

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE DRH10026-SA-3 (10/16)

Short Title: Ignition Interlock - All DWI.

(Public)

Sponsors: Representative Jackson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANYONE WHO IS CONVICTED OF DRIVING WHILE IMPAIRED, DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, OR ANY OTHER IMPAIRED DRIVING OFFENSE, OR ANY PERSON WHO REFUSES A CHEMICAL ANALYSIS, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH AN IGNITION INTERLOCK SYSTEM AND CREATE AN IGNITION INTERLOCK DEVICE FUND TO ASSIST INDIGENT PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.2(c1) reads as rewritten:

"(c1) Procedure for Reporting Results and Refusal to Division. – Whenever a person refuses to submit to a chemical analysis, ~~a person has an alcohol concentration of 0.15 or more,~~ or a person's drivers license has an alcohol concentration restriction and the results of the chemical analysis establish a violation of the restriction, the law enforcement officer and the chemical analyst shall without unnecessary delay go before an official authorized to administer oaths and execute an affidavit(s) stating that:

- (1) The person was charged with an implied-consent offense or had an alcohol concentration restriction on the drivers license;
- (2) A law enforcement officer had reasonable grounds to believe that the person had committed an implied-consent offense or violated the alcohol concentration restriction on the drivers license;
- (3) Whether the implied-consent offense charged involved death or critical injury to another person, if the person willfully refused to submit to chemical analysis;
- (4) The person was notified of the rights in subsection (a); and
- (5) The results of any tests given or that the person willfully refused to submit to a chemical analysis.

If the person's drivers license has an alcohol concentration restriction, pursuant to G.S. 20-19(c3), and an officer has reasonable grounds to believe the person has violated a provision of that restriction other than violation of the alcohol concentration level, the officer and chemical analyst shall complete the applicable sections of the affidavit and indicate the restriction which was violated. The officer shall immediately mail the affidavit(s) to the



1 Division. If the officer is also the chemical analyst who has notified the person of the rights
2 under subsection (a), the officer may perform alone the duties of this subsection."

3 **SECTION 2.** G.S. 20-16.2(e1) reads as rewritten:

4 "(e1) Limited Driving Privilege after Six Months in Certain Instances. – A person whose
5 driver's license has been revoked under this section may apply for and a judge authorized to do
6 so by this subsection may issue a limited driving privilege if:

- 7 (1) At the time of the refusal the person held either a valid drivers license or a
8 license that had been expired for less than one year;
- 9 (2) At the time of the refusal, the person had not within the preceding seven
10 years been convicted of an offense involving impaired driving;
- 11 (3) At the time of the refusal, the person had not in the preceding seven years
12 willfully refused to submit to a chemical analysis under this section;
- 13 (4) The implied consent offense charged did not involve death or critical injury
14 to another person;
- 15 (5) The underlying charge for which the defendant was requested to submit to a
16 chemical analysis has been finally disposed of:
 - 17 a. Other than by conviction; or
 - 18 b. By a conviction of impaired driving under G.S. 20-138.1, at a
19 punishment level authorizing issuance of a limited driving privilege
20 under G.S. 20-179.3(b), and the defendant has complied with at least
21 one of the mandatory conditions of probation listed for the
22 punishment level under which the defendant was sentenced;
- 23 (6) Subsequent to the refusal the person has had no unresolved pending charges
24 for or additional convictions of an offense involving impaired driving;
- 25 (7) The person's license has been revoked for at least six months for the refusal;
26 ~~and~~
- 27 (8) The person has obtained a substance abuse assessment from a mental health
28 facility and successfully completed any recommended training or treatment
29 ~~program-program; and~~
- 30 (9) The limited driving privilege issued has an ignition interlock requirement,
31 including all of the following:
 - 32 a. A restriction that the applicant may operate only a designated motor
33 vehicle.
 - 34 b. A requirement that the designated motor vehicle be equipped with a
35 functioning ignition interlock system of a type approved by the
36 Commissioner, which is set to prohibit driving with an alcohol
37 concentration of greater than 0.00.
 - 38 c. A requirement that the applicant personally activate the ignition
39 interlock system before driving the motor vehicle.

40 Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the procedure
41 for application and conduct of the hearing and the restrictions required or authorized to be
42 included in the limited driving privilege apply to applications under this subsection. If the case
43 was finally disposed of in the district court, the hearing shall be conducted in the district court
44 district as defined in G.S. 7A-133 in which the refusal occurred by a district court judge. If the
45 case was finally disposed of in the superior court, the hearing shall be conducted in the superior
46 court district or set of districts as defined in G.S. 7A-41.1 in which the refusal occurred by a
47 superior court judge. A limited driving privilege issued under this section authorizes a person to
48 drive if the person's license is revoked solely under this section or solely under this section and
49 G.S. 20-17(2). If the person's license is revoked for any other reason, the limited driving
50 privilege is invalid."

51 **SECTION 3.** G.S. 20-17.8 reads as rewritten:

1 "§ 20-17.8. Restoration of a license after certain driving while impaired convictions;
2 ignition interlock.

3 (a) Scope. – This section applies to a person whose license was revoked for one of the
4 following reasons:

5 (1) ~~As a result of a conviction of driving while impaired, G.S. 20-138.1,~~
6 ~~and impaired pursuant to G.S. 20-138.1.~~

7 (2) As a result of a conviction of driving by persons less than 21 years old after
8 consuming alcohol or drugs pursuant to G.S. 20-138.3.

9 (3) As a result of refusal to submit to chemical analysis pursuant to
10 G.S. 20-16.2(d).

11 (1) ~~The person had an alcohol concentration of 0.15 or more;~~

12 (2) ~~The person has been convicted of another offense involving impaired~~
13 ~~driving, which offense occurred within seven years immediately preceding~~
14 ~~the date of the offense for which the person's license has been revoked; or~~

15 (3) ~~The person was sentenced pursuant to G.S. 20-179(f3).~~

16 ~~For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as~~
17 ~~shown by an affidavit or affidavits executed pursuant to G.S. 20-16.2(e1), shall be used by the~~
18 ~~Division to determine that person's alcohol concentration.~~

19 (a1) **(Expires December 1, 2014)** Additional Scope. – This section applies to a person
20 whose license was revoked as a result of a conviction of habitual impaired driving,
21 G.S. 20-138.5.

22 (b) **(Effective until December 1, 2014)** Ignition Interlock Required. – Except as
23 provided in subsection (1) of this section, when the Division restores the license of a person
24 who is subject to this section, in addition to any other restriction or condition, it shall require
25 the person to agree to and shall indicate on the person's drivers license the following
26 restrictions for the period designated in subsection (c):

27 (1) A restriction that the person may operate only a vehicle that is equipped with
28 a functioning ignition interlock system of a type approved by the
29 Commissioner. The Commissioner shall not unreasonably withhold approval
30 of an ignition interlock system and shall consult with the Division of
31 Purchase and Contract in the Department of Administration to ensure that
32 potential vendors are not discriminated against.

33 (2) A requirement that the person personally activate the ignition interlock
34 system before driving the motor vehicle.

35 (3) A requirement that the person not drive with an alcohol concentration of
36 greater than 0.00. ~~An alcohol concentration restriction as follows:~~

37 a. ~~If the ignition interlock system is required pursuant only to~~
38 ~~subdivision (a)(1) of this section, a requirement that the person not~~
39 ~~drive with an alcohol concentration of 0.04 or greater;~~

40 b. ~~If the ignition interlock system is required pursuant to subdivision~~
41 ~~(a)(2) or (a)(3) of this section, or subsection (a1) of this section, a~~
42 ~~requirement that the person not drive with an alcohol concentration~~
43 ~~of greater than 0.00; or~~

44 e. ~~If the ignition interlock system is required pursuant to subdivision~~
45 ~~(a)(1) of this section, and the person has also been convicted, based~~
46 ~~on the same set of circumstances, of: (i) driving while impaired in a~~
47 ~~commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21~~
48 ~~years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) a~~
49 ~~violation of G.S. 20-141.4, or (iv) manslaughter or negligent~~
50 ~~homicide resulting from the operation of a motor vehicle when the~~

1 ~~offense involved impaired driving, a requirement that the person not~~
2 ~~drive with an alcohol concentration of greater than 0.00.~~

3 (b) **(Effective December 1, 2014)** Ignition Interlock Required. – Except as provided in
4 subsection (1) of this section, when the Division restores the license of a person who is subject
5 to this section, in addition to any other restriction or condition, it shall require the person to
6 agree to and shall indicate on the person's drivers license the following restrictions for the
7 period designated in subsection (c):

8 (1) A restriction that the person may operate only a vehicle that is equipped with
9 a functioning ignition interlock system of a type approved by the
10 Commissioner. The Commissioner shall not unreasonably withhold approval
11 of an ignition interlock system and shall consult with the Division of
12 Purchase and Contract in the Department of Administration to ensure that
13 potential vendors are not discriminated against.

14 (2) A requirement that the person personally activate the ignition interlock
15 system before driving the motor vehicle.

16 (3) A requirement that the person not drive with an alcohol concentration of
17 greater than 0.00. An alcohol concentration restriction as follows:

18 a. ~~If the ignition interlock system is required pursuant only to~~
19 ~~subdivision (a)(1) of this section, a requirement that the person not~~
20 ~~drive with an alcohol concentration of 0.04 or greater;~~

21 b. ~~If the ignition interlock system is required pursuant to subdivision~~
22 ~~(a)(2) or (a)(3) of this section, a requirement that the person not drive~~
23 ~~with an alcohol concentration of greater than 0.00; or~~

24 e. ~~If the ignition interlock system is required pursuant to subdivision~~
25 ~~(a)(1) of this section, and the person has also been convicted, based~~
26 ~~on the same set of circumstances, of: (i) driving while impaired in a~~
27 ~~commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21~~
28 ~~years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) a~~
29 ~~violation of G.S. 20-141.4, or (iv) manslaughter or negligent~~
30 ~~homicide resulting from the operation of a motor vehicle when the~~
31 ~~offense involved impaired driving, a requirement that the person not~~
32 ~~drive with an alcohol concentration of greater than 0.00.~~

33 (c) Length of Requirement. – The requirements of subsection (b) shall remain in effect
34 for:

35 (1) One year from the date of restoration if the original revocation period was
36 one year;

37 (2) Three years from the date of restoration if the original revocation period was
38 four years; or

39 (3) Seven years from the date of restoration if the original revocation was a
40 permanent revocation.

41 (c1) Vehicles Subject to Requirement. – A person subject to this section shall have all
42 registered vehicles owned by that person equipped with a functioning ignition interlock system
43 of a type approved by the Commissioner, unless the Division determines that one or more
44 specific registered vehicles owned by that person are relied upon by another member of that
45 person's family for transportation and that the vehicle is not in the possession of the person
46 subject to this section.

47 (d) Effect of Limited Driving Privileges. – If the person was eligible for and received a
48 limited driving privilege under G.S. 20-16.2(e1), G.S. 20-138.3(d), or G.S. 20-179.3, ~~with the~~
49 ~~ignition interlock requirement contained in G.S. 20-179.3(g5), the period of time for which that
50 limited driving privilege was held shall be applied towards the requirements of subsection (c).~~

1 (e) Notice of Requirement. – When a court reports to the Division a conviction of a
2 person who is subject to this section, the Division must send the person written notice of the
3 requirements of this section and of the consequences of failing to comply with these
4 requirements. The notification must include a statement that the person may contact the
5 Division for information on obtaining and having installed an ignition interlock system of a
6 type approved by the Commissioner.

7 (e1) Installation of Ignition Interlock Systems. – The Division shall not issue a drivers
8 license with an ignition interlock restriction unless the applicant presents proof, satisfactory to
9 the Division, that an approved ignition interlock system has been installed on all vehicles
10 subject to the ignition interlock requirements of subsection (c1) of this section.

11 (e2) Disabling or Removing of Ignition Interlock System. – If an ignition interlock
12 system is disabled or removed from a vehicle in which it is required to be installed pursuant to
13 subsection (c1) of this section, the Division shall revoke the drivers license of the person
14 subject to the provisions of this section and shall provide notice in accordance with G.S. 20-48.

15 (f) Effect of Violation of Restriction. – A person subject to this section who violates
16 any of the restrictions of this section commits the offense of driving while license revoked
17 under G.S. 20-28(a) and is subject to punishment and license revocation as provided in that
18 section. If a law enforcement officer has reasonable grounds to believe that a person subject to
19 this section has consumed alcohol while driving or has driven while he has remaining in his
20 body any alcohol previously consumed, the suspected offense of driving while license is
21 revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.
22 If a person subject to this section is charged with driving while license revoked by violating a
23 condition of subsection (b) of this section, and a judicial official determines that there is
24 probable cause for the charge, the person's license is suspended pending the resolution of the
25 case, and the judicial official must require the person to surrender the license. The judicial
26 official must also notify the person that he is not entitled to drive until his case is resolved. An
27 alcohol concentration report from the ignition interlock system shall not be admissible as
28 evidence of driving while license revoked, nor shall it be admissible in an administrative
29 revocation proceeding as provided in subsection (g) of this section, unless the person operated a
30 vehicle when the ignition interlock system indicated an alcohol concentration in violation of the
31 restriction placed upon the person by subdivision (b)(3) of this section. If a person subject to
32 this section is charged with driving while license revoked by violating the requirements of
33 subsection (c1) of this section, and no other violation of this section is alleged, the court may
34 make a determination at the hearing of the case that the vehicle, on which the ignition interlock
35 system was not installed, was relied upon by another member of that person's family for
36 transportation and that the vehicle was not in the possession of the person subject to this
37 section, and therefore the vehicle was not required to be equipped with a functioning ignition
38 interlock system. If the court determines that the vehicle was not required to be equipped with a
39 functioning ignition interlock system and the person subject to this section has committed no
40 other violation of this section, the court shall find the person not guilty of driving while license
41 revoked.

42 (g) Effect of Violation of Restriction When Driving While License Revoked Not
43 Charged. – A person subject to this section who violates any of the restrictions of this section,
44 or who disables or removes an ignition interlock system required by this section, but is not
45 charged or convicted of driving while license revoked pursuant to G.S. 20-28(a), shall have the
46 person's license revoked by the Division for a period of one year.

47 (h) Beginning of Revocation Period. – If the original period of revocation was imposed
48 pursuant to G.S. 20-19(d) or (e), any remaining period of the original revocation, prior to its
49 reduction, shall be reinstated and the revocation required by subsection (f) or (g) of this section
50 begins after all other periods of revocation have terminated.

1 (i) Notification of Revocation. – If the person's license has not already been
2 surrendered to the court, the Division must expeditiously notify the person that the person's
3 license to drive is revoked pursuant to subsection (f) or (g) of this section effective on the tenth
4 calendar day after the mailing of the revocation order.

5 (j) Right to Hearing Before Division; Issues. – If the person's license is revoked
6 pursuant to subsection (g) of this section, before the effective date of the order issued under
7 subsection (i) of this section, the person may request in writing a hearing before the Division.
8 Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the
9 Division that the person's license was surrendered to the court and remained in the court's
10 possession, then the Division shall credit the amount of time for which the license was in the
11 possession of the court against the revocation period required by subsection (g) of this section.
12 If the person properly requests a hearing, the person retains the person's license, unless it is
13 revoked under some other provision of law, until the hearing is held, the person withdraws the
14 request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena
15 any witnesses or documents that the hearing officer deems necessary. The person may request
16 the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at
17 the hearing if the person makes the request in writing at least three days before the hearing. The
18 person may subpoena any other witness whom the person deems necessary, and the provisions
19 of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the
20 authority of this section. The hearing officer is authorized to administer oaths to witnesses
21 appearing at the hearing. The hearing must be conducted in the county where the charge was
22 brought, and must be limited to consideration of whether:

23 (1) The drivers license of the person had an ignition interlock requirement; and

24 (2) The person:

- 25 a. Was driving a vehicle that was not equipped with a functioning
26 ignition interlock ~~system; or system.~~
27 b. Did not personally activate the ignition interlock system before
28 driving the ~~vehicle; or vehicle.~~
29 c. Drove the vehicle in violation of an applicable alcohol concentration
30 restriction prescribed by subdivision (b)(3) of this section.
31 d. Allowed an ignition interlock system required by this section to be
32 disabled or removed.

33 If the Division finds that the conditions specified in this subsection are
34 met, it must order the revocation sustained. If the Division finds that the
35 condition of subdivision (1) is not met, or that none of the conditions of
36 subdivision (2) are met, it must rescind the revocation. If the revocation is
37 sustained, the person must surrender the person's license immediately upon
38 notification by the Division. If the revocation is sustained, the person may
39 appeal the decision of the Division pursuant to G.S. 20-25.

40 (k) Restoration After Violation. – When the Division restores the license of a person
41 whose license was revoked pursuant to subsection (f) or (g) of this section and the revocation
42 occurred prior to completion of time period required by subsection (c) of this section, in
43 addition to any other restriction or condition, it shall require the person to comply with the
44 conditions of subsection (b) of this section until the person has complied with those conditions
45 for the cumulative period of time as set forth in subsection (c) of this section. The period of
46 time for which the person successfully complied with subsection (b) of this section prior to
47 revocation pursuant to subsection (f) or (g) of this section shall be applied towards the
48 requirements of subsection (c) of this section.

49 (l) Medical Exception to Requirement. – A person subject to this section who has a
50 medically diagnosed physical condition that makes the person incapable of personally
51 activating an ignition interlock system may request an exception to the requirements of this

1 section from the Division. The Division shall not issue an exception to this section unless the
2 person has submitted to a physical examination by two or more physicians or surgeons duly
3 licensed to practice medicine in this State or in any other state of the United States and unless
4 such examining physicians or surgeons have completed and signed a certificate in the form
5 prescribed by the Division. Such certificate shall be devised by the Commissioner with the
6 advice of those qualified experts in the field of diagnosing and treating physical disorders that
7 the Commissioner may select and shall be designed to elicit the maximum medical information
8 necessary to aid in determining whether or not the person is capable of personally activating an
9 ignition interlock system. The certificate shall contain a waiver of privilege and the
10 recommendation of the examining physician to the Commissioner as to whether the person is
11 capable of personally activating an ignition interlock system.

12 The Commissioner is not bound by the recommendations of the examining physicians but
13 shall give fair consideration to such recommendations in acting upon the request for medical
14 exception, the criterion being whether or not, upon all the evidence, it appears that the person is
15 in fact incapable of personally activating an ignition interlock system. The burden of proof of
16 such fact is upon the person seeking the exception.

17 Whenever an exception is denied by the Commissioner, such denial may be reviewed by a
18 reviewing board upon written request of the person seeking the exception filed with the
19 Division within 10 days after receipt of such denial. The composition, procedures, and review
20 of the reviewing board shall be as provided in G.S. 20-9(g)(4)."

21 **SECTION 4.** G.S. 20-138.3(d) reads as rewritten:

22 "(d) Limited Driving Privilege. – A person who is convicted of violating subsection (a)
23 of this section and whose drivers license is revoked solely based on that conviction may apply
24 for a limited driving privilege as provided in G.S. 20-179.3. This subsection shall apply only if
25 ~~the person meets both~~ all of the following requirements: requirements are met:

- 26 (1) ~~Is~~ The person was 18, 19, or 20 years old on the date of the offense.
27 (2) ~~Has~~ The person has not previously been convicted of a violation of this
28 section.
29 (3) The limited driving privilege issued has an ignition interlock requirement
30 including all of the following:
31 a. A restriction that the applicant may operate only a designated motor
32 vehicle.
33 b. A requirement that the designated motor vehicle be equipped with a
34 functioning ignition interlock system of a type approved by the
35 Commissioner, which is set to prohibit driving with an alcohol
36 concentration of greater than 0.00.
37 c. A requirement that the applicant personally activate the ignition
38 interlock system before driving the motor vehicle.

39 The judge may issue the limited driving privilege only if the person meets the eligibility
40 requirements of G.S. 20-179.3, other than the requirement in G.S. 20-179.3(b)(1)c.
41 G.S. 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in
42 G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the issuance of a
43 limited driving privilege to a person who is convicted of violating subsection (a) of this section
44 and of driving while impaired as a result of the same transaction."

45 **SECTION 5.** G.S. 20-179.3(b) reads as rewritten:

46 "(b) Eligibility. –

- 47 (1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is
48 eligible for a limited driving privilege if:
49 a. At the time of the offense he held either a valid driver's license or a
50 license that had been expired for less than one ~~year;~~ year.

- 1 b. At the time of the offense he had not within the preceding seven
2 years been convicted of an offense involving impaired
3 ~~driving; driving.~~
4 c. Punishment Level Three, Four, or Five was imposed for the offense
5 of impaired ~~driving; driving.~~
6 d. Subsequent to the offense he has not been convicted of, or had an
7 unresolved charge lodged against him for, an offense involving
8 impaired ~~driving; and driving.~~
9 e. The person has obtained and filed with the court a substance abuse
10 assessment of the type required by G.S. 20-17.6 for the restoration of
11 a drivers license.
12 f. The limited driving privilege issued has an ignition interlock
13 requirement, including all of the following:
14 1. A restriction that the applicant may operate only a designated
15 motor vehicle.
16 2. A requirement that the designated motor vehicle be equipped
17 with a functioning ignition interlock system of a type
18 approved by the Commissioner, which is set to prohibit
19 driving with an alcohol concentration of greater than 0.00.
20 3. A requirement that the applicant personally activate the
21 ignition interlock system before driving the motor vehicle.

22 A person whose North Carolina driver's license is revoked because of a
23 conviction in another jurisdiction substantially similar to impaired driving
24 under G.S. 20-138.1 is eligible for a limited driving privilege if he would be
25 eligible for it had the conviction occurred in North Carolina. Eligibility for a
26 limited driving privilege following a revocation under G.S. 20-16.2(d) is
27 governed by G.S. 20-16.2(e1).

- 28 (2) Any person whose licensing privileges are forfeited pursuant to
29 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds
30 that at the time of the forfeiture, the person held either a valid drivers license
31 or a drivers license that had been expired for less than one year and
32 a. The person is supporting existing dependents or must have a drivers
33 license to be gainfully employed; or
34 b. The person has an existing dependent who requires serious medical
35 treatment and the defendant is the only person able to provide
36 transportation to the dependent to the health care facility where the
37 dependent can receive the needed medical treatment.

38 The limited driving privilege granted under this subdivision must restrict the
39 person to essential driving related to the purposes listed above, and any
40 driving that is not related to those purposes is unlawful even though done at
41 times and upon routes that may be authorized by the privilege."

42 **SECTION 6.** G.S. 20-179.3(g5) is repealed.

43 **SECTION 7.** Article 3 of Chapter 20 of the General Statutes is amended by adding
44 a new section to read:

45 "§ 20-179.5. Ignition interlock; administrative fee and costs for installation and
46 monitoring; Ignition Interlock Device Fund.

47 (a) The costs incurred in order to comply with the ignition interlock requirements
48 imposed by the court pursuant to this Article, including costs for installation and monitoring of
49 the ignition interlock system, shall be paid by the person ordered to install the system. The
50 person also shall pay an ignition interlock administrative fee, in an amount which shall be
51 determined by the Division and which shall be not less than thirty dollars (\$30.00) nor more

1 than sixty dollars (\$60.00). The administrative fee shall be collected at the time of installation
2 by the vendor installing the ignition interlock system. Costs for installation and monitoring of
3 the ignition interlock system shall be collected under terms agreed upon by the vendor and the
4 person required to install the ignition interlock system.

5 (b) The vendor shall remit fees collected pursuant to subsection (a) of this section to the
6 Division on a quarterly basis. Fifty percent (50%) of the fees collected shall be used to pay
7 costs incurred by the Division in administering the interlock program; the remaining fifty
8 percent (50%) of the fees shall be deposited in the Ignition Interlock Device Fund.

9 (c) There is created in the Department of Transportation the Ignition Interlock Device
10 Fund to be used for the purpose of installing and removing the ignition interlock systems of
11 persons deemed by the court to be indigent. If the court determines that the convicted person is
12 unable to pay for the installation of an ignition interlock system, the court may order that the
13 Division pay the cost of installation out of the Ignition Interlock Device Fund, provided the
14 person agrees to pay the required costs for monitoring the system."

15 **SECTION 8.** This act becomes effective December 1, 2013, and applies to
16 offenses committed on or after that date.