



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

# SENATE BILL 183: Begin Modernizing Ignition Interlock Laws.

2021-2022 General Assembly

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| <b>Committee:</b> Senate Rules and Operations of the Senate | <b>Date:</b> April 15, 2021             |
| <b>Introduced by:</b> Sens. Britt, Sawyer, Daniel           | <b>Prepared by:</b> Jennifer H. Bedford |
| <b>Analysis of:</b> Second Edition                          | Staff Attorney                          |

### OVERVIEW: 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.

[As introduced, this bill was identical to H402, as introduced by Reps. Faircloth, Stevens, Clampitt, Greene, which is currently in House Judiciary 2.]

**BACKGROUND:** 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.

The N.C. Division of Motor Vehicles can waive ignition interlock installations on additional vehicles for applicants who meet household income criteria.

### 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.

#### G.S. 20-17.8(b)(3) Alcohol concentration restrictions to drive with an ignition interlock:

**0.04** if ignition interlock is required only because of a 0.15 alcohol concentration.

**0.00** if ignition interlock is required because of a prior conviction or an Aggravated Level One sentence or if the ignition interlock is required because of an alcohol concentration of 0.15 and the person has been convicted of another specified alcohol-related offense based on the same circumstances.

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## **BILL ANALYSIS:**

**Section 1 would** do the following:

- Make conforming changes.
- Remove some of the existing driving privilege restrictions 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.

**Section 2 would** do the following:

- Make conforming changes.
- 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.

**Section 3 would** do the following:

- Make conforming changes.
- Make changes to conform with the alcohol concentration restriction of 0.02 created by Section 2.
- Clarify that *all of* the listed requirements apply when a person voluntarily submits to continuous alcohol monitoring.

**Section 4 would** do the following:

- Expand the current waiver provided in G.S. 20-17.8(c1) for undue financial hardship to equip a vehicle with a required ignition interlock system.
- Allow an applicant who can provide the vendor documentation showing an income at or below 150% of the poverty line, 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.

**Section 5 would** create a study by the Joint Legislative Oversight Committee on Justice and Public Safety, to determine the effectiveness of an expanded ignition interlock uses 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.