



# SENATE BILL 183: Ignition Interlock and Various Changes.

2021-2022 General Assembly

<b>Committee:</b>		<b>Date:</b>	February 11, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Brian Gwyn Staff Attorney
<b>Analysis of:</b>	S.L. 2021-182		

**OVERVIEW:** *S.L. 2021-182 does the following:*

- *Amends certain driving privilege restrictions.*
- *Allows an individual who owns multiple vehicles to designate certain vehicles for operation with an ignition interlock system.*
- *Expands the current waiver for undue financial hardship to equip a vehicle with a required ignition interlock system.*
- *Creates a study focused on expanded uses and supervision of ignition interlock systems.*
- *Makes technical and conforming changes related to S.L. 2021-138.*
- *Changes "Sheriff's Department" to "Sheriff's Office" in various sections of the General Statutes.*

*This act has various effective dates. Please see the full summary for more detail.*

## PART I. MODIFICATIONS TO IGNITION INTERLOCK LAWS

**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.

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- 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 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:**

***Repealed Provisions.*** – Effective December 1, 2021, Part I repealed 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.

***Limited Driving Privilege Changes.*** – Part I makes the following changes to the limited driving privilege in G.S. 20-179.3:

- Allows a functioning ignition interlock system to replace some of the restrictions placed on a limited driving privilege.
- Makes technical changes.

***License Restoration Changes.*** – Part I makes 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, replaces the current alcohol concentration restrictions to drive, which vary from 0.00-0.04, to a standard 0.02 for individuals over 21.
- Allows an individual who owns multiple vehicles to designate certain vehicles for operation with an ignition interlock system.
- Makes technical changes.

***Conditions for License Restoration Changes.*** – Part I makes the following changes to the conditions for restoration of a license under G.S. 20-19:

- Makes 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.
- Clarifies 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.
- Clarifies that *all of* the listed requirements apply when a person voluntarily submits to continuous alcohol monitoring.
- Makes conforming and technical changes.

***Ignition Interlock Costs.*** – Part I makes the following changes to ignition interlock costs:

- Requires the person required to install the ignition interlock system to pay for costs of installation and monitoring.
- Allows 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

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receive free installation and removal of the ignition interlock system and a 50% discount on the monthly service rate.

- Directs the Division of Motor Vehicles (DMV) to adopt temporary rules to implement this section.
- Directs the DMV to develop required forms and make them available by June 1, 2022.

**Ignition Interlock Study.** – Part I requires the Joint Legislative Oversight Committee on Justice and Public Safety to study 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.

**Applicability.** – Part I makes the section inapplicable to prosecutions for offenses committed before the effective date.

**Effective Dates.** – Part I made the following provisions effective when they become law (November 18, 2021):

- 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 repeal of some of the existing restrictions on a limited driving privilege for a person convicted of an impaired driving offense became effective December 1, 2021.

The remainder of Part I becomes effective June 1, 2022 and applies 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.

## **PART II. TECHNICAL AND CONFORMING CHANGES RELATED TO S.L. 2021-138 BILL ANALYSIS:**

Part II amends provisions in S.L. 2021-138. For more information, see summary for that act.

## **PART III. CHANGE "SHERIFF'S DEPARTMENT" TO "SHERIFF'S OFFICE" IN VARIOUS SECTIONS OF THE GENERAL STATUTES**

## **PART IV. EFFECTIVE DATE**

Except as otherwise provided, the act became effective when it became law (November 18, 2021).

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