

## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Transportation

RULE CITATION: 19A NCAC 03B .0201

**DEADLINE FOR RECEIPT: Friday, April 11, 2014**

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Change all musts to shall throughout the Rule.*

*In (a)(1), line 10, why must eighty percent of the questions be answered correctly? I assume in order to pass the exam? Consider revising the language to "Eighty percent of the questions shall be answered correctly in order to pass the knowledge examination." This is also an issue in (a)(2), line 12 and 13.*

*In (a)(3), line 15, the word "accordingly" creates ambiguity. Delete or define "accordingly." Also, what are the range of restrictions and the standards that the restrictions are determined by? Are they located in a different Rule?*

*In (a)(4), line 21, what determines whether the driver license examiner will approve or disapprove? Is this based upon a driver's ability to perform the required maneuvers on the road test? If so, please indicate as such. Is there a Form that the driver license examiner completes during the road test?*

*In (b), line 24, change Subsection to Paragraph.*

*In all Sub-Paragraphs of (b), is an applicant required to only complete the applicable tests, or is it required to complete and pass the applicable tests? If the applicant is also required to pass the applicable tests, please indicate as such in all Sub-Paragraphs.*

*In (b)(2), valid North Carolina licenses and North Carolina licenses that have been expired for less than two years are dealt with in one Sub-Paragraph; however, valid out of state licenses and out of state licenses that have been expired for less than two years are dealt with in two Sub-Paragraphs in (b)(4) and (b)(5). You may want to consider either breaking (b)(2) into two Sub-Paragraphs*

Amber Cronk May  
Commission Counsel

Date submitted to agency: Friday, March 28, 2014

*or combining Sub-Paragraphs (b)(4) and (b)(5) into one Sub-Paragraph for purposes of consistency.*

*In (b)(3), line 3, consider adding “as required in Sub-Paragraph (b)(1) after “Applicants must complete the full examination.” As written, it is unclear what is required by the “full examination.” This is also an issue in (b)(6).*

*It appears as though G.S. 20-2 would serve as stronger authority than G.S. 20-1 in your History Note.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Friday, March 28, 2014

1 19A NCAC 03B.0201 is amended as published in 28:14 NCR 1622-23 as follows:  
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3 **19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION**

4 (a) The Division shall issue a driver's license to any person who passes the driver license examination and  
5 is otherwise eligible to hold a license. Applicants for a driver's license are subject to the following tests:

- 6 (1) ~~Written Test.~~ Knowledge Examination. This is a ~~an~~ automated computer test on  
7 knowledge of rules of the road. ~~A pictorial or oral test is used for applicants who cannot~~  
8 ~~read, upon request.~~ An audio component allows customers with reading comprehension  
9 difficulties to listen to the test questions by use of earphones. ~~Seventy~~ Eighty percent of  
10 the questions must be answered correctly.
- 11 (2) Road Signs. This is a test on knowledge of highway signs and their meanings.  
12 Applicants for a regular Class "C" license must correctly identify nine of twelve road  
13 signs. Applicants for "A" or "B" licenses must correctly identify all road signs.
- 14 (3) Visual Acuity. Applicant's visual acuity must be 20/40 or better in ~~each eye~~ either or  
15 both eyes to receive an unrestricted license. License is restricted accordingly if acuity is  
16 less than 20/40.
- 17 (4) Road Test. The road test measures the applicant's ability to operate a motor vehicle  
18 safely in actual traffic situations. The required maneuvers are: ~~down shift,~~ quick stop,  
19 turnabout, ~~stop on grade, start on grade,~~ backing, approach corner, right turns, left turns,  
20 traffic lights, use of controls, starts, ~~clutch,~~ use of lanes, use of brakes, following and  
21 attention. Approval or disapproval is determined by the driver license examiner.  
22 ~~Applicants with expired out of state licenses and applicants with North Carolina licenses~~  
23 ~~expired more than one year will be required to take the complete examination.~~

24 (b) The tests contained in subsection (a) will be administered as follows:

- 25 (1) First time applicants. Applicants applying for a driver's license for the first time must  
26 complete the full examination, to include the knowledge examination, road signs test,  
27 visual acuity test, and road test.
- 28 (2) Renewals and licenses expired less than two years. Applicants seeking to renew a valid,  
29 unexpired North Carolina driver's license must complete the road signs test and visual  
30 acuity test. Applicants possessing a previously issued North Carolina driver's license,  
31 expired less than two years, must complete the road signs test and visual acuity test.
- 32 (3) Applicants possessing a previously issued North Carolina driver's license, expired greater  
33 than two years. Applicants must complete the full examination.
- 34 (4) Applicants with a valid and current driver's license issued by another State. Applicants  
35 seeking to transfer their current driver's license from another state must complete the  
36 road signs test and visual acuity test.
- 37 (5) Applicants with a driver's license issued by another state, expired less than two years.  
38 Applicants possessing a driver's license issued by another state which is expired less than  
39 two years must complete the road signs test and visual acuity test.

1           (6)     Applicants with a driver’s license issued by another state, expired more than two years.  
2                     Applicants must complete the full examination.

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4     *History Note:*     *Authority G.S. 20-1; 20-7 (a) through (e); 20-39;*  
5                     *Eff. July 1, 1978;*

6                     *Amended Eff. May 1, 2014; December 1, 1993; July 1, 1982; June 5, 1981*