

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 761  
Committee Substitute Favorable 6/7/11  
PROPOSED COMMITTEE SUBSTITUTE H761-PCS50401-SV-40

Short Title: Ignition Interlock Systems/Record Checks.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE TAMPERING WITH AN IGNITION INTERLOCK SYSTEM AN UNLAWFUL ACT, TO REMOVE COLORED BORDER REQUIREMENTS FROM CERTAIN LICENSES, TO CLARIFY THAT SPECIAL IDENTIFICATION CARDS ARE SUBJECT TO VIOLATION PROVISIONS, AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CONDUCT BACKGROUND INVESTIGATIONS ON EVERY PERSON APPLYING FOR A RESTORATION OF A REVOKED LICENSE, A DEALER'S LICENSE, MECHANIC'S LICENSE, OR ANY OTHER LICENSE ISSUED BY THE DIVISION EXCEPT FOR A DRIVERS LICENSE UNLESS IT IS BEING RESTORED AFTER A REVOCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-17.8A. Tampering with ignition interlock systems.**

Any person who tampers with, circumvents, or attempts to circumvent an ignition interlock device required to be installed on a motor vehicle pursuant to judicial order, statute, or as may be otherwise required as a condition for an individual to operate a motor vehicle, for the purpose of avoiding or altering testing on the ignition interlock device in the operation or attempted operation of a vehicle, or altering the testing results received or results in the process of being received on the ignition interlock device, is guilty of a Class 1 misdemeanor. Each act of tampering, circumvention, or attempted circumvention under this statute shall constitute a separate violation."

**SECTION 2.** G.S. 20-7(n) reads as rewritten:

"(n) Format. – A drivers license issued by the Division must be tamperproof and must contain all of the following information:

- (1) An identification of this State as the issuer of the license.
- (2) The license holder's full name.
- (3) The license holder's residence address.
- (4) A color photograph, or a properly applied laser engraved picture on polycarbonate material, of the license holder, taken by the Division.
- (5) A physical description of the license holder, including sex, height, eye color, and hair color.



\* H 7 6 1 - P C S 5 0 4 0 1 - S V - 4 0 \*

- 1 (6) The license holder's date of birth.
- 2 (7) An identifying number for the license holder assigned by the Division. The
- 3 identifying number may not be the license holder's social security number.
- 4 (8) Each class of motor vehicle the license holder is authorized to drive and any
- 5 endorsements or restrictions that apply.
- 6 (9) The license holder's signature.
- 7 (10) The date the license was issued and the date the license expires.

8 ~~In taking photographs of license holders, the Division must distinguish between license~~  
 9 ~~holders who are less than 21 years old and license holders who are at least 21 years old by~~  
 10 ~~using different color backgrounds or borders for each group. The Division shall determine the~~  
 11 ~~different colors to be used.~~ The Commissioner shall ensure that applicants 21 years old or older  
 12 are issued drivers licenses and special identification cards that are printed in a horizontal  
 13 format. The Commissioner shall ensure that applicants under the age of 21 are issued drivers  
 14 licenses and special identification cards that are printed in a vertical format, that distinguishes  
 15 them from the horizontal format, for ease of identification of individuals under age 21 by  
 16 members of industries that regulate controlled products that are sale restricted by age and law  
 17 enforcement officers enforcing these laws.

18 At the request of an applicant for a drivers license, a license issued to the applicant must  
 19 contain the applicant's race."

20 **SECTION 3.** G.S. 20-11(a) reads as rewritten:

21 "(a) Process. – Safe driving requires instruction in driving and experience. To ensure that  
 22 a person who is less than 18 years old has both instruction and experience before obtaining a  
 23 drivers license, driving privileges are granted first on a limited basis and are then expanded in  
 24 accordance with the following process:

- 25 (1) Level 1. – Driving with a limited learner's permit.
- 26 (2) Level 2. – Driving with a limited provisional license.
- 27 (3) Level 3. – Driving with a full provisional license.

28 A permit or license issued under this section must ~~have a color background or border that~~  
 29 ~~indicates~~ indicate the level of driving privileges granted by the permit or license."

30 **SECTION 4.** G.S. 20-30 reads as rewritten:

31 "**§ 20-30. Violations of ~~license or license, learner's permit~~ permit, or special identification**  
 32 **card provisions.**

33 It shall be unlawful for any person to commit any of the following acts:

- 34 (1) To display or cause to be displayed or to have in possession a driver's ~~license~~  
 35 ~~or license, learner's permit, or special identification card~~, knowing the same  
 36 to be fictitious or to have been canceled, revoked, suspended or altered.
- 37 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not  
 38 entitled thereto, a driver's ~~license or license, learner's permit~~ permit, or  
 39 special identification card.
- 40 (3) To display or to represent as one's own a ~~license or drivers license, learner's~~  
 41 ~~permit~~ permit, or special identification card not issued to the person so  
 42 displaying same.
- 43 (4) To fail or refuse to surrender to the Division upon demand any driver's  
 44 ~~license or license, learner's permit~~ permit, or special identification card that  
 45 has been suspended, canceled or revoked as provided by law.
- 46 (5) To use a false or fictitious name or give a false or fictitious address in any  
 47 application for a driver's ~~license or license, learner's permit, or special~~  
 48 identification card, or any renewal or duplicate thereof, or knowingly to  
 49 make a false statement or knowingly conceal a material fact or otherwise  
 50 commit a fraud in any such application, or for any person to procure, or  
 51 knowingly permit or allow another to commit any of the foregoing acts. Any

- 1 ~~license or license, learner's permit~~ permit, or special identification card  
2 procured as aforesaid shall be void from the issuance thereof, and any  
3 moneys paid therefor shall be forfeited to the State. Any person violating the  
4 provisions of this subdivision shall be guilty of a Class 1 misdemeanor.
- 5 (6) To make a color photocopy or otherwise make a color reproduction of a  
6 drivers license, learner's permit, or special identification card which has been  
7 color-photocopied or otherwise reproduced in color, unless such color  
8 photocopy or other color reproduction was authorized by the Commissioner.  
9 It shall be lawful to make a black and white photocopy of a drivers license,  
10 learner's permit, or special identification card or otherwise make a black and  
11 white reproduction of a drivers license, learner's permit, or special  
12 identification card.
- 13 (7) To sell or offer for sale any reproduction or facsimile or simulation of a  
14 driver's ~~license or license, learner's permit~~ permit, or special identification  
15 card. The provisions of this subdivision shall not apply to agents or  
16 employees of the Division while acting in the course and scope of their  
17 employment. Any person, firm or corporation violating the provisions of this  
18 subsection shall be guilty of a Class I felony.
- 19 (8) To possess more than one commercial drivers license or to possess a  
20 commercial drivers license and a regular drivers license. Any commercial  
21 drivers license other than the one most recently issued is subject to  
22 immediate seizure by any law enforcement officer or judicial official. Any  
23 regular drivers license possessed at the same time as a commercial drivers  
24 license is subject to immediate seizure by any law enforcement officer or  
25 judicial official.
- 26 (9) To present, display, or use a drivers ~~license or license, learner's permit~~  
27 permit, or special identification card that contains a false or fictitious name  
28 in the commission or attempted commission of a felony. Any person  
29 violating the provisions of this subdivision shall be guilty of a Class I  
30 felony."

31 **SECTION 5.** Article 4 of Chapter 114 of the General Statutes is amended by  
32 adding a new section to read:

33 **"§ 114-19.31. Criminal history record checks of applicants for a dealer's license, a**  
34 **mechanic's license, and all other licenses issued by the Division of Motor**  
35 **Vehicles.**

36 The Department of Justice may provide to the Division of Motor Vehicles, from the State  
37 and National Repositories of Criminal Histories, the criminal history record of any applicant for  
38 licensure under Chapter 20 of the General Statutes, including, but not limited to, a restoration  
39 of a revoked driving privilege, a nonrenewal of a dealer's license, a mechanic's inspection  
40 license, or a station inspection license, as dictated by the licensing guidelines for each  
41 application under Chapter 20 of the General Statutes. The provisions of this section shall not  
42 apply to (i) an applicant for a drivers license, unless the application is for a restoration of a  
43 drivers license that has been revoked; (ii) an applicant for renewal of a dealer's license, a  
44 mechanic's inspection license, or a station inspection license; (iii) a license application for an  
45 additional or new location made by an individual or entity owned or operated by an existing  
46 licensee; or (iv) a manufacturer's license. Along with the request, the Division shall provide to  
47 the Department of Justice the fingerprints of the applicant, a form signed by the applicant  
48 consenting to the criminal history record check and use of fingerprints, other identifying  
49 information required by the State and National Repositories, and any additional information  
50 required by the Department of Justice. The applicant's fingerprints shall be forwarded to the  
51 State Bureau of Investigation for a search of the State's criminal history record file, and the

1 State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of  
2 Investigation for a national criminal history record check. The Division shall keep all  
3 information obtained pursuant to this section confidential. The Department of Justice may  
4 charge a fee to offset the cost incurred by it to conduct a criminal history record check under  
5 this section. The fee shall not exceed the actual cost of locating, editing, researching, and  
6 retrieving the information. Fees and other costs incurred by the Division under this statute may  
7 be charged to the applicant."

8         **SECTION 6.** Sections 1 and 4 of this act become effective December 1, 2011, and  
9 apply to offenses committed on or after that date. Sections 2, 3, and 5 of this act become  
10 effective December 1, 2011, and apply to licenses issued on or after that date. The remainder  
11 of this act becomes effective December 1, 2011. Prosecutions for offenses committed before  
12 the effective date of this act are not abated or affected by this act, and the statutes that would be  
13 applicable but for this act remain applicable to those prosecutions.