, that includes the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses, including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5, but shall not include disturbing the public peace, misdemeanor possession of marijuana, worthless checks, misdemeanor larceny, shoplifting, or public drunkenness. The term shall include a final conviction in another state or in a federal jurisdiction of an offense which is substantially similar to any of the offenses listed in this subsection.
(k) Division to Ensure That Cards Are Not Used to Obtain Public Benefits. – The Division shall work with other State and local agencies on an ongoing basis to ensure that restricted identification cards are not used to obtain public benefits for which only citizens and lawfully present persons are eligible.

§ 20-37.9. Notice of change of address or name.

(a) Address. – A person whose address changes from the address stated on a special identification card must or a restricted identification card shall notify the Division of the change within 60 days after the change occurs. If the person's address changed because the person moved, the person must obtain a new special identification card or restricted identification card within that time limit stating the new address. A person who does not move but whose address changes due to governmental action may not be charged with violating this subsection.

(b) Name. – A person whose name changes from the name stated on a special identification card must or a restricted identification card shall notify the Division of the change within 60 days after the change occurs and obtain a new special identification card stating the new name.

(c) Fee. – G.S. 20-37.7 sets the fee for a special identification card. G.S. 20-37.8A sets the fee for a restricted identification card.

SECTION 6.(h) Subpart D of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

§ 143B-966. Criminal record checks of applicants for restricted drivers permits and restricted identification cards.

(a) The Department of Public Safety shall, upon request, provide to the Department of Transportation, Division of Motor Vehicles, the criminal history from the State and National Repositories of Criminal Histories of applicants for restricted drivers permits or applicants age 16 or older for restricted identification cards.

(b) Along with the request, the Division of Motor Vehicles shall provide the following to the Department of Public Safety:

(1) The fingerprints of the person who is the subject of the record check.

(2) A form signed by the person who is the subject of the record check consenting to:

   a. The criminal record check.

   b. The use of fingerprints.

   c. Any other identifying information required by the State and National Repositories.

   d. Any additional information required by the Department of Public Safety.

(c) The fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(d) The Division of Motor Vehicles shall keep all information obtained pursuant to this section confidential.

(e) The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(f) The Department of Public Safety may enter into a contract with a third party to conduct the criminal history record check.

SECTION 6.(i) G.S. 18B-302(d) reads as rewritten:

§ 18B-302. Sale to or purchase by underage persons.

...
Defense. – It shall be a defense to a violation of subsection (a) of this section if the
seller:

(1) Shows that the purchaser produced a driver's license, a special identification
card issued under G.S. 20-37.7, a restricted drivers permit, a restricted
identification card issued under G.S. 20-37.8A, a military identification card,
or a passport, showing his age to be at least the required age for purchase
and bearing a physical description of the person named on the card
reasonably describing the purchaser; or

(2) Produces evidence of other facts that reasonably indicated at the time of sale
that the purchaser was at least the required age.

(3) Shows that at the time of purchase, the purchaser utilized a biometric
identification system that demonstrated (i) the purchaser's age to be at least
the required age for the purchase and (ii) the purchaser had previously
registered with the seller or seller's agent a drivers license, a special
identification card issued under G.S. 20-37.7, G.S. 20-37.7, a restricted
drivers permit, a restricted identification card issued under G.S. 20-37.8A, a
military identification card, or a passport showing the purchaser's date of
birth and bearing a physical description of the person named on the
document."

SECTION 6.(j) G.S. 18C-131(e) reads as rewritten:

"§ 18C-131. Sales and sale price of tickets and shares; sales to minors prohibited.
...
(e) It shall be a defense for the person who sold a ticket or share in violation of
subsection (d) of this section if the person does either of the following:

(1) Shows that the purchaser produced a valid drivers license, a special
identification card issued under G.S. 20-37.7, a restricted identification card
issued under G.S. 20-37.8A, a restricted drivers permit, a military
identification card, or a passport, showing the purchaser to be at least 18
years old and bearing a physical description of the person named on the card
that reasonably describes the purchaser.

(2) Produces evidence of other facts that reasonably indicated at the time of sale
that the purchaser was at least 18 years old."

SECTION 6.(k) G.S. 19A-32.1(i) reads as rewritten:

"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of
animals in animal shelters; disposition of animals.
...
(i) An animal shelter shall require every person to whom an animal is released to
present one of the following valid forms of government-issued photographic identification: (i) a
drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military
identification card, or (iv) a passport. (iv) a passport, (v) a restricted identification card issued
under G.S. 20-37.8A, or (vi) a restricted drivers permit. Upon presentation of the required
photographic identification, the shelter shall document the name of the person, the type of
photographic identification presented by the person, and the photographic identification
number."

SECTION 6.(l) G.S. 20-7 reads as rewritten:

(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 or restricted drivers permit while driving the vehicle. The Division issues
regular drivers licenses and restricted drivers permits under this Article and issues commercial
drivers licenses under Article 2C."
(b1) Application. – To obtain a special 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 a special 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 one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

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

1. The applicant's full name.
2. The applicant's mailing address and residence address.
3. A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
4. The applicant's date of birth.
5. The applicant's valid social security number.
6. The applicant's signature.

The Division shall not issue a special identification card, learners permit, or drivers license to an applicant who fails to provide the applicant's valid social security number.

(q1) Veteran Military Designation. – The Division shall develop a military designation for drivers licenses and special identification cards that may, upon request, be granted to North Carolina residents who are honorably discharged from military service in the Armed Forces of the United States. An applicant requesting this designation must produce a Form DD-214 showing the applicant has been honorably discharged from the Armed Forces of the United States.

SECTION 6.(m) G.S. 20-7.3 reads as rewritten:

"§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle offices. The Division shall make organ, eye, and tissue donor cards available to interested individuals in each office authorized to issue drivers licenses or licenses, restricted drivers permits, special identification cards, or restricted identification cards. The Division shall obtain donor cards from qualified organ, eye, or tissue procurement organizations or tissue banks, as defined in G.S. 130A-412.4(31). The Division shall offer organ donation information and a donor card to each applicant for a drivers license. The organ donation information shall include the following:

1. A statement informing the individual that federally designated organ procurement organizations and eye banks have read-only access to the Department-operated Organ Donor Registry Internet site (hereafter "Donor Registry") listing those individuals who have stated to the Division of Motor Vehicles the individual's intent to be an organ donor and have an organ donation symbol on the individual's drivers license or license, special identification card, restricted drivers permit, or restricted identification card.
2. The type of information that will be made available on the Donor Registry."

SECTION 6.(n) G.S. 20-43(a) reads as rewritten:

"§ 20-43. Records of Division."
(a) All records of the Division, other than those declared by law to be confidential for
the use of the Division, shall be open to public inspection during office hours in accordance
with G.S. 20-43.1. A signature recorded in any format by the Division for a drivers license or a
special identification card is confidential and shall not be released except for law
enforcement purposes. A photographic image recorded in any format by the Division for a
drivers license or a special identification card is confidential and shall not be released except
for law enforcement purposes or to the Office of the State Chief Information Officer for the
purposes of G.S. 143B-426.38A."

SECTION 6.(o) G.S. 20-43.2(a) reads as rewritten:

"§ 20-43.2. Internet access to organ donation records by organ procurement
organizations.

(a) The Department of Transportation, Division of Motor Vehicles, shall establish and
maintain a statewide, online Organ Donor Registry Internet site (hereafter "Donor Registry").
The purpose of the Donor Registry is to enable federally designated organ procurement
organizations and eye banks to have access 24 hours per day, seven days per week to obtain
relevant information on the Donor Registry to determine, at or near death of the donor or a
prospective donor, whether the donor or prospective donor has made, amended, or revoked an
anatomical gift through a symbol on the donor's or prospective donor's drivers license, special
identification card, restricted drivers permit, restricted identification card, or other manner. The
data available on the Donor Registry shall be limited to the individual's first, middle, and last
name, date of birth, address, sex, county of residence, and drivers license, restricted drivers
permit, or identification card number. The Division of Motor Vehicles shall ensure that
only federally designated organ procurement organizations and eye banks operating in this
State have access to the Donor Registry in read-only format. The Division of Motor Vehicles
shall enable federally designated organ procurement organizations and eye banks operating in
this State to have online access in read-only format to the Donor Registry through a unique
identifier and password issued to the organ procurement organization or eye bank by the
Division of Motor Vehicles. Employees of the Division who provide access to or disclosure of
information in good-faith compliance with this section are not liable in damages for access to
or disclosure of the information."

SECTION 6.(p) G.S. 20-52(a) reads as rewritten:

"§ 20-52. Application for registration and certificate
of title.

(a) An owner of a vehicle subject to registration must apply to the Division for a
certificate of title, a registration plate, and a registration card for the vehicle. To apply, an
owner must complete an application provided by the Division. The application must request all
of the following information and may request other information the Division considers
necessary:

1. The owner's name.
2. If the owner is an individual, the following information:
   a. The owner's mailing address and residence address.
   b. One of the following at the option of the applicant:
      i. The owner's North Carolina drivers license number.
      ii. North Carolina restricted drivers permit number.
      iii. North Carolina special identification card number.
      iv. North Carolina restricted identification card number.

SECTION 6.(q) G.S. 20-34.1 reads as rewritten:

"§ 20-34.1. Violations for wrongful issuance of a drivers license or a special identification card.

(a) An employee of the Division or of an agent of the Division who does any of the
following commits a Class I felony:
Charges or accepts any money or other thing of value, except the required fee, for the issuance of a drivers license or a special identification card.

Knowing it is false, accepts false proof of identification submitted for a drivers license or a special identification card.

Knowing it is false, enters false information concerning a drivers license or a special identification card in the records of the Division.

(b) Defenses Precluded. – The fact that the Division does not issue a license or a special identification card after an employee or an agent of the Division charges or accepts money or another thing of value for its issuance is not a defense to a criminal action under this section. It is not a defense to a criminal action under this section to show that the person who received or was intended to receive the license or special identification card was eligible for it.

(c) Dismissal. – An employee of the Division who violates this section shall be dismissed from employment and may not hold any public office or public employment in this State for five years after the violation. If a person who violates this section is an employee of the agent of the Division, the Division shall cancel the contract of the agent unless the agent dismisses that person. A person dismissed by an agent because of a violation of this section may not hold any public office or public employment in this State for five years after the violation.

SECTION 6.(r) G.S. 25-9-503 reads as rewritten:

"§ 25-9-503. Name of debtor and secured party.

(a) Sufficiency of debtor's name. – A financing statement sufficiently provides the name of the debtor:

(4) Subject to subsection (g) of this section, if the debtor is an individual to whom this State has issued a drivers license or license, restricted drivers permit, special identification card that has not expired, or restricted identification card that has not expired, only if the financing statement provides the name of the individual which is indicated on the drivers license or license, restricted drivers permit, special identification card, or restricted identification card.

(g) Multiple Drivers Licenses or Special Identification Cards. – If this State has issued to an individual more than one drivers license or special identification card of a kind described in subdivision (a)(4) of this section, the one that was issued most recently is the one to which subdivision (a)(4) of this section refers.

..."

SECTION 6.(s) G.S. 66-253 reads as rewritten:

"§ 66-253. Display of identification upon request.

Upon the request of any customer, State or local revenue agent, or law enforcement agent, a peddler, an itinerant merchant, a specialty market operator, or a specialty market vendor must provide its name and permanent address. A peddler, itinerant merchant, specialty market operator, or specialty market vendor who is an individual must, upon the request of any customer, State or local revenue agent, or law enforcement agent, provide a valid drivers license, a special identification card issued under G.S. 20-37.7, a restricted drivers permit, a restricted identification card issued under G.S. 20-37.8A, a military identification, or a passport bearing a physical description of the person named reasonably describing the peddler, itinerant merchant, specialty market operator, or specialty market vendor. A peddler, itinerant merchant, specialty market operator, or specialty market vendor that is a corporation must, upon the request of any customer, State or local revenue agent, or law enforcement agent, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the Secretary of State."
SECTION 6.(t)  G.S. 66-254(a) reads as rewritten:


(a) Record Required. – Each peddler, itinerant merchant, and specialty market vendor must keep a written record of the source of new merchandise the merchant offers for sale. The record must be a receipt or an invoice from the person who sold the merchandise to the merchant. The receipt or invoice must specifically identify the product being sold by product name and quantity purchased and must contain the complete business name of the seller and a description of the type of business. If the seller was an individual, the receipt or invoice must contain the seller's driver's license number, identification number, or restricted driver's permit number, its state of issuance and expiration date, and the seller's date of birth. The merchant must verify this information by comparing the seller's driver's license to the receipt or invoice and signing the receipt or invoice. A special identification card or restricted identification card issued by the Division of Motor Vehicles may be used in place of the seller's driver's license for the purposes of providing and verifying information required under this section. If the seller was a corporation, the receipt or invoice must contain the corporation's federal tax identification number, the state of incorporation, the name and address of the corporation's registered agent in this State, if any, and the corporation's principal office address."

SECTION 6.(u)  G.S. 90-106.1(a) reads as rewritten:

"§ 90-106.1. Photo ID requirement for Schedule II controlled substances.

(a) Immediately prior to dispensing a Schedule II controlled substance, or any of the Schedule III controlled substances listed in subdivisions 1. through 8. of G.S. 90-91(d), each pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the person seeking the dispensation to present one of the following valid, unexpired forms of government-issued photographic identification: (i) a driver's license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport, (v) a restricted identification card issued under G.S. 20-37.8A, or (vi) a restricted driver's permit. Upon presentation of the required photographic identification, the pharmacy shall document the name of the person seeking the dispensation, the type of photographic identification presented by the person seeking the dispensation, and the photographic identification number. The pharmacy shall retain this identifying information on the premises or at a central location apart from the premises as part of its business records for a period of three years following dispensation."

PART VII. AUTHORIZE IMPOUNDMENT AND SALE OF VEHICLES FOR DRIVING WHILE LICENSE REVOKED, DRIVING WITHOUT A LICENSE, AND DRIVING WHILE FAILING TO MAINTAIN FINANCIAL RESPONSIBILITY

SECTION 7. Article 2 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-28.10. Seizure, impoundment, forfeiture of motor vehicles for certain other offenses under this Chapter.

(a) Authority. – A vehicle driven by a person who commits any of the following offenses shall be subject to seizure, impoundment, and forfeiture:

(1) A violation of G.S. 20-313,

(2) Driving without a license or restricted drivers permit under G.S. 20-7 unless the person possesses an expired drivers license or an expired restricted drivers permit.

(b) Exceptions. – If any of the following conditions are satisfied, a vehicle shall not become subject to impoundment or an order of forfeiture under this section:

(1) The underlying violation is a violation of G.S. 20-313 and the defendant tenders proof of financial responsibility that satisfies the requirements of G.S. 20-7(c1) to the judge, regardless of whether proof of financial
responsibility was obtained prior to or subsequent to the violation of subsection (a) of this section.

(2) The underlying violation is driving without a license or a restricted permit under G.S. 20-7 and the defendant presents the judge with the defendant's valid drivers license or valid restricted drivers permit.

(c) Governing Laws and Procedures. – The laws and procedures governing the seizure, impoundment, and forfeiture of vehicles under this section shall be the same as those set forth in G.S. 20-28.2 through G.S. 20-28.9. Wherever those statutes refer to a particular underlying offense, they shall, for purposes of this section, be construed to refer to the applicable violation of subsection (a) of this section. Furthermore, for purposes of this section, an innocent owner shall be a person who did not know and had no reason to know that the defendant was engaging in a violation of subsection (a) of this section."

PART VIII. EFFECTIVE DATE AND SEVERABILITY CLAUSE

SECTION 8.(a) Sections 2, 3, and 7 of this act become effective December 1, 2015, and apply to offenses committed on or after that date. Section 6 of this act becomes effective October 1, 2015. The remainder of this act is effective when it becomes law.

SECTION 8.(b) The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this act is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications.