



2023-2024 General Assembly

HOUSE BILL 250: Public Safety/Other Changes, Sec. 2: Limited Driving Privileges/ Restoration of License Modifications

Committee:
Introduced by:
Analysis of: Sec. 2 of S.L. 2024-43

Date: August 23, 2024
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Staff Attorney

OVERVIEW: Section 2 of S.L. 2024-43 makes modifications related to limited driving privileges and ignition interlock system violations as follows:

- Authorizes a person with not more than one previous offense involving impaired driving within the preceding seven years to obtain a limited driving privilege if certain criteria are met.
- Amends provisions regarding violation of ignition interlock requirements to provide that a violation within the last 90 days of the requirement results in extension of the requirement for 90 days or until the person has been violation free for 90 days.

Section 2 of S.L. 2024-43 becomes effective December 1, 2024, and applies to limited driving privileges issued on or after that date and drivers licenses revoked on or after that date.

CURRENT LAW AND BILL ANALYSIS:

An ignition interlock system is connected to a vehicle's ignition system, and it requires an individual to breathe into the system before the vehicle can be started. It prevents the vehicle from starting if the individual's breath alcohol concentration is outside the acceptable range.

G.S. 20-179.3 (Limited driving privilege) allows a court to grant a limited driving privilege to authorize an eligible person with a revoked drivers license to drive for certain essential purposes, including: employment, education, and medical care.

Subdivision (b)(1) provides the eligibility requirements for granting a limited driving privilege to a person whose driver's license is revoked because of a conviction for an offense of impaired driving under G.S. 20-138.1. The person is eligible for a limited driving privilege only if the following criteria are met:

- At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.
- At the time of the offense the person had not within the preceding seven years been convicted of an offense involving impaired driving.
- Punishment Level Three, Four, or Five was imposed for the offense of impaired driving.
- Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.
- The person has obtained and filed the required substance abuse assessment.

Subsection (g3) allows the court to order an ignition interlock system as a requirement of any limited driving privilege.

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Subsection (g5) requires that if a person's license was revoked for driving while impaired and the person had an alcohol concentration of 0.15 or more, then the court must order the use of an ignition interlock system as a requirement of the limited driving privilege.

Section 2.(a) of this act amends G.S. 20-179.3 by modifying the eligibility requirements to allow a person convicted of the offense of impaired driving under G.S. 20-138.1 to obtain a limited driving privilege if the person has been convicted of not more than one offense involving impaired driving within the preceding seven years if all the following requirements are met:

- At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.
- At the time of the offense the person *did not* have an alcohol concentration of 0.15 or more.
- Punishment Level Three, Four, or Five was imposed for the offense of impaired driving, or Punishment Level Two was imposed but only if it was imposed because the person had a conviction for an impaired driving offense within the preceding seven years.
- Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.
- The person has obtained and filed the required substance abuse assessment.
- An ignition interlock system is ordered as a condition of the limited driving privilege.

Section 2.(a) also amends G.S. 20-179.3 by adding provisions that provide that a person who commits an ignition interlock system violation during the 90 days immediately preceding the date on which the person's initial compliance with the ignition interlock system is to end must have the period of compliance extended for an additional period of 90 days or until the person has been violation free for the extended period.

G.S. 20-17.8 (Restoration of license after certain driving while impaired convictions; ignition interlock) requires a person whose driver's license was revoked because of a conviction for a specified impaired driving offense (including impaired driving with an alcohol concentration of 0.15 or more and impaired driving with a prior conviction within seven years) to only operate a vehicle equipped with an ignition interlock system as a condition of restoration of the license.

Section 2.(b) of this act amends G.S. 20-17.8 by adding provisions that provide that a person who commits an ignition interlock system violation during the 90 days immediately preceding the date on which the person's initial compliance with the ignition interlock system is to end must have the period of compliance extended for an additional period of 90 days or until the person has been violation free for the extended period.

EFFECTIVE DATE: Section 2 of S.L. 2024-43 becomes effective December 1, 2024. Subsection (a) applies to limited driving privileges issued on or after that date and subsection (b) applies to driver's licenses revoked on or after that date.