



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

HOUSE BILL 402: Begin Modernizing Ignition Interlock Laws.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 14, 2021
Introduced by:	Reps. Faircloth, Stevens, Clampitt, Greene	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H402-CSSA-11		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 402 would:*

- *Amend certain limited driving privilege restrictions.*
- *Allow an individual who owns multiple vehicles to designate certain vehicles for operation with an ignition interlock system.*
- *Expand the current waiver for undue financial hardship to equip a vehicle with a required ignition interlock system.*
- *Create a study focused on expanded uses and supervision of ignition interlock systems.*

CURRENT LAW:

G.S. 20-179.3(g5) Ignition Interlock Required:

The DMV must require ignition interlock for drivers whose licenses are restored following a conviction for impaired driving if any of the following is true:

- The person had an alcohol concentration of 0.15 or more;
- The person has been convicted of another offense involving impaired driving, which occurred within seven years of the offense for which the person’s license is revoked; or
- The person was sentenced at Aggravated Level One.

Connected to a vehicle's ignition system, an ignition interlock device requires an individual to breathe into the equipment, which prevents the vehicle from starting if the individual's breath alcohol concentration is outside the acceptable range.

Ignition interlock devices are installed at the expense of the driver.

BILL ANALYSIS:

Section 1 of the PCS for House Bill 402 would amend G.S. 20-179.3, which regulates the issuance of limited driving privileges to do the following:

- Remove waiting periods and additional limitations for a limited driving privilege currently placed on a person convicted of an impaired driving offense with an alcohol concentration of 0.15 or higher.

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- Allow a functioning ignition interlock system to replace some of the time and purpose restrictions placed on a limited driving privilege.
- Make conforming changes.

Section 2 would amend G.S. 20-17.8, which requires certain persons convicted of driving while impaired to install an ignition interlock system as a condition of license restoration to do the following:

- Replace the current alcohol concentration restrictions to drive which vary from 0.00-0.04, to a standard 0.02 or greater for individuals over 21.
- Allow an individual who owns multiple vehicles to designate certain vehicles for operation with an ignition interlock system.
- Make conforming changes.

Section 3 would amend G.S. 20-19 to make conforming changes.

Section 4 would create a new G.S. 20-179.5 which would allow a person required to install an ignition interlock system, but who has income at or below 150% of the federal poverty line or is enrolled in a public assistance program, to apply to a vendor for a waiver of a portion of the cost. If granted, the waiver would provide free installation and removal of the ignition interlock system and a 50% discount on the monthly service rate.

Section 5 would require the Joint Legislative Oversight Committee on Justice and Public Safety to study whether expansion of ignition interlock requirements would be effective and whether the DMV or the courts should grant limited driving privileges and supervise the use of ignition interlocks.

EFFECTIVE DATE: Sections 4(c) through 7 of this act are effective when they become law. The remainder of this act becomes effective December 1, 2021, and applies to limited driving privileges issued on or after that date.

Jennifer Bedford, Staff Attorney, substantially contributed to this summary.