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HOUSE BILL 402  
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Short Title: Begin Modernizing Ignition Interlock Laws.

(Public)

Sponsors:

Referred to:

March 25, 2021

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE MANDATORY WAITING PERIODS FOR DRIVERS LICENSE RESTORATION OR LIMITED DRIVING PRIVILEGES IF THE PERSON IS OPERATING A MOTOR VEHICLE THAT HAS A FUNCTIONING IGNITION INTERLOCK SYSTEM INSTALLED ON IT; TO REQUIRE FOR THE RESTORATION OF LICENSES AFTER CERTAIN DRIVING WHILE IMPAIRED CONVICTIONS, OR THE ISSUANCE OF LIMITED DRIVING PRIVILEGES, AN IGNITION INTERLOCK SYSTEM BE INSTALLED ON ONLY THE MOTOR VEHICLES THE PERSON WILL DRIVE; TO ELIMINATE THE RESTRICTIONS ON THE PURPOSES FOR DRIVING AND THE HOURS DURING WHICH A PERSON MAY OPERATE A MOTOR VEHICLE IF THE PERSON IS OPERATING A MOTOR VEHICLE WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM INSTALLED ON IT; TO ALLOW THE WAIVER OR REDUCTION OF COSTS FOR CERTAIN PERSONS REQUIRED TO INSTALL AN IGNITION INTERLOCK SYSTEM; TO REVISE THE MAXIMUM BLOOD ALCOHOL CONCENTRATION LEVEL FOR THE OPERATION OF A MOTOR VEHICLE IN CERTAIN CIRCUMSTANCES TO THE IGNITION INTERLOCK SYSTEM PRE-SET FAIL LEVEL; AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY TO STUDY WHETHER TO EXPAND THE USE OF IGNITION INTERLOCK SYSTEMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-179.3 reads as rewritten:

"§ 20-179.3. **Limited driving privilege.**

...

(b) Eligibility. –

(1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege ~~if~~ if all of the following requirements are met:

- a. At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one ~~year;~~ year.
- b. At the time of the offense the person had not within the preceding seven years been convicted of an offense involving impaired ~~driving;~~ driving.
- c. Punishment Level Three, Four, or Five was imposed for the offense of impaired ~~driving;~~ driving.



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- d. Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving; ~~and driving.~~
- e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- (2) Any person whose licensing privileges are forfeited pursuant to G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and either of the following requirements is met:

- a. The person is supporting existing dependents or must have a drivers license to be gainfully ~~employed;~~ or employed.
- b. The person has an existing dependent who requires serious medical treatment and the defendant is the only person able to provide transportation to the dependent to the health care facility where the dependent can receive the needed medical treatment.

The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege.

...  
~~(e1) Privilege Restrictions for High-Risk Drivers.— Notwithstanding any other provision of this section, any limited driving privilege issued to a person convicted of an impaired driving offense with an alcohol concentration of 0.15 or more at the time of the offense shall:~~

- ~~(1) Not become effective until at least 45 days after the final conviction under G.S. 20-138.1;~~
- ~~(2) Require the applicant to comply with the ignition interlock requirements of subsection (g5) of this section; and~~
- ~~(3) Restrict the applicant to driving only to and from the applicant's place of employment, the place the applicant is enrolled in school, the applicant's place of religious worship, any court ordered treatment or substance abuse education, and any ignition interlock service facility.~~

~~For purposes of this subsection, the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court.~~

...  
 (g3) Ignition Interlock Allowed. – A judge may include all of the following in a limited driving privilege order:

- (1) A restriction that the applicant may operate only a designated motor vehicle.
- (2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase

1 and Contract in the Department of Administration to ensure that potential  
2 vendors are not discriminated against.

- 3 (3) A requirement that the applicant personally activate the ignition interlock  
4 system before driving the motor vehicle.

5 If the limited driving privilege order includes the restrictions set forth in this subsection, then  
6 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply  
7 when the person is operating the designated motor vehicle with a functioning ignition interlock  
8 system.

9 ...

10 (g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction  
11 of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or more, a judge shall  
12 include all of the following in a limited driving privilege order:

- 13 (1) A restriction that the applicant may operate only a designated motor vehicle.  
14 (2) A requirement that the designated motor vehicle be equipped with a  
15 functioning ignition interlock system of a type approved by the  
16 Commissioner, which is set to prohibit driving with an alcohol concentration  
17 of greater than ~~0.00~~0.02. The Commissioner shall not unreasonably withhold  
18 approval of an ignition interlock system and shall consult with the Division of  
19 Purchase and Contract in the Department of Administration to ensure that  
20 potential vendors are not discriminated against.  
21 (3) A requirement that the applicant personally activate the ignition interlock  
22 system before driving the motor vehicle.

23 If the limited driving privilege order includes the restrictions set forth in this subsection, then  
24 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply  
25 when the person is operating the designated motor vehicle with a functioning ignition interlock  
26 system. For purposes of this subsection, the results of a chemical analysis presented at trial or  
27 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and  
28 shall not be subject to modification by any party, with or without approval by the court.

29 ...

30 (l) Any judge granting limited driving privileges under this section shall, prior to  
31 granting such privileges, be furnished proof and be satisfied that the person being granted such  
32 privileges is financially responsible. Proof of financial responsibility shall be in one of the  
33 following forms:

- 34 (1) A written certificate or electronically-transmitted facsimile thereof from any  
35 insurance carrier duly authorized to do business in this State certifying that  
36 there is in effect a nonfleet private passenger motor vehicle liability policy for  
37 the benefit of the person required to furnish proof of financial responsibility.  
38 The certificate or facsimile shall state the effective date and expiration date of  
39 the nonfleet private passenger motor vehicle liability policy and shall state the  
40 date that the certificate or facsimile is issued. The certificate or facsimile shall  
41 remain effective proof of financial responsibility for a period of 30  
42 consecutive days following the date the certificate or facsimile is issued but  
43 shall not in and of itself constitute a binder or policy of ~~insurance or insurance.~~  
44 (2) A binder for or policy of nonfleet private passenger motor vehicle liability  
45 insurance under which the applicant is insured, provided that the binder or  
46 policy states the effective date and expiration date of the nonfleet private  
47 passenger motor vehicle liability policy.

48 The preceding provisions of this subsection do not apply to applicants who do not own  
49 currently registered motor vehicles and who do not operate nonfleet private passenger motor  
50 vehicles that are owned by other persons and that are not insured under commercial motor vehicle  
51 liability insurance policies. In such cases, the applicant shall sign a written certificate to that

1 effect. Such certificate shall be furnished by the Division. Any material misrepresentation made  
2 by such person on such certificate shall be grounds for suspension of that person's license for a  
3 period of 90 days.

4 For the purpose of this subsection "nonfleet private passenger motor vehicle" has the  
5 definition ascribed to it in Article 40 of General Statute Chapter 58.

6 The Commissioner may require that certificates required by this subsection be on a form  
7 approved by the Commissioner. Such granting of limited driving privileges shall be conditioned  
8 upon the maintenance of such financial responsibility during the period of the limited driving  
9 privilege. Nothing in this subsection precludes any person from showing proof of financial  
10 responsibility in any other manner authorized by Articles 9A and 13 of this Chapter."

11 **SECTION 2.** G.S. 20-17.8 reads as rewritten:

12 "**§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**  
13 **ignition interlock.**

14 (a) Scope. – This section applies to a person whose license was revoked as a result of a  
15 conviction of driving while impaired, G.S. 20-138.1, ~~and~~and any of the following conditions is  
16 met:

- 17 (1) The person had an alcohol concentration of 0.15 or ~~more;~~more.  
18 (2) The person has been convicted of another offense involving impaired driving,  
19 which offense occurred within seven years immediately preceding the date of  
20 the offense for which the person's license has been ~~revoked;~~ or revoked.  
21 (3) The person was sentenced pursuant to G.S. 20-179(f3).

22 For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as shown  
23 by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the Division  
24 to determine that person's alcohol concentration.

25 ...

26 (b) Ignition Interlock Required. – Except as provided in subsection (l) of this section,  
27 when the Division restores the license of a person who is subject to this section, in addition to  
28 any other restriction or condition, it shall require the person to agree to and shall indicate on the  
29 person's drivers license the following restrictions for the period designated in subsection (c):

- 30 (1) A restriction that the person may operate only a vehicle that is equipped with  
31 a functioning ignition interlock system of a type approved by the  
32 Commissioner. The Commissioner shall not unreasonably withhold approval  
33 of an ignition interlock system and shall consult with the Division of Purchase  
34 and Contract in the Department of Administration to ensure that potential  
35 vendors are not discriminated against.  
36 (2) A requirement that the person personally activate the ignition interlock system  
37 before driving the motor vehicle.  
38 (3) ~~An alcohol concentration restriction as follows:~~A requirement that the person  
39 not drive with an alcohol concentration of 0.02 or greater.

40 a. ~~If the ignition interlock system is required pursuant only to subdivision~~  
41 ~~(a)(1) of this section, a requirement that the person not drive with an~~  
42 ~~alcohol concentration of 0.04 or greater;~~

43 b. ~~If the ignition interlock system is required pursuant to subdivision~~  
44 ~~(a)(2) or (a)(3) of this section, or subsection (a1) of this section, a~~  
45 ~~requirement that the person not drive with an alcohol concentration of~~  
46 ~~greater than 0.00; or~~

47 e. ~~If the ignition interlock system is required pursuant to subdivision~~  
48 ~~(a)(1) of this section, and the person has also been convicted, based on~~  
49 ~~the same set of circumstances, of: (i) driving while impaired in a~~  
50 ~~commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21~~  
51 ~~years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) a~~

1 violation of G.S. 20-141.4, or (iv) manslaughter or negligent homicide  
2 resulting from the operation of a motor vehicle when the offense  
3 involved impaired driving, a requirement that the person not drive with  
4 an alcohol concentration of greater than 0.00.

5 (c) Length of Requirement. – The requirements of subsection (b) shall remain in effect  
6 ~~for~~for one of the following:

- 7 (1) One year from the date of restoration if the original revocation period was one  
8 ~~year~~year.  
9 (2) Three years from the date of restoration if the original revocation period was  
10 ~~four years~~or years.  
11 (3) Seven years from the date of restoration if the original revocation was a  
12 permanent revocation.

13 (c1) Vehicles Subject to Requirement. – A person subject to this section shall ~~have all~~  
14 designate in accordance with the policies of the Division any registered vehicles owned by that  
15 person that the person operates or intends to operate and have the designated vehicles equipped  
16 with a functioning ignition interlock system of a type approved by the Commissioner. The  
17 Commissioner shall not issue a license to a person subject to this section until presented with  
18 proof of the installation of an ignition interlock system in ~~all registered vehicles owned by the~~  
19 ~~person. In order to avoid an undue financial hardship, a person subject to this section may seek a~~  
20 ~~waiver from the Division for any vehicle registered to that person that is relied upon by another~~  
21 ~~member of that person's family for transportation and that the vehicle is not in the possession of~~  
22 ~~the person subject to this section. The Division shall determine such waiver on a case-by-case~~  
23 ~~basis following an assessment of financial hardship to the person subject to this restriction. At~~  
24 least one of the person's designated vehicles. The Commissioner shall cancel the drivers license  
25 of any person subject to this section for registration of a motor vehicle owned by the person  
26 without an installed ignition interlock system operating a vehicle that has not been designated  
27 and equipped with a functioning ignition interlock system in accordance with this subsection, or  
28 removal of the ignition interlock system from a any designated motor vehicle owned by the  
29 person, other than when changing ignition interlock providers or upon sale of the designated  
30 vehicle.

31 ...

32 (j) Right to Hearing Before Division; Issues. – If the person's license is revoked pursuant  
33 to subsection (g) of this section, before the effective date of the order issued under subsection (i)  
34 of this section, the person may request in writing a hearing before the Division. Except for the  
35 time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the  
36 person's license was surrendered to the court and remained in the court's possession, then the  
37 Division shall credit the amount of time for which the license was in the possession of the court  
38 against the revocation period required by subsection (g) of this section. If the person properly  
39 requests a hearing, the person retains the person's license, unless it is revoked under some other  
40 provision of law, until the hearing is held, the person withdraws the request, or the person fails  
41 to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents  
42 that the hearing officer deems necessary. The person may request the hearing officer to subpoena  
43 the charging officer, the chemical analyst, or both to appear at the hearing if the person makes  
44 the request in writing at least three days before the hearing. The person may subpoena any other  
45 witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to  
46 the issuance and service of all subpoenas issued under the authority of this section. The hearing  
47 officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must  
48 be conducted in the county where the charge was brought, except when the evidence of the  
49 violation is an alcohol concentration report from an ignition interlock system, the hearing may  
50 be conducted in the county where the person resides. The hearing must be limited to consideration  
51 of ~~whether~~whether both of the following conditions were met:

- 1 (1) The drivers license of the person had an ignition interlock ~~requirement;~~  
 2 ~~and requirement.~~  
 3 (2) ~~The person:~~ Any of the following conditions occurred:  
 4 a. ~~Was~~ The person was driving a vehicle that was not equipped with a  
 5 functioning ignition interlock ~~system; or system.~~  
 6 b. ~~Did~~ The person did not personally activate the ignition interlock  
 7 system before driving the ~~vehicle; or vehicle.~~  
 8 c. Drove the vehicle in violation of an applicable alcohol concentration  
 9 restriction prescribed by subdivision (b)(3) of this section.  
 10 d. The person was driving a vehicle that was not designated in  
 11 accordance with subsection (c1) of this section.

12 If the Division finds that the conditions specified in this subsection are  
 13 met, it must order the revocation sustained. If the Division finds that the  
 14 condition of subdivision (1) is not met, or that none of the conditions of  
 15 subdivision (2) are met, it must rescind the revocation. If the revocation is  
 16 sustained, the person must surrender the person's license immediately upon  
 17 notification by the Division. If the revocation is sustained, the person may  
 18 appeal the decision of the Division pursuant to G.S. 20-25.

19 ...."

20 **SECTION 3.** G.S. 20-19 reads as rewritten:

21 "**§ 20-19. Period of suspension or revocation; conditions of restoration.**

22 ...

23 (c3) Restriction; Revocations. – When the Division restores a person's drivers license  
 24 which was revoked pursuant to G.S. 20-13.2(a), G.S. 20-23 when the offense involved impaired  
 25 driving, G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision (1) or (9) of G.S. 20-17(a)  
 26 when the offense involved impaired driving, G.S. 20-138.5(d), or this subsection, in addition to  
 27 any other restriction or condition, it shall place the applicable restriction on the person's drivers  
 28 license as follows:

- 29 (1) For the first restoration of a drivers license for a person convicted of driving  
 30 while impaired, G.S. 20-138.1, or a drivers license revoked pursuant to  
 31 G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license  
 32 was revoked prohibits substantially similar conduct which if committed in this  
 33 State would result in a conviction of driving while impaired under  
 34 G.S. 20-138.1, that the person not operate a vehicle with an alcohol  
 35 concentration of 0.04 or more at any relevant time after the ~~driving;~~ driving.  
 36 (2) For the second or subsequent restoration of a drivers license for a person  
 37 convicted of driving while impaired, G.S. 20-138.1, or a drivers license  
 38 revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which  
 39 the person's license was revoked prohibits substantially similar conduct which  
 40 if committed in this State would result in a conviction of driving while  
 41 impaired under G.S. 20-138.1, that the person not operate a vehicle with an  
 42 alcohol concentration greater than 0.00 at any relevant time after the  
 43 ~~driving;~~ driving.  
 44 (3) For any restoration of a drivers license for a person convicted of driving while  
 45 impaired in a commercial motor vehicle, G.S. 20-138.2, habitual impaired  
 46 driving, G.S. 20-138.5, ~~driving while less than 21 years old after consuming~~  
 47 ~~alcohol or drugs,~~ G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1),  
 48 manslaughter or negligent homicide resulting from the operation of a motor  
 49 vehicle when the offense involved impaired driving, or a revocation under this  
 50 subsection, that the person not operate a vehicle with an alcohol concentration  
 51 of greater than ~~0.00~~ 0.02 at any relevant time after the ~~driving;~~ driving.

- 1           (3a) For any restoration of a drivers license (i) for a person convicted of driving  
2 while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3,  
3 or (ii) revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for  
4 which the person's license was revoked prohibits substantially similar conduct  
5 which if committed in this State would result in a conviction of driving while  
6 less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, that  
7 the person not operate a vehicle with an alcohol concentration of greater than  
8 0.00 at any relevant time after the driving.
- 9           (4) For any restoration of a drivers license revoked pursuant to G.S. 20-23 or  
10 G.S. 20-23.2 when the offense for which the person's license was revoked  
11 prohibits substantially similar conduct which if committed in this State would  
12 result in a conviction of driving while impaired in a commercial motor vehicle,  
13 G.S. 20-138.2, driving while less than 21 years old after consuming alcohol  
14 or drugs, G.S. 20-138.3, a violation of G.S. 20-141.4, or manslaughter or  
15 negligent homicide resulting from the operation of a motor vehicle when the  
16 offense involved impaired driving, that the person not operate a vehicle with  
17 an alcohol concentration of greater than 0.00 at any relevant time after the  
18 driving.
- 19           (5) For any restoration of a drivers license pursuant to G.S. 20-17.8 requiring an  
20 ignition interlock system, that the person not operate a vehicle with an alcohol  
21 concentration of 0.02 or more at any relevant time after the driving during the  
22 period that the ignition interlock is required.

23           In addition, the person seeking restoration of a license must agree to submit to a chemical  
24 analysis in accordance with G.S. 20-16.2 at the request of a law enforcement officer who has  
25 reasonable grounds to believe the person is operating a motor vehicle on a highway or public  
26 vehicular area ~~in violation of the restriction specified in this subsection, while consuming alcohol~~  
27 or at any time while the person has remaining in the person's body any alcohol or controlled  
28 substance previously consumed. The person must also agree that, when requested by a law  
29 enforcement officer, the person will agree to be transported by the law enforcement officer to the  
30 place where chemical analysis is to be administered.

31           The restrictions placed on a license under this subsection shall be in effect (i) seven years  
32 from the date of restoration if the person's license was permanently revoked, (ii) until the person's  
33 twenty-first birthday if the revocation was for a conviction under G.S. 20-138.3, and (iii) three  
34 years in all other cases.

35           A law enforcement officer who has reasonable grounds to believe that a person has violated  
36 a restriction placed on the person's drivers license shall complete an affidavit pursuant to  
37 G.S. 20-16.2(c1). On the basis of information reported pursuant to G.S. 20-16.2, the Division  
38 shall revoke the drivers license of any person who violates a condition of reinstatement imposed  
39 under this subsection. An alcohol concentration report from an ignition interlock system shall not  
40 be used as the basis for revocation under this subsection. A violation of a restriction imposed  
41 under this subsection or the willful refusal to submit to a chemical analysis shall result in a  
42 one-year revocation. If the period of revocation was imposed pursuant to subsection (d) or (e),  
43 or G.S. 20-138.5(d), any remaining period of the original revocation, prior to its reduction, shall  
44 be reinstated and the one-year revocation begins after all other periods of revocation have  
45 terminated.

46           ...

47           (c5) Right to Hearing Before Division; Issues. – Upon receipt of a properly executed  
48 affidavit required by G.S. 20-16.2(c1), the Division must expeditiously notify the person charged  
49 that the person's license to drive is revoked for the period of time specified in this section,  
50 effective on the tenth calendar day after the mailing of the revocation order unless, before the  
51 effective date of the order, the person requests in writing a hearing before the Division. Except

1 for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division  
 2 that the person's license was surrendered to the court and remained in the court's possession, then  
 3 the Division shall credit the amount of time for which the license was in the possession of the  
 4 court against the revocation period required by this section. If the person properly requests a  
 5 hearing, the person retains the person's license, unless it is revoked under some other provision  
 6 of law, until the hearing is held, the person withdraws the request, or the person fails to appear  
 7 at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the  
 8 hearing officer deems necessary. The person may request the hearing officer to subpoena the  
 9 charging officer, the chemical analyst, or both to appear at the hearing if the person makes the  
 10 request in writing at least three days before the hearing. The person may subpoena any other  
 11 witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to  
 12 the issuance and service of all subpoenas issued under the authority of this section. The hearing  
 13 officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must  
 14 be conducted in the county where the charge was brought, and must be limited to consideration  
 15 of ~~whether~~whether all of the following conditions exist:

- 16 (1) The charging officer had reasonable grounds to believe that the person had  
 17 violated the alcohol concentration ~~restriction~~restriction.
- 18 (2) The person was notified of the person's rights as required by  
 19 ~~G.S. 20-16.2(a)~~G.S. 20-16.2(a).
- 20 (3) The drivers license of the person had an alcohol concentration ~~restriction~~and restriction.
- 21  
 22 (4) The person submitted to a chemical analysis upon the request of the charging  
 23 officer, and the analysis revealed an alcohol concentration in excess of the  
 24 restriction on the person's drivers license.

25 If the Division finds that the conditions specified in this subsection are met, it must order the  
 26 revocation sustained. If the Division finds that any of the conditions (1), (2), (3), or (4) is not  
 27 met, it must rescind the revocation. If the revocation is sustained, the person must surrender the  
 28 person's license immediately upon notification by the Division.

29 ...

30 (d) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has  
 31 another offense involving impaired driving for which ~~he the person~~ the person has been convicted, which  
 32 offense occurred within three years immediately preceding the date of the offense for which ~~his~~  
 33 the person's license is being revoked, or (ii) G.S. 20-17(a)(9) due to a violation of  
 34 G.S. 20-141.4(a3), the period of revocation is four years, and this period may be reduced only as  
 35 provided in this section. The Division may conditionally restore the person's license after it has  
 36 been revoked for at least two years under this subsection if ~~he the person~~ the person provides the Division  
 37 with satisfactory proof ~~that~~that both of the following requirements are met:

- 38 (1) ~~He~~ The person has not in the period of revocation been convicted in North  
 39 Carolina or any other state or federal jurisdiction of a motor vehicle offense,  
 40 an alcoholic beverage control law offense, a drug law offense, or any other  
 41 criminal offense involving the possession or consumption of alcohol or ~~drugs~~  
 42 and drugs.
- 43 (2) ~~He~~ The person is not currently an excessive user of alcohol, drugs, or  
 44 prescription drugs, or unlawfully using any controlled substance. The person  
 45 may voluntarily submit themselves to continuous alcohol monitoring for the  
 46 purpose of proving abstinence from alcohol consumption during a period of  
 47 revocation immediately prior to the restoration consideration. All of the  
 48 following requirements apply when providing proof that the requirement set  
 49 forth in this subdivision has been met:

- a. Monitoring periods of 120 days or longer shall be accepted by the  
 51 Division as evidence of abstinence if the Division receives sufficient



1 documentation that reflects that the person abstained from alcohol use  
2 during the monitoring period.  
3 b. The continuous alcohol monitoring system shall be a system approved  
4 under G.S. 15A-1343.3.  
5 c. The Division may establish guidelines for the acceptance of evidence  
6 of abstinence under this subdivision.

7 If the Division restores the person's license, it may place reasonable conditions or restrictions on  
8 the person for the duration of the original revocation period.

9 ...

10 (e1) Notwithstanding subsection (e) of this section, the Division may conditionally restore  
11 the license of a person to whom subsection (e) applies after it has been revoked for at least three  
12 years under subsection (e) if the person provides the Division with satisfactory proof of all of the  
13 following:

14 (1) In the three years immediately preceding the person's application for a restored  
15 license, the person has not been convicted in North Carolina or in any other  
16 state or federal court of a motor vehicle offense, an alcohol beverage control  
17 law offense, a drug law offense, or any criminal offense involving the  
18 consumption of alcohol or drugs.

19 (2) The person is not currently an excessive user of alcohol, drugs, or prescription  
20 drugs, or unlawfully using any controlled substance. The person may  
21 voluntarily submit themselves to continuous alcohol monitoring for the  
22 purpose of proving abstinence from alcohol consumption during a period of  
23 revocation immediately prior to the restoration consideration. All of the  
24 following requirements apply when providing proof that the requirement set  
25 forth in this subdivision has been met:

26 a. Monitoring periods of 120 days or longer shall be accepted by the  
27 Division as evidence of abstinence if the Division receives sufficient  
28 documentation that reflects that the person abstained from alcohol use  
29 during the monitoring period.

30 b. The continuous alcohol monitoring system shall be a system approved  
31 under G.S. 15A-1343.3.

32 c. The Division may establish guidelines for the acceptance of evidence  
33 of abstinence under this subdivision.

34 ...

35 (i) When a person's license is revoked under G.S. 20-17(a)(1) or G.S. 20-17(a)(9), and  
36 the offense is one involving impaired driving and a fatality, the revocation is permanent. The  
37 Division may, however, conditionally restore the person's license after it has been revoked for at  
38 least five years under this subsection if ~~he~~ the person provides the Division with satisfactory  
39 proof ~~that~~ that both of the following requirements are met:

40 (1) In the five years immediately preceding the person's application for a restored  
41 license, ~~he~~ the person has not been convicted in North Carolina or in any other  
42 state or federal court of a motor vehicle offense, an alcohol beverage control  
43 law offense, a drug law offense, or any criminal offense involving the  
44 consumption of alcohol or ~~drugs;~~ and drugs.

45 (2) ~~He~~ The person is not currently an excessive user of alcohol or drugs.

46 If the Division restores the person's license, it may place reasonable conditions or restrictions on  
47 the person for any period up to seven years from the date of restoration.

48 ...

49 (k) Before the Division restores a driver's license that has been suspended or revoked  
50 under G.S. 20-138.5(d), or under any provision of this Article, other than G.S. 20-24.1, the  
51 person seeking to have his driver's license restored shall submit to the Division proof that he has

1 notified his insurance agent or company of his seeking the restoration and that he is financially  
2 responsible. Proof of financial responsibility shall be in one of the following forms:

- 3 (1) A written certificate or electronically-transmitted facsimile thereof from any  
4 insurance carrier duly authorized to do business in this State certifying that  
5 there is in effect a nonfleet private passenger motor vehicle liability policy for  
6 the benefit of the person required to furnish proof of financial responsibility.  
7 The certificate or facsimile shall state the effective date and expiration date of  
8 the nonfleet private passenger motor vehicle liability policy and shall state the  
9 date that the certificate or facsimile is issued. The certificate or facsimile shall  
10 remain effective proof of financial responsibility for a period of 30  
11 consecutive days following the date the certificate or facsimile is issued but  
12 shall not in and of itself constitute a binder or policy of ~~insurance or~~ insurance.
- 13 (2) A binder for or policy of nonfleet private passenger motor vehicle liability  
14 insurance under which the applicant is insured, provided that the binder or  
15 policy states the effective date and expiration date of the nonfleet private  
16 passenger motor vehicle liability policy.

17 ~~The preceding provisions~~ Subdivisions (1) and (2) of this subsection do not apply to  
18 applicants who do not own currently registered motor vehicles and who do not operate nonfleet  
19 private passenger motor vehicles that are owned by other persons and that are not insured under  
20 commercial motor vehicle liability insurance policies. In such cases, the applicant shall sign a  
21 written certificate to that effect. Such certificate shall be furnished by the Division and may be  
22 incorporated into the restoration application form. Any material misrepresentation made by such  
23 person on such certificate shall be grounds for suspension of that person's license for a period of  
24 90 days.

25 For the purposes of this subsection, the term "nonfleet private passenger motor vehicle" has  
26 the definition ascribed to it in Article 40 of General Statute Chapter 58.

27 The Commissioner may require that certificates required by this subsection be on a form  
28 approved by the Commissioner. The financial responsibility required by this subsection shall be  
29 kept in effect for not less than three years after the date that the license is restored. Failure to  
30 maintain financial responsibility as required by this subsection shall be grounds for suspending  
31 the restored driver's license for a period of ~~thirty (30)~~ 30 days. Nothing in this subsection  
32 precludes any person from showing proof of financial responsibility in any other manner  
33 authorized by Articles 9A and 13 of this Chapter."

34 **SECTION 4.(a)** Article 3 of Chapter 20 of the General Statutes is amended by adding  
35 a new section to read:

36 **"§ 20-179.5. Affordability of ignition interlock system.**

37 (a) Payment of Costs. – The costs incurred in order to comply with the ignition interlock  
38 requirements imposed by the court or the Division pursuant to this Chapter, including costs for  
39 installation and monitoring of the ignition interlock system, shall be paid by the person ordered  
40 to install the system. Costs for installation and monitoring of the ignition interlock system shall  
41 be collected under terms agreed upon by the ignition interlock system vendor and the person  
42 required to install the ignition interlock system.

43 (b) Waiver. – A person who is ordered by a court, or required by statute, to install an  
44 ignition interlock system in order to lawfully operate a motor vehicle, but who is unable to afford  
45 the cost of an ignition interlock system, may apply to an authorized vendor for a waiver of a  
46 portion of the costs of an ignition interlock system.

47 (c) Affidavit. – A person who applies for a waiver of a portion of the costs of an ignition  
48 interlock system under subsection (b) of this section shall provide to the vendor on a form  
49 affidavit created by the Division a statement (i) that the person's income is at or below one  
50 hundred fifty percent (150%) of the federal poverty line or (ii) that the person is enrolled in any  
51 of the following public assistance programs:

- 1           (1) Temporary Assistance for Needy Families (TANF).
- 2           (2) Supplemental Security Income (SSI).
- 3           (3) Supplemental Nutrition Assistance Program (SNAP).
- 4           (4) Low Income Home Energy Assistance Program (LIHEAP).
- 5           (5) Medicaid.

6           (d) Supporting Documentation. – A person who submits an affidavit under subsection (c)  
7 of this section shall provide to the vendor documentation confirming the statement set out in the  
8 affidavit. A person may establish the person's income for purposes of this subsection by providing  
9 any of the following:

- 10           (1) A copy of the person's federal tax return for the previous year.
- 11           (2) A copy of the person's IRS Form W-2 for the previous year.
- 12           (3) A copy of the person's pay stubs or monthly income statements for the three  
13 months immediately preceding the date of application under subsection (b) of  
14 this section.
- 15           (4) A verification of unemployment benefits paid to the person for the three  
16 months immediately preceding the date of application under subsection (b) of  
17 this section.

18           (e) Reduction of Costs. – A vendor who receives a waiver under subsection (b) of this  
19 section that complies with the requirements of subsections (c) and (d) of this section shall install  
20 the ignition interlock system in accordance with both of the following terms:

- 21           (1) The applicant shall not be required to pay for installation or removal of the  
22 ignition interlock system or systems.
- 23           (2) The applicant shall receive a fifty percent (50%) discount on the monthly  
24 service rate charged to persons who are not granted a waiver under this  
25 section.

26           (f) Review of Denial. – An applicant denied a waiver of ignition interlock system costs  
27 under this section may seek review by the Division of the vendor's determination. The Division  
28 shall adopt rules to govern its review under this subsection."

29           **SECTION 4.(b)** The Division of Motor Vehicles shall adopt temporary rules to  
30 implement the provisions of G.S. 20-179.5, as enacted by subsection (a) of this section.  
31 Temporary rules adopted in accordance with this subsection shall remain in effect until  
32 permanent rules that replace the temporary rules become effective.

33           **SECTION 4.(c)** By December 1, 2021, the Division of Motor Vehicles shall develop  
34 the form required under G.S. 20-179.5(c), as enacted by subsection (a) of this section, and make  
35 it available on the Division's website.

36           **SECTION 5.** The Joint Legislative Oversight Committee on Justice and Public  
37 Safety (Committee) shall study whether the use of an ignition interlock system as a condition of  
38 a limited driving privilege should be expanded to include additional convictions and whether  
39 ignition interlock requirements should apply to limited driving privileges granted pretrial and  
40 granted to permit driving during the period of a revocation for refusal to submit to chemical  
41 testing. The Committee shall also study whether the Division of Motor Vehicles, rather than the  
42 courts, should be authorized to grant limited driving privileges and to supervise the use of ignition  
43 interlocks pursuant to that authority. The Committee shall report its findings, including any  
44 proposed legislation, prior to the convening of the 2022 Regular Session of the 2021 General  
45 Assembly.

46           **SECTION 6.** Prosecutions for offenses committed before the effective date of this  
47 act are not abated or affected by this act, and the statutes that would be applicable but for this act  
48 remain applicable to those prosecutions.

49           **SECTION 7.** Sections 1 through 4(b) of this act become effective December 1, 2021,  
50 and apply to limited driving privileges issued and drivers licenses restored on or after that date.  
51 The remainder of this act is effective when it becomes law.