



SENATE BILL 183: Begin Modernizing Ignition Interlock Laws.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	September 28, 2021
Introduced by:	Sens. Britt, Sawyer, Daniel	Prepared by:	Brian Gwyn Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *The 3rd edition of Senate Bill 183 would:*

- *Amend certain 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. 20-17.8(b) requires an ignition interlock device for drivers whose licenses are restored following a conviction for impaired driving under G.S. 20-138.1 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.
- The person was sentenced at Aggravated Level One.

Additionally, G.S. 20-179.3(g5) requires an ignition interlock device as part of a limited driving privilege if a person's drivers license is revoked for a conviction of impaired driving under G.S. 20-138.1 and the person had an alcohol concentration of .15 or more.

G.S. 20-17.8(b)(3) prohibits drivers with a required ignition interlock device from driving with the following alcohol concentrations:

- An alcohol concentration of 0.04 or greater if the ignition interlock is required only because of a 0.15 alcohol concentration.
- An alcohol concentration of 0.00 or greater if the ignition interlock is required because of one of the following:
 - The person was convicted of another impaired driving offense within the past seven years.
 - The person was sentenced at Aggravated Level One.
 - The person was convicted of habitual impaired driving under G.S. 20-138.5.
 - The person had an alcohol concentration of 0.15 and was convicted of another specified alcohol-related offense based on the same circumstances.

G.S. 20-17.8(c1) requires individuals who must have an ignition interlock device to install a functioning device on all registered vehicles owned by that individual. An individual can seek an undue financial

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hardship waiver if a registered vehicle is not in the possession of the individual and is relied upon for transportation by another member of the individual's family.

BILL ANALYSIS: Section 1 would make the following changes to the limited driving privilege in G.S. 20-179.3:

- Remove some of the existing restrictions on a limited driving privilege for a person convicted of an impaired driving offense with an alcohol concentration of 0.15 or higher.
- Allow a functioning ignition interlock system to replace some of the restrictions placed on a limited driving privilege.
- Make technical changes.

Section 2 would make the following changes to the restoration of a license under G.S. 20-17.8 after certain impaired driving convictions:

- For individuals whose license is restored after an impaired driving conviction, replace the current alcohol concentration restrictions to drive, which vary from 0.00-0.04, to a standard 0.02 for individuals over 21.
- Allow an individual who owns multiple vehicles to designate certain vehicles for operation with an ignition interlock system.
- Make technical changes.

Section 3 would make the following changes to the conditions for restoration of a license under G.S. 20-19:

- Make changes to conform with the alcohol concentration restriction of 0.02 created by Section 2, except that individuals convicted of driving while less than 21 years old after consuming alcohol or drugs could not operate a vehicle with an alcohol concentration greater than 0.00.
- Clarify that individuals seeking restoration of their drivers license must agree to submit to a chemical analysis at the request of law enforcement upon reasonable grounds to believe that the person is consuming or has recently consumed alcohol or a controlled substance while operating a motor vehicle.
- Clarify that *all of* the listed requirements apply when a person voluntarily submits to continuous alcohol monitoring.
- Make conforming and technical changes.

Section 4 would do the following:

- Require the person required to install the ignition interlock system to pay for costs of installation and monitoring.
- Allow an applicant who can provide the vendor with documentation showing (i) an income at or below 150% of the poverty line or (ii) enrollment in certain public assistance programs, to receive free installation and removal of the ignition interlock system and a 50% discount on the monthly service rate.
- Direct the Division of Motor Vehicles (DMV) to adopt temporary rules to implement this section.
- Direct the DMV to develop required forms and make them available by December 1, 2021.

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Section 5 would create a study by the Joint Legislative Oversight Committee on Justice and Public Safety, to determine the effectiveness of expanded ignition interlock uses and whether the DMV or the courts should grant limited driving privileges and supervise the use of ignition interlocks.

Section 6 would make the bill inapplicable to prosecutions for offenses committed before the effective date.

EFFECTIVE DATE: The following provisions would be effective when they become law:

- Requirement that the DMV develop forms.
- Requirement that the Joint Legislative Oversight Committee on Justice and Public Safety study expanded ignition interlock uses.
- Exemption of prosecutions for offenses committed before the effective date.
- Effective date clause.

The remainder of the bill would become effective December 1, 2021, and would apply to limited driving privileges issued and drivers licenses restored on or after that date.

BACKGROUND: An ignition interlock device can be connected to a vehicle's ignition system and requires an individual to breathe into the equipment before starting the vehicle. The vehicle is prevented from starting if the individual's breath alcohol concentration is outside the acceptable range.

** Jennifer Bedford, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*