

A Primer on Driver's License and Insurance Requirements in North Carolina

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In my office, in part because we represent a large number of both documented and undocumented immigrants, often new to this state, we get a lot of questions about the legal qualifications necessary in order to obtain a valid driver's license. Additionally, we get a lot of questions about the insurance requirements before a driver can lawfully place a motor vehicle in operation on the streets and highways of North Carolina. I will attempt to address those questions in this column.

Licensing Requirements

Before any person can obtain a driver's license in the State of North Carolina, he must qualify for that license by demonstrating his or her driving skills, and by showing proof of (1) age and identity, (2) residency in North Carolina, (3) valid liability insurance (financial responsibility), and (4) a valid Social Security number. The N. C. Division of Motor Vehicles is very strict in its documentary requirements to prove those qualifications.

To prove age and identity, applicants for a license must provide a valid or expired North Carolina driver's license, learner's permit, or identification card. In the absence of one of those preferred identification documents, applicants must present at least two identification documents from the following list: (1) a certified birth certificate issued by any state in the United States, Canada, or Puerto Rico; (2) official North Carolina school records signed by a school official, or a G.E.D. or high school diploma issued by a school within the State of North Carolina; (3) an unexpired United States military identification document, including but not limited to a military photo identification card or a DD-214; (4) a valid, unexpired passport issued by any nation; (5) a certified marriage certificate issued by any state in the United States, Canada, or Puerto Rico; (6) a limited driving privilege issued in North Carolina; (7) valid, unexpired identification documents issued by the United States government; or (8) a United States Veterans Universal Access Card.

To prove residency in North Carolina, first-time applicants must provide documents issued by either the State of North Carolina or the United States government, which documents must clearly establish that the applicant resides in the State of North Carolina. In the absence of any such documents, applicants may prove residency by showing documents such as an apartment lease, a mortgage statement, utility bills, or employment records.

To prove valid liability insurance, applicants must provide a Form DL-123 certification of insurance by the insurance carrier, or an original unexpired automobile liability insurance policy. For driver's license applicants who do not currently own a vehicle which is registered in the State of North Carolina, and do not operate non-fleet private vehicles that are owned by other persons, a Form DL-123A must be provided.

The Form DL-123A will certify the applicant's exemption from the insurance requirements, and that form must be signed at the N.C. Division of Motor Vehicles, in the presence of a D.M.V. official.

Finally, applicants must provide a valid Social Security card if eligible to receive one.¹ But if the applicant is not eligible for the issuance of a Social Security number, that applicant must provide documentation issued by the U.S. immigration officials proving that the applicant is lawfully present in the United States.

Potential drivers at least sixteen but less than eighteen years of age must also prove that they have successfully completed an approved driver's education training course. Drivers under the age of twenty-one years will receive what is called a graduated license, with full driving privileges bestowed on that driver only after achieving the age of twenty-one.

All drivers must pass the written test, the eye test, the signs identification test, and the driving test, all of which are administered by officials of the Department of Motor Vehicles.

Insurance Requirements

Before any person can lawfully operate a motor vehicle in the State of North Carolina, that person must not only have in his possession a valid driver's license, but the vehicle that he is operating must have insurance as required by statute. Every vehicle in operation on the streets or highways of North Carolina, without exception, must have at least the minimum liability insurance coverage required by law.

At the present time, the law requires only liability insurance, meaning that, if the vehicle is involved in an accident which is the fault of the driver of that vehicle, then there is insurance in force which will pay for the property damages and personal injuries, if any, resulting to other vehicles or persons involved in that accident. When a person goes to the Department of Motor Vehicles office to register a vehicle and obtain a title, or to purchase a license plate for a vehicle, the officials there will ask for a form known as a "DL-123." That form, obtained from your insurance agent, is a certification that the vehicle in question has at least the minimum insurance coverage required by law. Without proof of insurance, you cannot place a motor vehicle into lawful operation on the streets and highways of North Carolina.

¹Some valid social security cards, legitimately issued by the Social Security Administration, are marked "not valid for employment" or words to that effect. Displaying such cards to DMV officials should not result in requests for documentation of lawful status in the United States. Displaying such cards to DMV officials also should not result in denial of a driver's license. Unfortunately, denial of licensing privileges and requests for production of documentation of lawful status have both been reported when that situation has occurred.

With the costs of medical care constantly rising, and the costs of repairs to motor vehicles already sky-high, this author recommends that every driver obtain a liability policy well in excess of the state-mandated minimum limits. If a driver causes an accident and has no insurance or insufficient insurance to pay for all property damages and personal injury resulting from that accident, then he can be personally sued for the deficiency and anything else he owns might be seized and sold to pay those damages.

There are several other types of automobile insurance which this author highly recommends to all drivers. Collision insurance will pay you for your property damage if the accident is your fault. Uninsured and under-insured motorist coverage will pay you if you receive property damage or personal injuries in an accident which is someone else's fault but that person has no insurance, or insufficient insurance, to cover all the damages. The reader's insurance agent can explain further, and will be happy to do so.

If a driver is involved in an accident, he should be prepared to show the investigating police officer some document providing proof that he has insurance coverage in force at the time of the accident. All insurance companies issue pocket-sized cards with the required information, and every driver should have that card in the glove box of the vehicle that he is operating. If for some reason proof of insurance cannot be provided to the officer, he may charge the driver with operating a motor vehicle without insurance. If that occurs, and the driver really does have insurance but just cannot prove it at the time of the accident investigation, then the driver can go to his insurance agent and get a form called an "FS-1," which is a certification that the driver had insurance in force from a certain beginning date for his policy to an end date that will also be shown. So long as the accident occurred between the two dates shown on the FS-1, that driver will normally be able to get that charge dismissed when he goes to court and shows his FS-1 to the assigned prosecutor. So the reader should save himself some court costs, which recently have increased to \$121.00, and always have insurance in force and proof of insurance with him at all times during operation of a motor vehicle in North Carolina.