



HOUSE BILL 298: 0.00 Alcohol Restriction - All DWI.

2017-2018 General Assembly

Committee:	House Judiciary II. If favorable, re-refer to Appropriations	Date:	April 11, 2017
Introduced by:	Reps. Jackson, Conrad, Adcock, Warren	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

OVERVIEW: House Bill 298 would require a greater than 0.00 alcohol concentration restriction on all restoration of licenses revoked for an impaired driving offense.

CURRENT LAW: When a person's driver's license is revoked after an impaired driving conviction, upon restoration of the license an alcohol concentration restriction is placed on the person's driver's license. Violation of that restriction results in an additional one year revocation of the license. Under current law that restriction is as follows:

- 0.04 for a first restoration for a "regular" DWI offense (or any substantially similar offense in another state or in federal court).
- Greater than 0.00 for a second or subsequent restoration for a "regular" DWI offense (or any substantially similar offense in another state or in federal court).
- Greater than 0.00 for any restoration for DWI in a commercial vehicle, habitual DWI, driving while less than 21 years old after consuming drugs or alcohol, felony death by vehicle, manslaughter or negligent homicide resulting from impaired driving, or after a revocation for violating an alcohol concentration restriction (any substantially similar offense in another state or in federal court).

Some persons convicted of impaired driving offenses are required to drive only vehicles with an ignition interlock system installed, and as part of that requirement are given an alcohol concentration restriction for the ignition interlock. Violation of that restriction by blowing a greater alcohol concentration on the ignition interlock is charged as driving while license revoked. Under current law that restriction is as follows:

- 0.04 if the only reason an ignition interlock system is required is because the person had an alcohol concentration of 0.15 or more at the time of the underlying impaired driving offense.
- Greater than 0.00 if the ignition interlock is required because the person has previous impaired driving convictions within 7 years or the person was sentenced at the Aggravated Level One punishment level for the underlying impaired driving offense.
- Greater than 0.00 if the ignition interlock is required because the person had an alcohol concentration of 0.15 or more AND the underlying conviction was for DWI in a commercial vehicle, driving while less than 21 years old after consuming alcohol or drugs, felony death, felony aggravated serious injury or felony serious injury by motor vehicle, or manslaughter or negligent homicide resulting from impaired driving.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 298

Page 2

BILL ANALYSIS:

House Bill 298 would amend the two instances where the alcohol concentration restriction is "0.04 or greater" to make the alcohol concentration restrictions for both ignition interlock systems (Section 1 of the bill) and restoration of a driver's license after an impaired driving conviction (Section 2 of the bill) "greater than 0.00" in all cases.

EFFECTIVE DATE: This act would become effective July 1, 2017, and apply to offenses committed on or after that date.