

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 1043

Short Title: Ignition Interlock Violation/Extend Period. (Public)

Sponsors: Representatives Chesser, Miller, Pyrtle, and Lowery (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 7, 2024

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179.3 reads as rewritten:

"§ 20-179.3. **Limited driving privilege.**

...

(g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or more, a judge shall include all of the following in a limited driving privilege order:

- (1) A restriction that the applicant may operate only a designated motor vehicle.
- (2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner, which is set to prohibit driving with an alcohol concentration of greater than 0.02. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against.
- (3) A requirement that the applicant personally activate the ignition interlock system before driving the motor vehicle.

If the limited driving privilege order includes the restrictions set forth in this subsection, then the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system. For purposes of this subsection, the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court.

...

(j) Effect of Violation of Restriction. – ~~A-Except as otherwise provided in subsection (j2) of this section,~~ a person holding a limited driving privilege who violates any of its restrictions commits the offense of driving while license is revoked for impaired driving under



1 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If
2 a law-enforcement officer has reasonable grounds to believe that the person holding a limited
3 driving privilege has consumed alcohol while driving or has driven while the person has
4 remaining in the person's body any alcohol previously consumed, the suspected offense of
5 driving while license is revoked is an alcohol-related offense subject to the implied-consent
6 provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving
7 while license revoked by violating a restriction contained in the limited driving privilege, and a
8 judicial official determines that there is probable cause for the charge, the limited driving
9 privilege is suspended pending the resolution of the case, and the judicial official must require
10 the person to surrender the limited driving privilege. The judicial official must also notify the
11 person that the person is not entitled to drive until the case is resolved.

12 Notwithstanding any other provision of law, an alcohol screening test may be administered
13 to a driver suspected of violating this section, and the results of an alcohol screening test or the
14 driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative
15 agency in determining if alcohol was present in the driver's body. No alcohol screening tests are
16 valid under this section unless the device used is one approved by the Department of Health and
17 Human Services, and the screening test is conducted in accordance with the applicable
18 regulations of the Department as to the manner of its use.

19 ...
20 (j2) Effect of Ignition Interlock System Violation During Final 90-Day Period. –
21 Notwithstanding subsection (j) of this section, a person holding a limited driving privilege,
22 including the restriction set forth in subsection (g5) of this section who commits an ignition
23 interlock system violation during the 90-day period immediately preceding the date on which the
24 person's compliance with subsection (g5) of this section is to end shall have the period of
25 compliance with subsection (g5) of this section extended for an additional period of 90 days or
26 until the person has been violation-free for such extended period. For purposes of this subsection,
27 the term "ignition interlock system violation" means any of the following:

- 28 (1) A violation of any of the restrictions set forth in subsection (g5) of this section.
- 29 (2) A violation of G.S. 20-17.8A.
- 30 (3) A violation of any of the rules established by the Division for use of an ignition
31 interlock system on a designated motor vehicle.

32"

33 **SECTION 2.** G.S. 20-17.8 reads as rewritten:

34 "**§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**
35 **ignition interlock.**

36 ...
37 (b) Ignition Interlock Required. – Except as provided in subsection (l) of this section,
38 when the Division restores the license of a person who is subject to this section, in addition to
39 any other restriction or condition, it shall require the person to agree to and shall indicate on the
40 person's drivers license the following restrictions for the period designated in subsection (c):

- 41 (1) A restriction that the person may operate only a vehicle that is equipped with
42 a functioning ignition interlock system of a type approved by the
43 Commissioner. The Commissioner shall not unreasonably withhold approval
44 of an ignition interlock system and shall consult with the Division of Purchase
45 and Contract in the Department of Administration to ensure that potential
46 vendors are not discriminated against.
- 47 (2) A requirement that the person personally activate the ignition interlock system
48 before driving the motor vehicle.
- 49 (3) A requirement that the person not drive with an alcohol concentration of 0.02
50 or greater.

1 (c) Length of Requirement. – ~~The~~ Except as otherwise provided in subsection (g1) of this
 2 section, the requirements of subsection (b) shall remain in effect for one of the following:
 3 (1) One year from the date of restoration if the original revocation period was one
 4 year.
 5 (2) Three years from the date of restoration if the original revocation period was
 6 four years.
 7 (3) Seven years from the date of restoration if the original revocation was a
 8 permanent revocation.

9 ...
 10 (f) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection
 11 (g1) of this section, a person subject to this section who violates any of the restrictions of this
 12 section commits the offense of driving while license revoked for impaired driving under
 13 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If
 14 a law enforcement officer has reasonable grounds to believe that a person subject to this section
 15 has consumed alcohol while driving or has driven while he has remaining in his body any alcohol
 16 previously consumed, the suspected offense of driving while license is revoked is an
 17 alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person
 18 subject to this section is charged with driving while license revoked by violating a condition of
 19 subsection (b) of this section, and a judicial official determines that there is probable cause for
 20 the charge, the person's license is suspended pending the resolution of the case, and the judicial
 21 official must require the person to surrender the license. The judicial official must also notify the
 22 person that he is not entitled to drive until his case is resolved. An alcohol concentration report
 23 from the ignition interlock system shall not be admissible as evidence of driving while license
 24 revoked, nor shall it be admissible in an administrative revocation proceeding as provided in
 25 subsection (g) of this section, unless the person operated a vehicle when the ignition interlock
 26 system indicated an alcohol concentration in violation of the restriction placed upon the person
 27 by subdivision (b)(3) of this section.

28 (g) Effect of Violation of Restriction When Driving While License Revoked Not
 29 Charged. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to
 30 this section who violates any of the restrictions of this section, but is not charged or convicted of
 31 driving while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked
 32 by the Division for a period of one year.

33 (g1) Effect of Ignition Interlock System Violation During Final 90-Day Period. –
 34 Notwithstanding subsections (f) or (g) of this section, a person subject to this section who
 35 commits an ignition interlock system violation during the 90-day period immediately preceding
 36 the date on which the person's length of requirement set forth in subsection (c) of this section is
 37 to end shall have the period of compliance with subsection (b) of this section extended for an
 38 additional period of 90 days or until the person has been violation-free for such extended period.
 39 For purposes of this subsection, the term "ignition interlock system violation" means any of the
 40 following:

- 41 (1) A violation of any of the restrictions set forth in subsection (b) of this section.
- 42 (2) A violation of G.S. 20-17.8A.
- 43 (3) A violation of any of the rules established by the Division for use of an ignition
 44 interlock system on a designated motor vehicle.

45"
 46 **SECTION 3.** Prosecutions for offenses committed before the effective date of this
 47 act are not abated or affected by this act, and the statutes that would be applicable but for this act
 48 remain applicable to those prosecutions.

49 **SECTION 4.** There is appropriated from the General Fund to the Division of Motor
 50 Vehicles the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the 2024-2025

1 fiscal year to use for costs incurred by the Division from implementing the provisions set forth
2 in Sections 1 and 2 of this act.
3 **SECTION 5.** Section 1 of this act becomes effective July 1, 2024, and applies to
4 limited driving privileges issued on or after that date. Section 2 of this act becomes effective July
5 1, 2024, and applies to drivers licenses revoked on or after that date. The remainder of this act
6 becomes effective July 1, 2024.