

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 339

Short Title: Modify Lmt'd Driving Privilege/Criminal Laws. (Public)

Sponsors: Senators Britt, Lazzara, and Mohammed (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 22, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY STATUTORY PROVISIONS AFFECTING LIMITED DRIVING
PRIVILEGES AND TO PROHIBIT THE IMPERSONATION OF TAXICAB DRIVERS.

The General Assembly of North Carolina enacts:

AMEND EFFECTIVE DATE FOR S.L. 2015-186

SECTION 1.(a) Section 7 of S.L. 2015-186, as amended by Section 86 of S.L.
2015-264, reads as rewritten:

"**SECTION 7.** This act becomes effective December 1, 2015, and applies to offenses
committed ~~on or~~ on, before, or after that date. ~~Prosecutions for offenses committed before the~~
~~effective date of this act are not abated or affected by this act, and the statutes that would be~~
~~applicable but for this act remain applicable to those prosecutions."~~

SECTION 1.(b) This section is effective when it becomes law.

PROHIBIT THE IMPERSONATION OF TAXICAB DRIVERS

SECTION 2.(a) G.S. 14-401.27 reads as rewritten:

"**§ 14-401.27. Impersonation of a transportation network company ~~driver~~ driver or taxicab
driver.**

It shall be unlawful for any person to impersonate a transportation network company (TNC)
driver, as defined in G.S. 20-280.1, or a taxicab driver by a false statement, false display of
distinctive signage or emblems known as a trade dress, trademark, branding, or logo of the ~~TNC,~~
TNC or a taxicab operator, or any other act which falsely represents that the person has a current
connection with a transportation network company or taxicab operator or falsely represents that
the person is responding to a passenger ride request for a transportation network ~~company.~~
company or taxicab operator. A violation of this section is a Class H felony if the person
impersonates a TNC driver or taxicab driver during the commission of a separate felony offense.
Any other violation of this section is a Class 2 misdemeanor."

SECTION 2.(b) This section becomes effective December 1, 2023, and applies to
offenses committed on or after that date.

**EXTEND LIMITED DRIVING PRIVILEGE UNTIL REINSTATEMENT
DETERMINATION**

SECTION 3.(a) G.S. 20-20.1(j) reads as rewritten:

"(j) Term and Reinstatement. – The term of a limited driving privilege issued under this
section is the shorter of one year or the length of time remaining in the revocation period imposed
under G.S. 20-28(a) or G.S. 20-28.1. When the term of the limited driving privilege expires, the



1 Division must reinstate the person's license if the person meets all of the conditions listed in this
2 subsection. The term of the limited driving privilege may be extended until the date set by the
3 Division to determine whether the person meets conditions for reinstatement. The Division may
4 impose restrictions or conditions on the new license in accordance with G.S. 20-7(e). The
5 conditions are:

- 6 (1) Payment of the restoration fee as required under G.S. 20-7(i1).
- 7 (2) Providing proof of financial responsibility as required under G.S. 20-7(c1).
- 8 (3) Providing the proof required for reinstatement of a license under
9 G.S. 20-28(c1)."

10 **SECTION 3.(b)** This section becomes effective December 1, 2023, and applies to
11 limited driving privileges issued on or after that date.

12 13 **REVISE REVOCATION FOR MOVING OFFENSE COMMITTED WHILE LICENSE** 14 **SUSPENDED OR REVOKED**

15 **SECTION 4.(a)** G.S. 20-28.1 reads as rewritten:

16 "**§ 20-28.1. Conviction of moving offense committed while driving during period of**
17 **suspension or revocation of license.**

18 (a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense,
19 such offense having been committed while such person's driving privilege was in a state of
20 suspension or revocation, the Division shall revoke such person's driving privilege for an
21 additional period of time as set forth in ~~subsection (b) hereof.~~ subsection (b) of this section. For
22 purposes of this section a violation of G.S. 20-7(a), 20-24.1, or 20-28(a) or (a2) shall not be
23 considered a "motor vehicle moving offense" unless the offense occurred in a commercial motor
24 vehicle or the person held a commercial drivers license at the time of the offense. A violation of
25 G.S. 20-313 is considered a "motor vehicle moving offense" for the purposes of this section.

26 (b) When a driving privilege is subject to revocation under this section, the additional
27 period of revocation shall be as follows:

- 28 (1) ~~A first such revocation shall be for one year;~~ For a first offense under this
29 section, there is no additional period of revocation if (i) the offense which
30 resulted in the underlying revocation has been resolved or (ii) the person is
31 complying with a payment plan ordered by the court to satisfy any outstanding
32 penalty, fine, or costs related to the offense which resulted in the underlying
33 revocation.
- 34 (2) ~~A second such revocation shall be for two years; and~~ For a second offense
35 under this section, the additional period of revocation is one year.
- 36 (3) ~~A third or subsequent such revocation shall be permanent.~~ For a third and
37 subsequent offense under this section, the additional period of revocation is
38 two years, except that if the person committed the offense while the person's
39 driving privilege was revoked or suspended for impaired driving, the
40 revocation is permanent.

41 (c) A person whose license has been revoked under this section for one year may apply
42 for a license after 90 days. A person whose license has been revoked under this section for two
43 years may apply for a license after 12 months. A person whose license has been revoked under
44 this section permanently may apply for a license after three years. Upon the filing of an
45 application, the Division may, with or without a hearing, issue a new license upon satisfactory
46 proof that the former licensee has not been convicted of a moving violation under this Chapter
47 or the laws of another state, or a violation of any provision of the alcoholic beverage laws of this
48 State or another state, or a violation of any provision of the drug laws of this State or another
49 state when any of these violations occurred during the revocation period. The Division may
50 impose any restrictions or conditions on the new license that the Division considers appropriate
51 for the balance of the revocation period. When the revocation period is permanent, the restrictions

1 and conditions imposed by the Division may not exceed three years. A person that applies for a
2 license under this subsection must furnish proof to the satisfaction of the Division that the person
3 is maintaining financial responsibility as required by G.S. 20-279.21. Any person whose drivers
4 license was issued pursuant to this subsection who drives any motor vehicle on the highways of
5 the State without maintaining financial responsibility in violation of G.S. 20-313 is guilty of
6 failure to maintain financial responsibility pursuant to G.S. 20-313 and driving while license
7 revoked pursuant to G.S. 20-28(a4).

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9 **SECTION 4.(b)** This section becomes effective December 1, 2023, and applies to
10 convictions entered before, on, or after that date.

11 **EFFECTIVE DATE**

12 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
13 law.
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