

May 10, 2000

H 1499. INTERLOCK/OPEN CONTAINER CHANGES (=S 1199). *TO AMEND NORTH CAROLINA LAW CONCERNING USE OF IGNITION INTERLOCK DEVICES BY REPEAT DWI OFFENDERS AND POSSESSION OF OPEN CONTAINERS IN VEHICLES TO COMPLY WITH FEDERAL LAW AND AVOID MANDATORY TRANSFER OF FEDERAL HIGHWAY FUNDS.*

Identical to S 1199, introduced 5/10/00.

Intro. by Crawford.

Ref. to Judiciary I	GS 20
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June 6, 2000

H 1499. INTERLOCK/OPEN CONTAINER CHANGES. Intro. 5/9/00. House committee substitute makes the following changes to 1st edition. Changes title to AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE, AND TO CLARIFY THE EFFECTIVE DATE FOR COMMERCIAL MOTOR VEHICLE INSURANCE PROVISIONS OF SESSION LAW 330 OF THE 1999 GENERAL ASSEMBLY. Rewrites GS 20-17.8(b)(3) to impose alcohol concentration restrictions as follows: (a) if the ignition interlock system is required pursuant only to GS 20-17.8(a)(1), a requirement that the person not drive with an alcohol concentration of 0.04 or greater; (b) if the ignition interlock system is required pursuant to subdivision GS 20-17.8(a)(2), a requirement that the person not drive with an alcohol concentration of greater than 0.00; or (c) if the ignition interlock system is required pursuant to GS 20-17.8(a)(1) and the person has also been convicted, based on the same set of circumstances, of (1) driving while impaired in a commercial vehicle, (2) driving while less than 21 years old after consuming alcohol or drugs, (3) felony death by vehicle, or (4) manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving, a requirement that the person not drive with an alcohol concentration of greater than 0.00. Adds to proposed amendment of GS 20-138.7(a) a prohibition against consuming an alcoholic beverage in the passenger area of a motor vehicle, but provides that only the person who possesses or consumes an alcoholic beverage in violation of the section shall be charged with the offense. Makes conforming amendment to GS 20-138.7(g). Amends GS 20-16.2(c1) to provide that if a person's drivers license has an alcohol concentration restriction, pursuant to GS 2019(c3), and an officer has reasonable grounds to believe that person has violated a provision of that restriction other than violation of the alcohol concentration level, the charging officer and chemical analyst shall complete the applicable sections of the affidavit and indicate the restriction that was violated. Amends GS 20-179.3(g5) that the interlock system approved by the Commissioner of Motor Vehicles shall be set to prohibit driving with an alcohol concentration of greater than 0.00. Amends GS 20-139.1(b3) to delete the requirements regarding willful refusal to give sequential breath samples. Provides that, when this act becomes law, section 4 of S.L. 1999-330 (amending GS 20-309(a) regarding financial responsibility by owners of commercial motor vehicles) becomes effective Sept. 1, 2000, and applies to new or renewal policies written to become effective on or after that date; the remainder of S.L. 1999-330 is effective Dec. 1, 1999. The amendments to GS 20-138.7 enacted by this act are effective Sept. 1, 2000, the remainder of the act becomes effective July 1, 2000.

July 6, 2000

H 1499. INTERLOCK/OPEN CONTAINER CHANGES. Intro. 5/10/00. Senate committee substitute makes the following changes to 2nd edition. Clarifies the requirement that all registered vehicles owned by a person subject to the law be equipped with an ignition interlock system. If the Division of Motor Vehicles determines that the vehicle is not in the person's possession and the vehicle is relied upon by another member of the person's family for transportation, the interlock system is not required. If a charge of driving while license revoked is based solely on a violation of the interlock system requirement and the court finds the vehicle was not required to be equipped with the system because it was not in the possession of the person charged and was relied upon by a member of the person's family for transportation, the court must find the person not guilty. Changes effectiveness date of act to Sept. 1, 2000 (was July 1, 2000 for most provisions).

July 11, 2000

H 1499. INTERLOCK/OPEN CONTAINER CHANGES. Intro. 5/10/00. Senate amendment makes the following changes to 3rd edition. Provides that amendment to GS 20-138.7 (transporting open container of alcoholic beverage) expires Sept. 30, 2002, and requests NC Att'y Gen. to initiate litigation challenging constitutionality of 23 U.S. Code sec. 154 and federal government's authority to require NC, as condition of receiving federal transportation funding, to enact and enforce certain laws regarding motor vehicles and traffic safety.

July 12, 2000

H 1499. INTERLOCK/OPEN CONTAINER CHANGES. Intro. 5/10/00. Senate amendment makes the following changes to 3rd edition. Adds subdivision (a3) to proposed GS 20-138.7, providing that the term "motor vehicle" means only those types of motor vehicles that North Carolina law requires to be registered, whether the motor vehicle is registered in North Carolina or another jurisdiction. Makes other technical changes.