

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation/ Division of Motor Vehicles

RULE CITATION: 19A NCAC 03B .0201

DEADLINE FOR RECEIPT: Wednesday, March 11, 2015

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:

In this Rule, please show all changes made to original text currently in the NCAC. For example, on line 6, the language currently reads:

19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION

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

In your language, you have "moved" the colon following "tests" in the second sentence and cannot do that. You must show the changes, thusly:

Applicants for a driver's license are subject to the following ~~tests:~~ tests and requirements:

In (a)(2), line 13, what is meant by "regular"? Is this as opposed to restricted?

In (a)(3), line 16, why is "applicant" capitalized?

Also on line 17, I recommend stating, "A license" or The license shall be restricted..."

In (a)(4), line 22, this is not the proper way to insert a comma, as punctuation is treated as part of the word that preceded it. (Note the same for line 27)

On line 22, do individuals know what is meant by "attention"? I am assuming "attention to driving, the road, etc." is this correct? And what is "controls"?

In (a)(5), line 26, replace "will" with "shall" or state "The Division of Motor Vehicles shall post instructions for applicants for remote renewal of its website at ..."

I recommend giving the full citation in (a)(5) to "G.S. 20-7(f)(6)c."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 25, 2015

In (a)(6), line 29, generally the term “shall” is preferred over “must” in rules. Is the “must” applicable to the individual or the agency here?

In (a)(6), the (i) through (v) was changed to (A) through (E) for publication. As that is correct formatting, please change it back.

Please have (a)(6)(i) through (v) begin with lowercase letters, as they are a list.

In current (a)(6)(i), line 31, should it read “address listed or shown on...”?

In current (a)(6)(iii), this is not the correct way to change the word from “provide” to “provided” Please follow Rule 26 NCAC 02C .0405(b)(2). Please note the same change for Page 2, line 25, changing “Applicants” to “applicants”

In (a)(6)(iv), what is “successful”? Do you mean that they passed per the standards in (a)(3)?

In (a)(7), Page 2, line 2, please insert a comma after “renewal”

In (a)(8), please insert a comma after “process” on line 4.

On line 5, should it read, “The applicant may use...” or “The individual may use the current license...”?

The language in (b)(2), line 16 contradicts the language in (a)(6)(iv). Should there have been no change in the last 6 months or no change since the last exam? And who makes the determination that it will impair the driver’s ability – the driver?

I suggest saying at the end of (b)(1), (3), (4) and (5), “Applicants in this Subparagraph are not eligible to apply for remote renewal.”

In the History Note, not all of 20-7(a) through (f) is applicable to this Rule, is it? It appears that (a), (c), (e) and (f) are applicable here. Please give the citations you are relying upon for authority for this Rule.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 25, 2015

1 19A NCAC 03B.0201 is amended as published in 29:12 NCR 1486 as follows:
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3 **19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION AND ONLINE RENEWAL**

4 (a) The Division shall issue a driver's license to any person who passes the tests and meets the requirements listed
5 below ~~the driver license examination~~ and is otherwise eligible under G.S. 20 to hold a license. Applicants for a
6 driver's license are subject to the following tests and requirements:

- 7 (1) Knowledge Examination. This is an automated computer test on knowledge of rules of the road.
8 An audio component allows ~~customers~~ applicants with reading comprehension difficulties to listen
9 to the test questions by use of earphones. Eighty percent of the questions shall be answered
10 correctly in order to pass the knowledge examination. For the issuance of a remote renewal, the
11 requirement of a knowledge examination shall be waived.
- 12 (2) Road Signs. This is a test on knowledge of highway signs and their meanings. Applicants for a
13 regular Class "C" license shall correctly identify nine of twelve road signs. Applicants for "A" or
14 "B" licenses shall correctly identify all road signs. For the issuance of a remote renewal, the
15 requirement of the road signs test shall be waived.
- 16 (3) Visual Acuity Test. ~~Applicant's~~ The Applicant's visual acuity shall be 20/40 or better in either eye
17 or both eyes together to receive an unrestricted license. License is restricted to require corrective
18 lenses if acuity is less than 20/40 in either eye or both eyes together.
- 19 (4) Road Test. The road test measures the applicant's ability to operate a motor vehicle safely in
20 actual traffic situations. The required maneuvers are: quick stop, turnabout, backing, approach
21 corner, right turns, left turns, traffic lights, use of controls, starts, use of lanes, use of brakes,
22 ~~following~~ following, and attention. Approval or disapproval is determined by the driver license
23 examiner based upon the applicant's ability to execute the required maneuvers. For the issuance
24 of a remote renewal, the requirement of a road test shall be waived.
- 25 (5) Remote Renewal. The renewal of a driver's license by mail, telephone, or electronic device.
26 Applicants will find instructions for remote renewal on the Division of Motor Vehicles' Website
27 at <http://www.ncdot.gov/dmv>. A driver's license issued by remote renewal expires in accordance
28 with G.S. 20-7(f)(6).
- 29 (6) Attestation. An applicant eligible to make application for a remote renewal must truthfully attest
30 to the following as part of the application for a remote renewal:
- 31 (i) The applicant is a resident of North Carolina and currently resides at the address on the
32 license to be renewed;
- 33 (ii) The license holder's name as it appears on the license to be renewed has not changed;
- 34 (iii) All information provided during the application for a remote renewal has been provided
35 truthfully;
- 36 (iv) That no change in vision has occurred since the last successful visual acuity test
37 examination completed by DMV to safely operate a motor vehicle; and
- 38 (v) That no change in physical or mental abilities has occurred since the last issuance.

1 (7) Photo Requirement. The requirement of a newly captured photo in G.S. 20-7(n)(4) shall be
2 waived for an applicant eligible to make application for a remote renewal providing the applicant
3 has an existing DMV photo on file.

4 (8) Upon completion of the remote renewal process the license shall be renewed if all criteria in G.S.
5 20-7 are met. The current license may be used for all legitimate driver license purposes until the
6 license becomes invalid for some other reason, or receipt of the new license card.

7 (b) The tests contained in Paragraph (a) ~~will~~ shall be administered as follows:

8 (1) First time applicants. Applicants applying for a driver's license for the first time shall complete
9 the full examination, to include the knowledge examination, road signs test, visual acuity test, and
10 road test. First time applicants are not eligible for remote renewal.

11 (2) Renewals and licenses expired less than two years. Applicants seeking to renew a valid, unexpired
12 North Carolina driver's license shall complete the road signs test and visual acuity test.
13 Applicants possessing a previously issued North Carolina driver's license, expired less than two
14 years, shall complete the road signs test and visual acuity test. An applicant shall attest during the
15 application process for a remote driver license renewal that no change in vision has occurred in the
16 past six months that may impair their ability to safely operate a motor vehicle.

17 (3) Applicants possessing a previously issued North Carolina driver's license expired greater than two
18 years. Applicants shall complete the full examination, to include the knowledge examination, road
19 signs test, visual acuity test, and road test. Applicants whose driver licenses have expired greater
20 than two years are not eligible to make application for a remote renewal.

21 (4) Applicants with a driver's license issued by another State, which is valid and ~~current~~ current, or
22 expired less than two years. Applicants seeking to transfer their current driver's license from
23 another state ~~or shall complete the road signs test and visual acuity test.~~ A applicants possessing a
24 driver's license issued by another state which is expired less than two years shall complete the
25 road signs test and visual acuity test. Applicants in this section are not eligible to make an
26 application for a remote renewal.

27 (5) Applicants with a driver's license issued by another state, expired more than two years.
28 Applicants shall complete the full examination, to include the knowledge examination, road signs
29 test, visual acuity test, and road test. Applicants in this section are not eligible to make an
30 application for a remote renewal.

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32 *History Note:* *Authority G.S. 20-2; 20-7 (a) through (f); ~~(e)~~; 20-39; S.L. 2014-100 Section 34.8(a), 34.8(b)*
33 *Eff. July 1, 1978;*
34 *Amended Eff. April 1, 2015; May 1, 2014; December 1, 1993; July 1, 1982; June 5, 1981*
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