



North Carolina's New Limited Driving Privilege Law

How a Bill Becomes a Law In the
Midst of a Global Pandemic and Partisan Gridlock

How Can I Find the New Law?

- Visit ncleg.gov and type "S 488" (Senate Bill 488) into the bill search field in the top right corner and click on "SL 2020-77" OR
- Go to this direct link:
 - <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S488v5.pdf>
- Go to page 3, Section 6.5.
- The rest of the bill deals with other issues.

Text of New Law

- G.S. 20-24.1 will have a new subsection (f).
- The new subsection (f) will read:
- "If a license is revoked under subdivision (2) of subsection (a) of this section, and for no other reason, the person subject to the order may apply to the court for a limited driving privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court are paid. The court may grant the limited driving privilege in the same manner and under the terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving privilege under this subsection only if the person has not had a limited driving privilege granted under this subsection within the three years prior to application."

What Will the New Law Do

- A person whose license is revoked for a failure to pay a fine, penalty, or costs for a motor vehicle offense can apply for a limited driving privilege.
- The court *may* grant the limited driving privilege under the same terms and conditions that courts currently may grant limited driving privileges.
- The privilege is only available if no other privilege under this section of the law has been granted within the past three years.

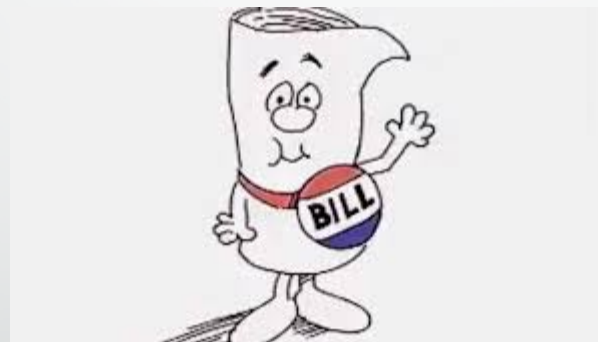
Effective Date of New Law

- New law becomes effective December 1, 2020, and applies to applications for limited driving privileges filed on or after that date.

What Does the New Law NOT Cover

- The limited driving privilege is just for failure to pay costs, fines, and penalties.
- The length of the privilege will be less than a year without an extension from the court.
- You are not eligible for a new privilege, year after year. After getting one, you will not be eligible for another one for three years from the time of your application.

Legislative History: How a Bill Becomes a Law in NC



Schoolhouse Rock: How a Bill Becomes a Law in NC

- A legislator has a good idea and writes a bill.
- The bill is introduced.
- The bill is assigned to a committee.
- The committee debates the merits of the bill and it either passes or fails.
- Once the bill passes one or more committees, it goes to the full House for its consideration.
- Again, the merits of the bill are paramount and it will pass or fail on that basis. If it passes, it goes to the Senate for a similar process.
- Or maybe Schoolhouse Rock isn't entirely accurate.



How a Bill *Really* Becomes a Law: A Case Study

- We had a good idea and introduced HB 853.
- Note that the bill number is not a typo – the bill was HB 853, not the eventual law that passed in SB 488.
- We built a strong group of Democratic and Republican sponsors.

How a Bill *Really* Becomes a Law: The Same Old Story

- HB 853 was assigned to the House Judiciary Committee where it was never heard from again.
- No hearings.
- No discussion.
- The House Judiciary Committee met two times in 2020 and only a few more times than that in 2019.
- There are 96 bills in the committee, still awaiting discussion or action.
- The majority of committee members are non-lawyers.

How a Bill *Really* Becomes a Law: A Tragic Development

- So with HB 853 dead in House Judiciary Committee, we had to get creative. We had bipartisan sponsors, so there was a glimmer of hope.
- National protests erupt surrounding George Floyd's death and the Black Lives Matter movement which reenergizes energy around criminal justice reforms that have disparate racial impacts.
- Of the 96 bills stuck in the House Judiciary Committee graveyard, many address racial disparities but almost none are bipartisan bills.
- House Democrats place public and private pressure on leadership to move bills.

How a Bill *Really* Becomes a Law: An Opportunity Presents Itself

- Remember the new privilege passed as a part of SB 488.
- SB 488 was a teacher and state employee retirement bill filed by a few senators.
- It passed the State Senate unanimously in 2019 and then it died in the House.
- The House Rules Chair revived the bill in 2020, but he removed all of the retirement language and inserted brand-new language to make DMV changes.
- It passed the House unanimously.
- The Senate rejected the new House-approved DMV language and the bill went to a conference committee.

How a Bill Really Becomes a Law: Conference Committee

- The State Senate had passed SB 488 as a Retirement bill and the State House had passed it as a DMV bill.
- A conference committee of House members and Senators was appointed to come up with a compromise both House and Senate could support.
- The conference committee consisted of all Republicans and no lawyers.
- The issue was the retirement language was no longer needed (it had passed into law in a different bill), but the Senate was not on board with the House's DMV language.

How a Bill *Really* Becomes a Law: The Grand Finale

- As House and Senate conference committee members worked out an agreement on the DMV language in SB 488, we approached one of the House conferees and pitched him on our Limited Driving Privilege idea.
- Our Republican co-sponsors added their support.
- The conferees agreed to add our Limited Driving Privilege language to the bill and it was approved by both House and Senate and signed into law by Governor Cooper.
- The limited driving privilege language was never debated or approved by a committee, the conference committee process is not open to the public or 95% of legislators and there was never any way to amend the conference report.
- Including brand-new language in a conference report is a violation of House Rules, but it is done all of the time and many laws are passed this way.

Legislative Resources

- Rep. Robert Reives, Robert.Reives@ncleg.gov, 919-733-0057
- Rep. Sydney Batch, Sydney.Batch@ncleg.gov, 919-733-2962
- Legislative Website: www.ncleg.gov
 - Where You Can Research Bills
 - See Legislative Calendars
- NCAJ's Advocacy Team is a great resource for NCAJ members.