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## NORTH CAROLINA'S CLASSIFIED DRIVER'S LICENSE LAW

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In 1979, the General Assembly enacted a bill containing major amendments to the driver's license laws (Article 2 of G.S. Ch. 20). Because of the substantial changes, the amendments were not made effective until January 1, 1981. This memo will discuss the important changes in the law and its effect on the enforcement of the driver's license law.

The amendments establish a "classified" driver's license system. Under the new system, operator's and chauffeur's licenses will no longer be issued. Instead, drivers will receive a Class A, B, or C license, depending on the weight or type of vehicle or combination of vehicles the licensee wishes to drive. In broad terms, a Class A licensee may drive any vehicle (except motorcycles), a Class B licensee may drive any vehicle except tractor-trailer trucks or motorcycles, and a Class C licensee may drive any vehicle except tractor-trailer trucks, large single vehicles (over 30,000 lbs.), most busses, or motorcycles. (These classifications are explained in more detail later in this memo). To obtain a Class A license, an original applicant must pass a special written test designed to test his knowledge of vehicles that only Class A licensees may drive, and he must take a road test on such a vehicle. Similar procedures are followed for Class B and C licenses. The major changes the bill makes, then, are (1) it replaces chauffeurs or operators with Class A, B, or C licensees, and (2) it requires special written and road tests for each type of license (under the old law, chauffeurs took the same test as operators and were permitted to use any motor vehicle for their road test).

Under the new system, not every driver will have to take a road and written test. Currently licensed drivers with clean records and no health problems can be exempt from the road and written tests if, on January 1, 1981, they are

currently holding a valid N.C. license. Applicants applying for a Class C license renewal may be exempt if they have no traffic convictions. If they do have convictions or if their health requires it, the written test and road test may be required. A licensee may also apply for an A or B license and be exempt from testing if he is currently licensed in North Carolina, if his record is clean and if he files an affidavit stating he has driven that class of vehicle for at least one year prior to 1981. Original applicants, or licensees with convictions or who are unable to complete the affidavit must take the written test and may have to take the road test. For employees of certain private companies or governmental agencies or graduates of accredited driving schools, the road test may be waived by regulations adopted by the Commissioner of Motor Vehicles. Licenses issued before January 1, 1981, to chauffeurs or operators will continue to be valid until expiration or revocation, and chauffeurs will be allowed to drive any vehicle with that license.

#### Classifications

The classifications are listed in the statute as follows:

- "Drivers' licenses shall be classified as follows:
- (1) Class 'A' which entitles a licensee to drive any vehicle or combination of vehicles, except motorcycles, including all vehicles under Classes 'B' or 'C'.
  - (2) Class 'B' which entitles a licensee to drive a single vehicle weighing over 30,000 pounds gross vehicle weight, any such vehicle towing a vehicle weighing 10,000 pounds gross vehicle weight or less, a single vehicle designed to carry more than 12 passengers and all vehicles under Class 'C'. A Class 'B' license does not entitle the licensee to drive a motorcycle.
  - (3) Class 'C' which entitles a licensee to drive a single vehicle weighing 30,000 pounds gross vehicle weight or less, any such vehicle towing a vehicle weighing 10,000 pounds gross vehicle weight or less, and a church bus, farm bus, or activity bus operated for a nonprofit organization when the activity bus is operated for a non profit purpose. A Class 'C' license does not entitle the licensee to drive a motorcycle. A Class 'C' license does not entitle the licensee to drive a vehicle designed to carry more than 12 passengers unless this subsection or G.S. 20-218(a) specifically entitle him to do so.

Any unusual vehicle shall be assigned by the Commissioner to the most appropriate class with suitable special restrictions if they appear to be necessary."

To illustrate the classes, consider the following examples:

A tractor-trailer combination in which the trailer is fully loaded and weighs over 10,000 lbs. requires a Class A license because the trailer weighs over 10,000 lbs.

A cement mixer, fully loaded with cement, etc., which weighs 35,000 lbs. requires a Class B license because any single vehicle can be driven with a Class B license, but a vehicle weighing over 30,000 lbs. cannot be driven with a Class C license.

A charter bus that seats 35 passengers, but weighs 24,000 lbs. requires a Class B license because vehicles designed to carry more than 12 passengers require at least a Class B license, regardless of weight (subject to the exception in the Class C classification).

A recreational vehicle (camper) that weighs 15,000 lbs. requires only a Class C license because it must either weigh over 30,000 lbs., or carry more than 12 passengers to require a Class B license.

A farm truck weighing 10,000 lbs. pulling a tobacco trailer weighing 8,000 lbs. requires a Class C license because the trailer must weigh more than 10,000 lbs. or the vehicle pulling it must weigh more than 30,000 lbs. to require other than a Class C license.

A bus that seats 40 people that is used by a civic group to take under-privileged children to camp in the summer requires only a Class C license if the bus is operated for a nonprofit purpose by a nonprofit organization.

A motorcycle may not be driven with any class of license unless the licensee also has a motorcycle endorsement on that license.

A private passenger car requires a Class C license because it is a single vehicle weighing less than 30,000 lbs. (and it is not designed to carry more than 12 passengers).

A taxicab requires a Class C license because it is a single vehicle weighing less than 30,000 lbs. (and it is

not designed to carry more than 12 passengers). Under the new system the purpose for which the vehicle is used is unimportant.

At the end of this memo some illustrations of Class A, B, and C vehicles are reproduced. They were developed by the Division of Motor Vehicles. For more information on vehicle classifications or DMV policies call Mr. Russell Wrenn at (919) 733-4330.

### Enforcement Problems

Under the classified license law the gross vehicle weight of the vehicle being driven will be much more important than it was under the previous law in determining if the driver is properly licensed. Because of that fact, and because most officers do not have access to the kind of scales necessary to determine the actual weight of a vehicle, the act establishing the classified license system contains a section which specifically authorizes the Commissioner of Motor Vehicles to adopt regulations defining "gross vehicle weight."

The regulations adopted by the Commissioner contain the following provision:

#### .0202 GROSS VEHICLE WEIGHT

- (a) Gross vehicle weight shall be the actual weight of a vehicle as may be determined by weighing the vehicle at a permanent weigh station or by use of portable scales; provided, however, that for the purposes of Article 2 of G.S. Ch. 20 the registered weight of the vehicle (except as may be shown by actual scale weight or as is hereinafter provided) shall be considered the gross weight.
- (b) Gross vehicle weight of motor vehicles bearing permanent registration plates or other plates for which no weight is required to be shown on the registration card shall be the actual scale weight of the vehicle; provided, however, for the purposes of Article 2 of G.S. Ch. 20 the gross vehicle weight of any motor vehicle so registered having three axles or more and designed as a property hauling vehicle shall be deemed to be over 30,000 pounds (except as may be shown by the actual scale weight).
- (c) The gross vehicle weight of a towed vehicle shall be the actual scale weight of the vehicle.

That regulation should aid the enforcement officer in determining if a driver is properly licensed for the vehicle he is driving. For vehicles which have an authorized weight on their registration cards, the regulations provide that the gross vehicle weight is the same as that registered weight. This provision will be useful in dealing with drivers of large single vehicles, but the registered weight is not the final word on this subject. Since the registration of a vehicle costs more as it gets heavier, owners sometimes register their vehicles for one weight, load it for more than that weight, and drive it at the heavier weights. In that case, unless an actual scale reading is obtained, the registered weight will be considered the gross vehicle weight.

The reverse of this situation can occur as well. A vehicle which is registered to allow it to carry a heavy load may also be driven when it is empty. In that case the defendant may argue that actual weight will be less than the registered weight. For certain combination vehicles, that argument will obviously be true. Tractor-trailer rigs without the trailer weigh less than the amount the rig is registered for (which is usually 70 - 80,000 lbs.) and tractors alone can be driven by a Class C licensee. Single vehicles, especially property hauling vehicles, may weigh under 30,000 lbs. when empty and over 30,000 lbs. when loaded and be registered for over 30,000 lbs. In a case like that, where the officer believes the vehicle weighs over 30,000 lbs. and the driver says it does not, the burden is on the state to prove that it does when the driver is charged with an offense. Unless the vehicle is weighed, which is frequently not a reasonable alternative, the court must look at the registered weight and all the other evidence it has before it. It will thus be important for the officer to investigate and to fully describe the vehicle and the extent and nature of its load to attempt to meet the prosecution's burden of proof. The same principle applies when the issue is whether the trailer or towed vehicle weighs 10,000 lbs. or more.

For permanently registered vehicles, gross vehicle weight will never be apparent from the vehicle registration card. To alleviate that problem, the regulations provide that permanently registered vehicles are deemed to weigh over 30,000 lbs. if they are property-hauling vehicles with three or more axles. That weight, too, is subject to being proved wrong by actual scale weight.

Trailers also have no registered weight. For tractor-trailer rigs the registration for the tractor pulling the trailer will have included the registration fee for the trailer. For many other trailers, no registration is required or it is issued with no weight limit imposed.

Determining in fact whether the trailer weighs over 10,000 lbs. will require weighing of the vehicle or it will require other evidence, such as the officer's expert opinion or description of the size of the trailer and the extent to and material with which it is loaded. For large enclosed tractor-trailers, the trailer will usually weigh over 10,000 lbs. even when empty.

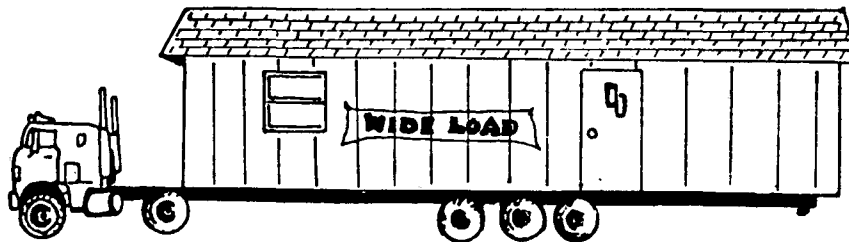
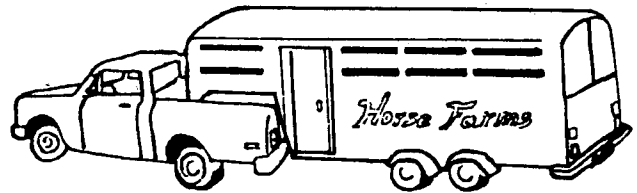
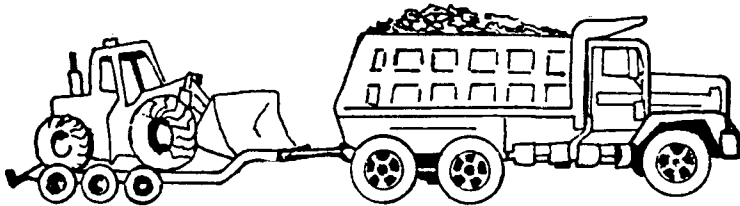
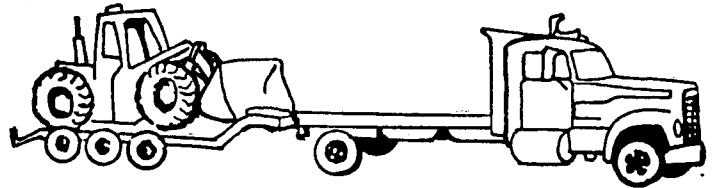
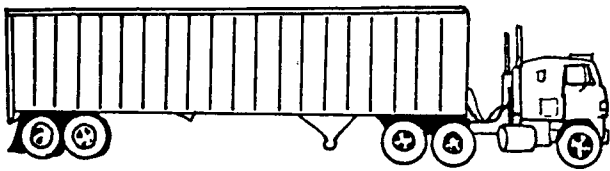
The significant weight for a trailer is whether it weighs 10,000 lbs. or less. If it weighs more than 10,000 lbs., the driver must have a Class A license. Otherwise, the driver may drive on a Class B or C license, depending on the type of vehicle that is pulling the trailer.

Amendment to G.S. 20-179(b)

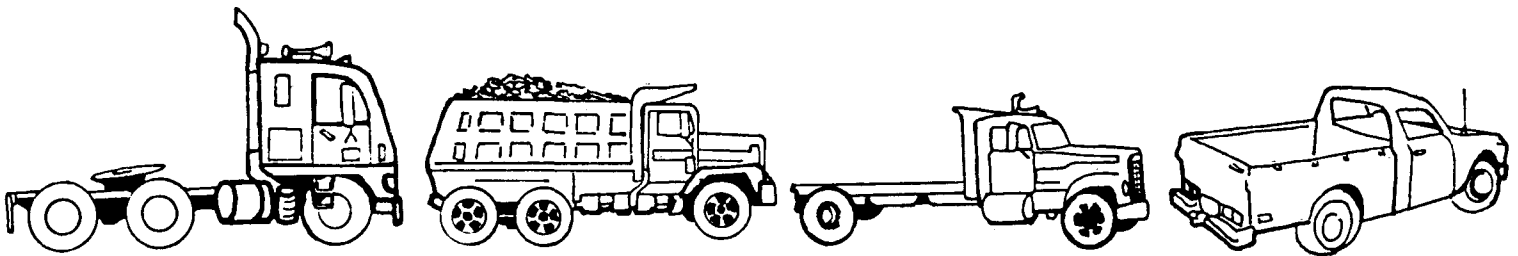
One of the technical amendments to G.S. Ch. 20 necessary to enact the classified license bill was to G.S. 20-179(b), the limited driving privilege statute. That statute was also amended later (although the amendment became effective earlier) by the act (Ch. 903, SL 1979) that established DUI Schools across the state and provided that most limited privileges would require the defendant to successfully complete a DUI school. In the 1979 supplement to G.S. volume 1C, the codifier apparently took the position that the amendment to G.S. 20-179(b) in the DUI school bill was repealed by the classified license amendment to that same section (see the editor's note on p. 241 of the 1979 supplement). The codifier, however, reversed that position in the 1980 Interim Supplement to the General Statutes, and on p. 195-198 of that supplement, the current version of the statute is reproduced. It contains the provisions of Ch. 903 (the DUI school provisions), so the editor's note to the 1979 supplement is incorrect, and the DUI school provisions of G.S. 20-179(b) remain in effect.

# CLASS "A" LICENSE

## COMBINATION VEHICLES

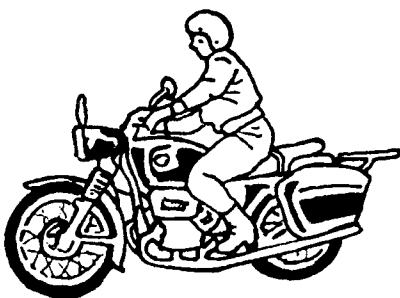


IF THE TOWED VEHICLE WEIGHS MORE THAN 10,000 LBS. GROSS WEIGHT,  
A CLASS "A" LICENSE IS REQUIRED.



ANY OF THE SINGLE VEHICLES ABOVE MAY BE DRIVEN WITH A CLASS "C" LICENSE  
IF THE VEHICLE IS 30,000 POUNDS GROSS WEIGHT OR LESS

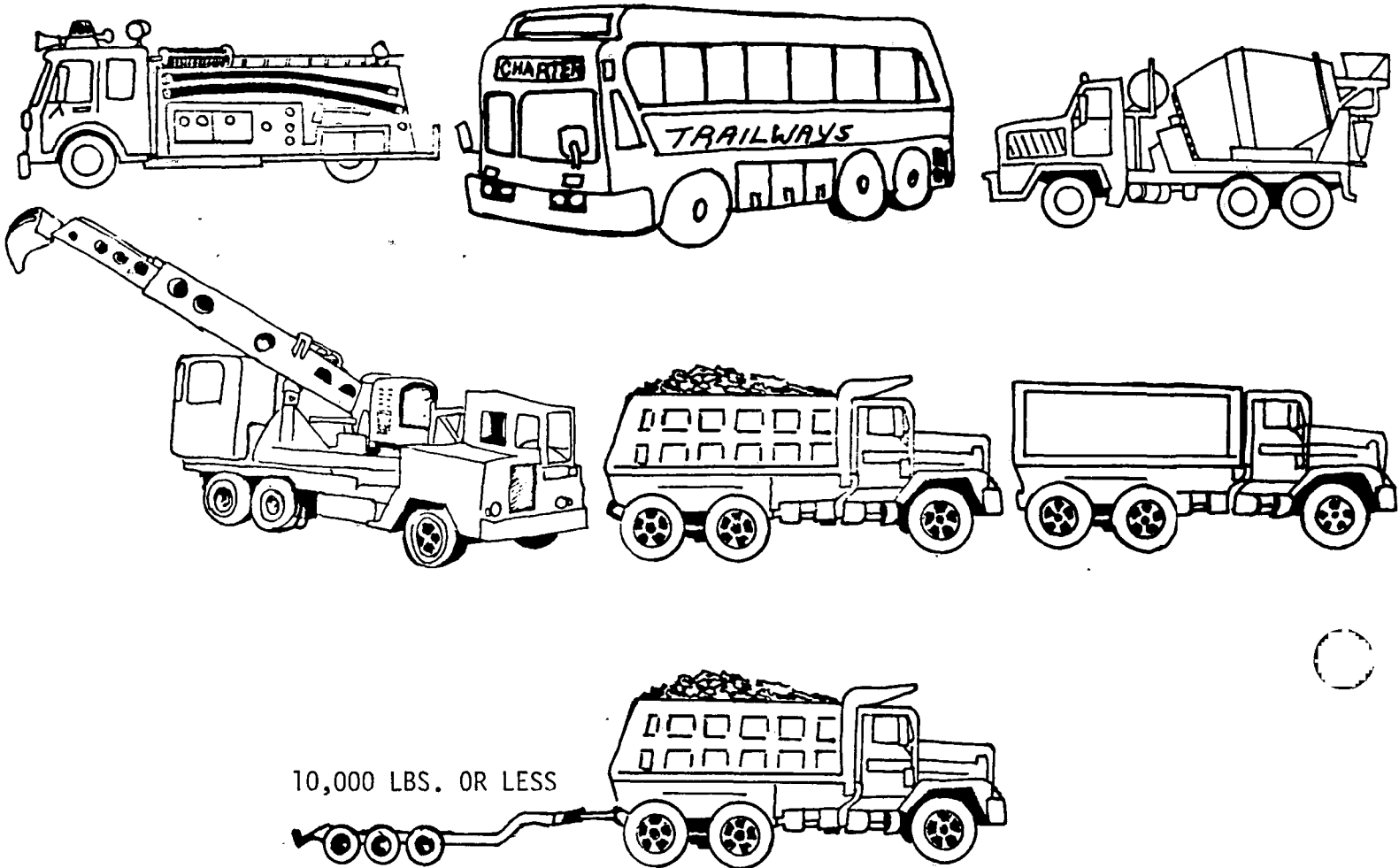
A CLASS "A" LICENSE ENTITLES THE OPERATOR TO OPERATE ANY VEHICLE UNDER  
CLASS "A", "B" OR "C"



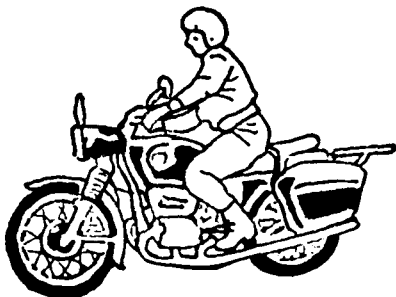
ENDORSEMENT REQUIRED

# CLASS "B" LICENSE

SINGLE VEHICLES WITH A GROSS WEIGHT OF MORE THAN 30,000 LBS. AND  
VEHICLES DESIGNED TO CARRY MORE THAN 12 PASSENGERS.



- ▶ IF ANY OF THE ABOVE VEHICLES GROSSES MORE THAN 30,000 LBS. A CLASS "B" LICENSE IS REQUIRED.
- ▶ IF EITHER OF THE ABOVE VEHICLES TOWS ANOTHER VEHICLE THAT GROSSES MORE THAN 10,000 LBS., A CLASS "A" LICENSE IS REQUIRED.
- ▶ A CLASS "B" LICENSE ENTITLES THE OPERATOR TO OPERATE VEHICLES IN CLASS "B" OR "C".

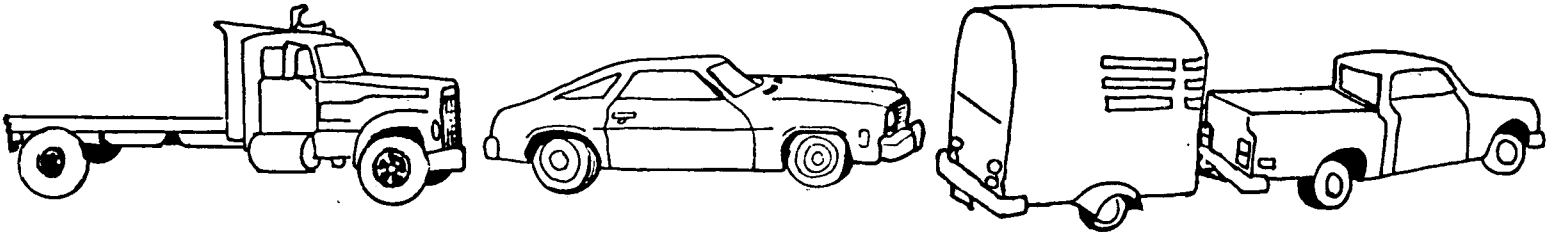


ENDORSEMENT REQUIRED

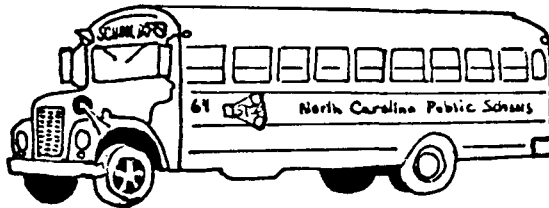


# CLASS "C" LICENSE

SINGLE VEHICLES, WITH A GROSS WEIGHT OF 30,000 LBS OR LESS  
AND CERTAIN VEHICLES DESIGNED TO CARRY MORE THAN 12 PASSENGERS MAY  
BE OPERATED WITH A CLASS "C" LICENSE.



## \*SCHOOL BUS (G. S. 20-218)



A SCHOOL BUS MAY BE OPERATED BY ANYONE  
WHO IS AT LEAST 16 YEARS OLD AND WHO  
HOLDS A VALID CLASS "C" LICENSE AND A  
SCHOOL BUS CERTIFICATE. A SCHOOL BUS

CERTIFICATE IS REQUIRED TO DRIVE ANY SCHOOL BUS REGARDLESS OF THE AGE OF THE  
DRIVER OR THE CLASS LICENSE HE HOLDS.

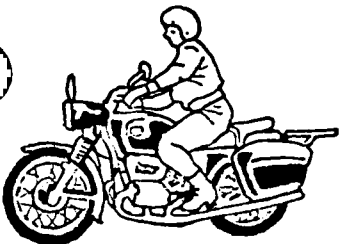
\*SCHOOL ACTIVITY BUS (G. S. 20-218) A SCHOOL ACTIVITY BUS MAY BE OPERATED BY  
ANYONE, 16 OR 17 YEARS OLD, WHO HOLDS A CLASS "C" LICENSE AND A SCHOOL BUS  
CERTIFICATE. ANYONE 18 YEARS OLD OR OLDER MAY OPERATE THE SCHOOL ACTIVITY  
BUS WITH EITHER A CLASS "A" OR "B" LICENSE, OR CLASS "C" LICENSE WITH A SCHOOL  
BUS CERTIFICATE.

## \*ACTIVITY BUS USED FOR NONPROFIT PURPOSE

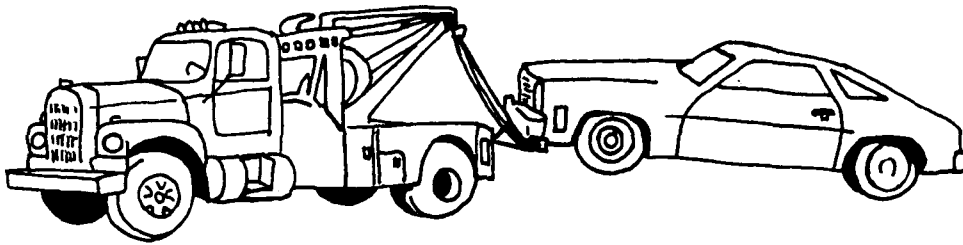
A CHURCH BUS, FARM BUS OR ACTIVITY BUS OPERATED FOR A NONPROFIT PURPOSE  
MAY BE OPERATED IF THE OPERATOR HOLDS A VALID CLASS "C" LICENSE. (G. S. 20-7.3)  
EXAMPLES: SALVATION ARMY, BOY'S CLUB, RED CROSS, BOY SCOUTS, ETC.

## \*MOTORCYCLES (G. S. 20-7.a1)

ANY TYPE OR CLASS LICENSE, WHETHER IT IS OPERATOR, CHAUFFEUR,  
CLASS "A", "B" OR "C", ISSUED ON OR AFTER OCTOBER 1, 1979,  
MUST HAVE THE MOTORCYCLE ENDORSEMENT ON IT BEFORE A  
LICENSEE IS ENTITLED TO RIDE A MOTORCYCLE.

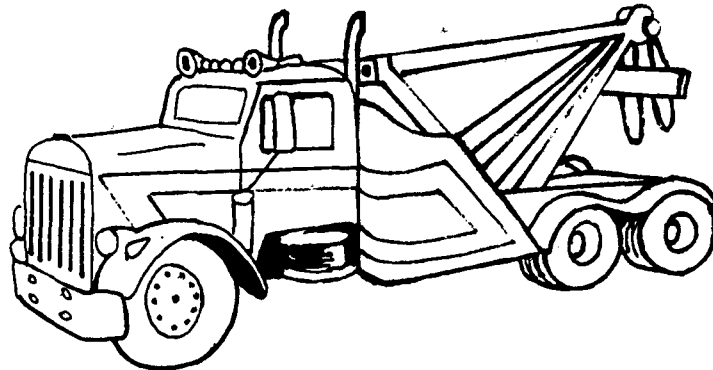


## (WRECKERS)



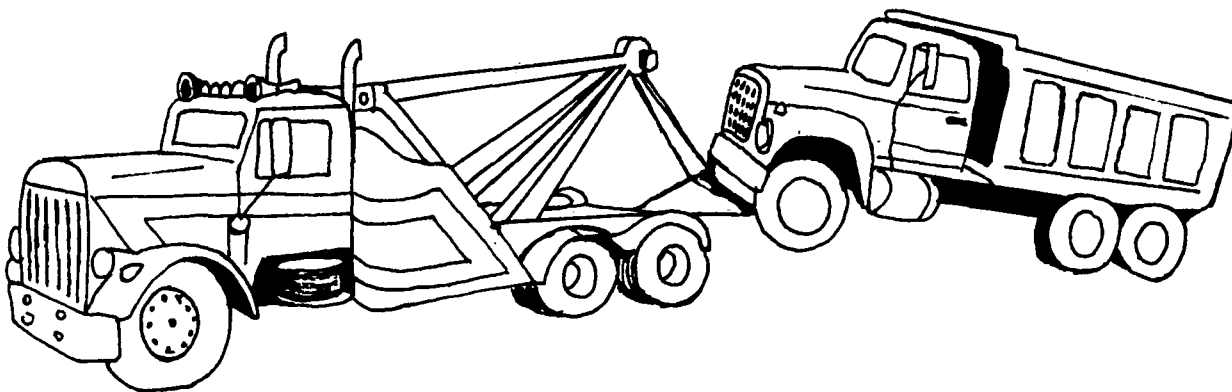
### CLASS "C"

IF THE VEHICLE USED TO TOW ANOTHER VEHICLE WEIGHS 30,000 OR LESS  
AND IF THE VEHICLE BEING TOWED WEIGHS 10,000 LBS OR LESS,  
A CLASS "C" LICENSE IS REQUIRED.



### CLASS "B"

ANY SINGLE VEHICLE THAT WEIGHS MORE THAN 30,000 LBS.  
REQUIRES A CLASS "B" LICENSE,



### CLASS "A"

ANY VEHICLE THAT TOWS ANOTHER VEHICLE THAT WEIGHS 10,000 LBS,  
OR MORE IS REQUIRED TO HAVE A CLASS "A" LICENSE.