

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

Notice is hereby given in accordance with G.S. 150B-21.1 that the Division of Motor Vehicles intends to amend the rule cited as 19A NCAC 03B .0201.

Codifier of Rules approved this rule as an emergency rule effective July 22, 2020 and received for publication the following notice and proposed temporary rule on July 14, 2020.

Public Hearing:

Date: August 4, 2020

Time: 10:00 a.m.

Location: GoTo Meeting <https://global.gotomeeting.com/join/744722501> and Teleconference 1 (646) 749-3122, Access Code: 744-722-501

Reason for Proposed Temporary Action: 19A NCAC 03B .0201(A)(4) ROAD TEST as currently written, requires the Driver's License Examiner and the applicant to ride in the applicant's vehicle together to perform the road test and rate the required maneuvers. To conduct a road test requires driver license examiners to be in close proximity with the driver in a confined vehicle cabin where social distancing is not possible, exposing the examiner to potentially health compromising or life-threatening positions. In order to promote social distancing and hygiene during the COVID-19 pandemic and ensure driver's license employees and customer safety, on June 19, 2020 House Bill 158 was ratified, temporarily waiving the road test requirement for level II limited provisional licenses for young drivers under the age of 18. The division has consulted with DHHS and has determined that road tests should not be reinitiated until the Governor institutes Phase III of his reopening plan. DMV is seeking to waive road tests for a select group of adult drivers where training and/or safe driving records have been established. These drivers are either new drivers who need a license for livelihood or household purposes and have some indicia of driving proficiency satisfactory to the Division of Motor Vehicles. Drivers will still be required to pass a knowledge test, sign test and visual examination.

Comment Procedures: Comments from the public shall be directed to: Hannah Jernigan, 1501 MSC, Raleigh, NC 27699-1501; email Rulemaking@ncdot.gov. The comment period begins July 23, 2020 and ends August 14, 2020.

CHAPTER 03 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 03B - DRIVER LICENSE SECTION

SECTION .0200 - DRIVER'S LICENSE ISSUANCE

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

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

- (1) Knowledge Examination. This is an automated computer test on knowledge of rules of the road. An audio component allows applicants with reading comprehension difficulties to listen to the test questions by use of earphones. Eighty percent of the questions shall be answered correctly in order to pass the knowledge examination. For the issuance of a remote renewal, the requirement of a knowledge examination shall be waived.
- (2) Road Signs. This is a test on knowledge of highway signs and their meanings. Applicants for a regular Class "C" license shall correctly identify nine of twelve road signs. Applicants for "A" or "B" licenses shall correctly identify all road signs. For the issuance of a remote renewal, the requirement of the road signs test shall be waived.
- (3) Visual Acuity Test. The applicant's visual acuity shall be 20/40 or better in either eye or both eyes together to receive an unrestricted license. A license is restricted to require corrective lenses if acuity is less than 20/40 in either eye or both eyes together.
- (4) Road Test. The road test measures the applicant's ability to operate a motor vehicle safely in actual traffic situations. The required maneuvers are: quick stop, turnabout, backing, approach corner, right turns, left turns, traffic lights, use of vehicle operating equipment, starts, use of lanes, use of brakes, following, and paying attention. Approval or disapproval is determined by the driver license examiner based upon the applicant's ability to execute the required maneuvers. For the issuance of a remote ~~renewal~~, renewal or during a pandemic where an executive order is in place, the requirement of a road test ~~shall be waived~~. may be waived if previous driver training and/or safe driving records can be established.
- (5) Remote Renewal. The renewal of a driver's license by mail, telephone, or electronic device. Applicants will find instructions for remote renewal on the Division of Motor Vehicles' Website at <http://www.ncdot.gov/dmv>. A driver's license issued by remote renewal expires in accordance with G.S. 20-7(f)(6)c.

- (6) Attestation. An applicant eligible to make application for a remote renewal shall truthfully attest to the following as part of the application for a remote renewal:
 - (A) The applicant is a resident of North Carolina and currently resides at the address listed on the license to be renewed;
 - (B) The license holder's name as it appears on the license to be renewed has not changed;
 - (C) All information provided during the application for a remote renewal has been provided truthfully;
 - (D) That the applicant knows of no change in his or her vision since the last time the applicant passed the visual acuity test in Subparagraph (a)(3) of this Rule that would impair the applicant's ability to safely drive a motor vehicle; and
 - (E) That no change in physical or mental abilities has occurred since the last issuance.
 - (7) Photo Requirement. The requirement of a newly captured photo in G.S. 20-7(n)(4) shall be waived for an applicant eligible to make application for a remote renewal, providing the applicant has an existing DMV photo on file.
 - (8) Upon completion of the remote renewal process, the license shall be renewed if all criteria in G.S. 20-7 are met. The applicant may use the current license for all legitimate driver license purposes until the license becomes invalid for some other reason, or receipt of the new license card.
- (b) The tests contained in Paragraph (a) shall be administered as follows:
- (1) First time applicants. Applicants applying for a driver's license for the first time shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
 - (2) Renewals and licenses expired less than two years. Applicants seeking to renew a valid, unexpired North Carolina driver's license shall complete the road signs test and visual acuity test, unless the applicant is renewing remotely. Applicants possessing a previously issued North Carolina driver's license, expired less than two years, shall complete the road signs test and visual acuity test. An applicant shall attest during the application for a remote driver license renewal that the applicant knows of no change in his or her vision as set out in Part (a)(6)(D) of this Rule.
 - (3) Applicants possessing a previously issued North Carolina driver's license expired greater than two years. Applicants shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
 - (4) Applicants with a driver's license issued by another State, which is valid and current, or expired less than two years. Applicants seeking to transfer their current driver's license from another state or applicants possessing a driver's license issued by another state that is expired less than two years shall complete the road signs test and visual acuity test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
 - (5) Applicants with a driver's license issued by another state, expired more than two years. Applicants shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.

Authority G.S. 20-2; 20-7(a),(c),(f); 20-39; S.L. 2014-100, s. 34.8(a), 34.8(b).