



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 671: DL Restoration/DWI Treatment Court

2015-2016 General Assembly

Committee:	Senate Finance	Date:	July 22, 2015
Introduced by:	Sens. Apodaca, Van Duyn, J. Davis	Prepared by:	Heather Fennell Committee Counsel
Analysis of:	PCS to Second Edition S671-CSML-18		

SUMMARY: Senate Bill 671 would allow the Division of Motor Vehicles (DMV) to conditionally restore a drivers license revoked for a conviction of Driving While Impaired (DWI) after at least a one-year revocation period if the person has graduated from a Drug Treatment or a DWI Treatment Court Program.

The PCS makes clarifying changes to the ignition interlock requirements. The prior version required an individual seeking restoration to designate a single vehicle with ignition interlock to be operated by the person. The PCS requires all vehicles owned by the individual seeking restoration to be equipped with ignition interlock, and restricts the individual to only operating motor vehicles equipped with an ignition interlock.

CURRENT LAW: Under G.S. 20-19, a person convicted of impaired driving is subject to a license revocation for a period of a minimum of one year; the revocation period can be permanent, depending on the number of prior DWI convictions.

If a person's license was revoked for DWI based on an alcohol concentration of 0.15 or more, the person may obtain a limited driving privilege or license restoration only with an ignition interlock restriction.¹

The DMV may conditionally restore a license that has been revoked for at least 24 months. For a first restoration of a license revoked for DWI, restoration is conditioned upon the person's not operating a vehicle with an alcohol concentration of 0.04 or more at any relevant time after the driving.² A second or subsequent restoration is conditioned upon the person's not operating a vehicle with an alcohol concentration greater than 0.00.³

A court may authorize a limited driving privilege for employment and other essential purposes.⁴ To be eligible for a limited driving privilege after a DWI conviction, the following conditions must be met:

- At the time of the offense, the license was valid or had been expired for less than one year.
- The person had no prior convictions for impaired driving within the preceding seven years.
- A Punishment Level Three, Four, or Five was imposed for the DWI offense.
- The person has had no convictions or unresolved charges for impaired driving since the offense.
- A substance abuse assessment has been obtained.

BILL ANALYSIS:

¹ G.S. 20-17.8(f); G.S. 20-179.3(g5).
² G.S. 20-19(c3)(1).
³ G.S. 20-19(c3)(2).
⁴ G.S. 20-179.3

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Senate Bill 671 would amend G.S. 20-19 to do the following:

- Allow the DMV to conditionally restore a drivers license after a revocation for DWI if the following requirements are met:
 - The drivers license has been revoked for at least one year.
 - The person provides a certificate of graduation from a Drug Treatment or DWI Treatment Court Program.
 - The person provides a letter of recommendation from the treatment court's presiding judge.
 - The person pays a \$25.00 fee, to be deposited in the Highway Fund.
- Require the DMV to impose the following conditions upon the restoration of the license, in addition to any other reasonable restrictions, requirements, and conditions imposed by the Division, for the duration of the original revocation period:
 - All vehicles owned by the individual must be equipped with ignition interlock
 - The person may only operate vehicles equipped with an approved ignition interlock system set to prevent driving the vehicle by someone with an alcohol concentration greater than 0.02.
 - The person must personally activate the ignition interlock system before driving the motor vehicle.

EFFECTIVE DATE: This act would become effective December 1, 2015.

Bill Patterson and Jennifer Bedford, counsel to Senate Judiciary II, contributed to this summary.