

# Driver's License Legislation / What Students Need to Know

## ● North Carolina House Bill 769

- Became effective December 1, 1997
- Reflects statewide effort to motivate and encourage students to complete high school
- The legislation requires that a student's driving permit or license be revoked if:
  - A student is unable to maintain adequate progress (passing 70% of all courses and determine by first semester and second semester grades...not quarter grades)
  - A student drops out of school

## ● North Carolina Senate Bill 57

- Lose Control Lose License (LCLL)
- Became effective July 1, 2000
- Requires that a student's driving permit or license be revoked for one year if a student is given a suspension for more than 10 consecutive days or an assignment to an alternative educational setting for more than 10 consecutive days for the following reasons:
  - Possession or sale of an alcoholic beverage or illegal controlled substance on school property
  - Possession or use on school property of a weapon or firearm
  - Physical assault on a teacher or other school personnel on school property

## How Students can Obtain Their Driving Eligibility Certificate (DEC):

### Current/New Students

- Students must show a Driver Education Completion Certificate.
- The student must be currently enrolled in a base/assigned school and verify and/or proof of residency.
- The student is making adequate progress at the end of the **semester** (adequate progress is assessed at the end of each semester, not quarters). Adequate progress is defined as passing 70% of all courses (core and electives; 3 out of 4 or 6 out of 8).

Students who drop out of school and then re-enroll:

- If the student was not making adequate progress at the time they dropped out, he/she must wait one full semester so that grades can be evaluated.
- If the student was making adequate progress at the time they dropped out, they may be issued a DEC form on re-enrollment.

### Out of State Students

Minors attending school outside the state of North Carolina but who reside in North Carolina can attend one of the DMV certified commercial driving schools throughout NC. Students attending school outside NC can obtain a Driving Eligibility Certificate from their assigned WCPSS high school based on Wake County permanent residence. The following evidence is needed to verify an out of state student's Driving Eligibility (public, private, boarding school outside of NC).

- NC Driver Education Certification of Completion
- Proof of NC permanent residency within WCPSS District (i.e., power bill, apartment lease, etc.)
- Transcript/report card showing the latest semester grades (70% adequate progress)
- A letter on the school's letterhead stating that the student is in current attendance and in good standing

Both the DEC and the certificate of completion of Driver's Training are presented to the local DMV office.

### Note:

- A DEC form cannot be issued to a student enrolled in a home school or private school in NC. All non-public school administrators must obtain their supply of DEC forms from this link: <http://www.ncdnpe.org/>.
- A form cannot be issued to a student enrolled in a community college in NC.

## How a Student's Driving Permit or License can be Revoked

1. **North Carolina House Bill 769.** If the student is unable to maintain **adequate progress**. Adequate progress is defined as passing 70% of all courses and is determined by first semester grades and second semester grades for schools on block scheduling. For schools on the AB Day Schedule, grades are determined by first semester grades and end-of-year grades.
2. If the student **drops out** of school (except those who are 18 years of age and over).
3. **Lose Control, Lose Your License Legislation**  
North Carolina Senate Bill 57, which became effective July 1, 2000, requires that a student's driving permit or license be revoked for one year if a student is given a suspension for more than 10 consecutive days or an assignment to an alternative educational setting for more than 10 consecutive days for one of the following reasons:
  - a. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
  - b. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
  - c. The physical assault on a teacher or other school personnel on school property.

School property is the physical premises of the school, school buses, or other vehicles under the school's control or contract that are used to transport students, and school-sponsored or school-related activities that occur on or off the physical premises of the school. Students who are 18 years old cannot be charged under this law.

Unlike the "Dropout Prevention/Driver's License" law that only affects students under the age of 18, the "Lose Control" law does not stop at age 18. It is possible for a student to have his or her license suspended as a 17-½ year old and not be eligible to drive for a full calendar year, reaching 18 ½ before again being eligible to drive.

## How Students can Renew Their Permit or License after Being Revoked

1. **Dropouts**
  - He/she reaches the age of 18
  - He/she enrolls in one of the approved educational settings listed and passes 70% of all courses at the end of the semester.
2. **Inadequate Progress**
  - Passes 3 out of 4 courses (or 6 out of 8) at the end of the next semester (or 70% of all courses).
    - Students must request a new DEC (Driving Eligibility Certificate) from the designee at his/her high school and take the DEC to DMV in order to have his/her driving privileges reinstated.
  - Summer School: A student may attend summer school following the second semester. The student must repeat course(s) failed and complete 70% of courses for second semester and summer school combined. Students will be taken off the Inadequate Progress List and no new DEC form is needed.
  - Receives a high school diploma, G.E.D., or adult high school diploma
    - Students must request a new DEC from his/her high school or other education setting and take the DEC to DMV in order to have his/her driving privileges reinstated.
  - Reaches the age of 18
    - Reactivation of license will automatically occur providing there are no other DMV suspensions on the license. Go to any NC DMV driver's license office to obtain a new license.

\*FYI-DMV may charge a reinstatement fee.

## Hardships

- In rare cases, there may be circumstances beyond the control of the student or his/her parents that qualify the student as a hardship case. **Documentation must demonstrate the need for the student to continue to drive.** If a hardship exists, the student may receive a waiver and would not be affected by the legislation. Hardship cases are rare and are reserved for extreme situations.
- If you believe that you have a hardship case, you must submit the "**Driving Eligibility Hardship Request Form**" and provide appropriate documentation within 10 days of receiving the DMV Letter of revocation/suspension of license/permit.