

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

FILED SENATE  
Mar 25, 2015  
S.B. 470  
PRINCIPAL CLERK

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SENATE DRS15186-MLF-173 (03/13)

Short Title: Ignition Interlock Req'd/All DWIs.

(Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PERSONS CONVICTED OF DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, AND CERTAIN PERSONS WHO REFUSE A CHEMICAL ANALYSIS OR ARE CONVICTED OF DRIVING WHILE IMPAIRED OR ANY OTHER IMPAIRED DRIVING OFFENSE, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; TO REMOVE THE WAITING PERIOD BEFORE A PERSON MAY APPLY FOR 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~~0.08 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



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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(d) reads as rewritten:

4 "(d) Consequences of Refusal; Right to Hearing before Division; Issues. – Upon receipt  
5 of a properly executed affidavit required by subsection (c1), the Division shall expeditiously  
6 notify the person charged that the person's license to drive is revoked for 12 months, effective  
7 on the tenth calendar day after the mailing of the revocation order unless, before the effective  
8 date of the order, the person requests in writing a hearing before the ~~Division~~Division or  
9 applies for limited driving privileges pursuant to subsection (e1) of this section. A person who  
10 chooses to apply for limited driving privileges pursuant to subsection (e1) of this section  
11 instead of requesting a hearing before the Division waives his or her right to a hearing before  
12 the Division. Except for the time referred to in G.S. 20-16.5, if the person requests in writing a  
13 hearing before the Division and shows to the satisfaction of the Division that his or her license  
14 was surrendered to the court, and remained in the court's possession, then the Division shall  
15 credit the amount of time for which the license was in the possession of the court against the  
16 12-month revocation period required by this subsection. If the person properly requests a  
17 hearing, hearing or applies for limited driving privileges pursuant to subsection (e1) of this  
18 section before the effective date of the order, the person retains his or her license, unless it is  
19 revoked under some other provision of law, until the hearing is held, the person withdraws the  
20 request, or the person fails to appear at a scheduled hearing, hearing, or the person withdraws  
21 his or her application for limited driving privileges. The hearing officer may subpoena any  
22 witnesses or documents that the hearing officer deems necessary. The person may request the  
23 hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the  
24 hearing if the person makes the request in writing at least three days before the hearing. The  
25 person may subpoena any other witness whom the person deems necessary, and the provisions  
26 of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the  
27 authority of this section. The hearing officer is authorized to administer oaths to witnesses  
28 appearing at the hearing. The hearing shall be conducted in the county where the charge was  
29 brought, and shall be limited to consideration of whether:

- 30 (1) The person was charged with an implied-consent offense or the driver had an  
31 alcohol concentration restriction on the drivers license pursuant to  
32 G.S. 20-19;
- 33 (2) A law enforcement officer had reasonable grounds to believe that the person  
34 had committed an implied-consent offense or violated the alcohol  
35 concentration restriction on the drivers license;
- 36 (3) The implied-consent offense charged involved death or critical injury to  
37 another person, if this allegation is in the affidavit;
- 38 (4) The person was notified of the person's rights as required by subsection (a);  
39 and
- 40 (5) The person willfully refused to submit to a chemical analysis.

41 If the Division finds that the conditions specified in this subsection are met, it shall order the  
42 revocation sustained. If the Division finds that any of the conditions (1), (2), (4), or (5) is not  
43 met, it shall rescind the revocation. If it finds that condition (3) is alleged in the affidavit but is  
44 not met, it shall order the revocation sustained if that is the only condition that is not met; in  
45 this instance subsection (d1) does not apply to that revocation. If the revocation is sustained,  
46 the person shall surrender his or her license immediately upon notification by the Division."

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

48 "(e1) Limited Driving Privilege ~~after Six Months~~ in Certain Instances. – A person whose  
49 driver's license has been revoked under this section may apply for and a judge authorized to do  
50 so by this subsection may issue a limited driving privilege ~~if~~ if all of the following  
51 requirements are met:

- 1 (1) At the time of the refusal the person held either a valid drivers license or a  
 2 license that had been expired for less than one ~~year;~~year.  
 3 ~~(2) At the time of the refusal, the person had not within the preceding seven~~  
 4 ~~years been convicted of an offense involving impaired driving;~~  
 5 ~~(3) At the time of the refusal, the person had not in the preceding seven years~~  
 6 ~~willfully refused to submit to a chemical analysis under this section;~~  
 7 (4) The implied consent offense charged did not involve death or critical injury  
 8 to another ~~person;~~person.  
 9 (5) The underlying charge for which the defendant was requested to submit to a  
 10 chemical analysis has been finally disposed of:  
 11 a. Other than by conviction; or  
 12 b. By a conviction of impaired driving under G.S. 20-138.1, at a  
 13 punishment level authorizing issuance of a limited driving privilege  
 14 under G.S. 20-179.3(b), and the defendant has complied with at least  
 15 one of the mandatory conditions of probation listed for the  
 16 punishment level under which the defendant was sentenced;  
 17 (6) Subsequent to the refusal the person has had no unresolved pending charges  
 18 for or additional convictions of an offense involving impaired  
 19 ~~driving;~~driving.  
 20 ~~(7) The person's license has been revoked for at least six months for the refusal;~~  
 21 ~~and~~  
 22 (8) The person has obtained a substance abuse assessment from a mental health  
 23 facility and successfully completed any recommended training or treatment  
 24 program.  
 25 (9) All vehicles that the person will be authorized to drive have been equipped  
 26 with a type of ignition interlock system approved by the Commissioner.  
 27 (10) The person applied for limited driving privileges under this subsection  
 28 before the effective date of the revocation order issued pursuant to this  
 29 section.

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

41 **SECTION 4.** G.S. 20-16.5 reads as rewritten:

42 "**§ 20-16.5. Immediate civil license revocation for certain persons charged with**  
 43 **implied-consent offenses.**

44 ...

45 (g) Hearing before Magistrate or Judge if Person Contests Validity of Revocation. – A  
 46 person whose license is revoked under this section may request in writing a hearing to contest  
 47 the validity of the ~~revocation;~~revocation or apply for limited driving privileges pursuant to  
 48 subsection (p) of this section. A person who chooses to apply for limited driving privileges  
 49 pursuant to subsection (p) of this section instead of requesting a hearing under this subsection  
 50 (i) must apply for limited driving privileges within 10 days of the effective date of the  
 51 revocation and (ii) waives his or her right to a hearing under this subsection to contest the

1 validity of the revocation. The request for a hearing to contest the validity of the revocation  
2 may be made at the time of the person's initial appearance, or within 10 days of the effective  
3 date of the revocation to the clerk or a magistrate designated by the clerk, and may specifically  
4 request that the hearing be conducted by a district court judge. The Administrative Office of the  
5 Courts must develop a hearing request form for any person requesting a hearing. Unless a  
6 district court judge is requested, the hearing must be conducted within the county by a  
7 magistrate assigned by the chief district court judge to conduct such hearings. If the person  
8 requests that a district court judge hold the hearing, the hearing must be conducted within the  
9 district court district as defined in G.S. 7A-133 by a district court judge assigned to conduct  
10 such hearings. The revocation remains in effect pending the hearing, but the hearing must be  
11 held within three working days following the request if the hearing is before a magistrate or  
12 within five working days if the hearing is before a district court judge. The request for the  
13 hearing must specify the grounds upon which the validity of the revocation is challenged and  
14 the hearing must be limited to the grounds specified in the request. A witness may submit his  
15 evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies  
16 is subject to questioning by the judicial official conducting the hearing, and the judicial official  
17 may adjourn the hearing to seek additional evidence if he is not satisfied with the accuracy or  
18 completeness of evidence. The person contesting the validity of the revocation may, but is not  
19 required to, testify in his own behalf. Unless contested by the person requesting the hearing, the  
20 judicial official may accept as true any matter stated in the revocation report. If any relevant  
21 condition under subsection (b) is contested, the judicial official must find by the greater weight  
22 of the evidence that the condition was met in order to sustain the revocation. At the conclusion  
23 of the hearing the judicial official must enter an order sustaining or rescinding the revocation.  
24 The judicial official's findings are without prejudice to the person contesting the revocation and  
25 to any other potential party as to any other proceedings, civil or criminal, that may involve facts  
26 bearing upon the conditions in subsection (b) considered by the judicial official. The decision  
27 of the judicial official is final and may not be appealed in the General Court of Justice. If the  
28 hearing is not held and completed within three working days of the written request for a hearing  
29 before a magistrate or within five working days of the written request for a hearing before a  
30 district court judge, the judicial official must enter an order rescinding the revocation, unless  
31 the person contesting the revocation contributed to the delay in completing the hearing. If the  
32 person requesting the hearing fails to appear at the hearing or any rescheduling thereof after  
33 having been properly notified, he forfeits his right to a hearing.

34 ...

35 (p) Limited Driving Privilege. – A person whose drivers license has been revoked for a  
36 specified period of 30 or 45 days under this section may apply for a limited driving privilege  
37 if all of the following requirements are met:

- 38 (1) At the time of the alleged offense the person held either a valid drivers  
39 license or a license that had been expired for less than one ~~year;~~year.
- 40 (2) Does not have an unresolved pending charge involving impaired driving  
41 except the charge for which the license is currently revoked under this  
42 section or additional convictions of an offense involving impaired driving  
43 since being charged for the violation for which the license is currently  
44 revoked under this ~~section;~~section.
- 45 ~~(3) The person's license has been revoked for at least 10 days if the revocation is~~  
46 ~~for 30 days or 30 days if the revocation is for 45 days; and~~
- 47 (4) The person has obtained a substance abuse assessment from a mental health  
48 facility and registers for and agrees to participate in any recommended  
49 training or treatment program.
- 50 (5) All vehicles that the person will be authorized to drive have been equipped  
51 with a type of ignition interlock system approved by the Commissioner.

1           (6) The person applied for limited driving privileges under this subsection  
2           within 10 days of the effective date of the revocation order issued pursuant  
3           to this section.

4           A person whose license has been indefinitely revoked under this section may, after  
5 completion of 30 days under subsection (e) or the applicable period of time under subdivision  
6 (1), (2), or (3) of subsection (f), apply for a limited driving privilege. In the case of an indefinite  
7 revocation, a judge of the division in which the current offense is pending may issue the limited  
8 driving privilege only if ~~the privilege is necessary to overcome undue hardship and~~ the person  
9 meets the eligibility requirements of G.S. 20-179.3, except that the requirements in  
10 G.S. 20-179.3(b)(1)c. and G.S. 20-179.3(e) shall not apply. Except as modified in this  
11 subsection, the provisions of G.S. 20-179.3 relating to the procedure for application and  
12 conduct of the hearing and the restrictions required or authorized to be included in the limited  
13 driving privilege apply to applications under this subsection. Any district court judge  
14 authorized to hold court in the judicial district is authorized to issue such a limited driving  
15 privilege. A limited driving privilege issued under this section authorizes a person to drive if  
16 the person's license is revoked solely under this section. If the person's license is revoked for  
17 any other reason, the limited driving privilege is invalid."

18           **SECTION 5.** G.S. 20-17.8 reads as rewritten:

19 **"§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**  
20 **ignition interlock.**

21           (a) Scope. – This section applies to a person whose license was revoked as a result of a  
22 conviction of driving while impaired, G.S. 20-138.1, and:

- 23           (1) The person had an alcohol concentration of ~~0.15 or more;~~ 0.08 or more or  
24           refused to submit to a chemical analysis;  
25           (2) The person has been convicted of another offense involving impaired  
26 driving, which offense occurred within seven years immediately preceding  
27 the date of the offense for which the person's license has been revoked; or  
28           (3) The person was sentenced pursuant to G.S. 20-179(f3).

29           For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as  
30 shown by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the  
31 Division to determine that person's alcohol concentration.

32           (a1) Additional Scope. – This section applies to a person whose license was revoked as a  
33 result of a conviction of habitual impaired driving, G.S. 20-138.5.

34           (a2) Under Age 21. – The provisions of this section apply to a person whose license was  
35 revoked as the result of a conviction of driving by a person less than 21 years old after  
36 consuming alcohol pursuant to G.S. 20-138.3.

37           (b) Ignition Interlock Required. – Except as provided in subsection (1) 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  
45 Purchase and Contract in the Department of Administration to ensure that  
46 potential vendors are not discriminated against.  
47           (2) A requirement that the person personally activate the ignition interlock  
48 system before driving the motor vehicle.  
49           (3) An alcohol concentration restriction as follows:

- 1 a. If the ignition interlock system is required pursuant only to  
2 subdivision (a)(1) of this section, a requirement that the person not  
3 drive with an alcohol concentration of ~~0.04~~0.02 or greater;
- 4 b. If the ignition interlock system is required pursuant to subdivision  
5 (a)(2) or (a)(3) of this section, or subsection (a1) of this section, a  
6 requirement that the person not drive with an alcohol concentration  
7 of greater than ~~0.00~~~~;~~~~or~~0.02;
- 8 c. If the ignition interlock system is required pursuant to subdivision  
9 (a)(1) of this section, and the person has also been convicted, based  
10 on the same set of circumstances, of: (i) driving while impaired in a  
11 commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21  
12 years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) a  
13 violation of G.S. 20-141.4, or (iv) manslaughter or negligent  
14 homicide resulting from the operation of a motor vehicle when the  
15 offense involved impaired driving, a requirement that the person not  
16 drive with an alcohol concentration of greater than ~~0.00~~0.02; or
- 17 d. If the ignition interlock system is required pursuant to subsection (a2)  
18 of this section, a requirement that the person not drive with an  
19 alcohol concentration greater than 0.02.

20 ...

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

25 (f) Effect of Violation of Restriction. – A person subject to this section who is  
26 convicted of an offense under G.S. 20-17.8A or violates any of the restrictions of this section  
27 commits the offense of driving while license revoked under G.S. 20-28(a) and is subject to  
28 punishment and license revocation as provided in that section. If a law enforcement officer has  
29 reasonable grounds to believe that a person subject to this section has consumed alcohol while  
30 driving or has driven while he has remaining in his body any alcohol previously consumed, the  
31 suspected offense of driving while license is revoked is an alcohol-related offense subject to the  
32 implied-consent provisions of G.S. 20-16.2. If a person subject to this section is charged with  
33 driving while license revoked by violating a condition of subsection (b) of this section, and a  
34 judicial official determines that there is probable cause for the charge, the person's license is  
35 suspended pending the resolution of the case, and the judicial official must require the person to  
36 surrender the license. The judicial official must also notify the person that he is not entitled to  
37 drive until his case is resolved. An alcohol concentration report from the ignition interlock  
38 system shall not be admissible as evidence of driving while license revoked, nor shall it be  
39 admissible in an administrative revocation proceeding as provided in subsection (g) of this  
40 section, unless the person operated a vehicle when the ignition interlock system indicated an  
41 alcohol concentration in violation of the restriction placed upon the person by subdivision  
42 (b)(3) of this section. If a person subject to this section is charged with driving while license  
43 revoked by violating the requirements of subsection (c1) of this section, and no other violation  
44 of this section is alleged, the court may make a determination at the hearing of the case that the  
45 vehicle, on which the ignition interlock system was not installed, was relied upon by another  
46 member of that person's family for transportation and that the vehicle was not in the possession  
47 of the person subject to this section, and therefore the vehicle was not required to be equipped  
48 with a functioning ignition interlock system. If the court determines that the vehicle was not  
49 required to be equipped with a functioning ignition interlock system and the person subject to  
50 this section has committed no other violation of this section, the court shall find the person not  
51 guilty of driving while license revoked.

1 (g) Effect of Violation of Restriction When Driving While License Revoked Not  
2 Charged. – A person subject to this section who is convicted of an offense under G.S. 20-17.8A  
3 or violates any of the restrictions of this section, but is not charged or convicted of driving  
4 while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked by the  
5 Division for a period of one year.

6 ...

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

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

26 (2) The person:

27 a. Was driving a vehicle that was not equipped with a functioning  
28 ignition interlock ~~system; or system;~~

29 b. Did not personally activate the ignition interlock system before  
30 driving the ~~vehicle; or vehicle;~~

31 c. Drove the vehicle in violation of an applicable alcohol concentration  
32 restriction prescribed by subdivision (b)(3) of this ~~section; section; or~~

33 d. Was convicted of an offense under G.S. 20-17.8A.

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

41 ...."

42 **SECTION 6.** G.S. 20-138.3(d) is amended by adding a new subdivision to read:

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

47 (1) Is 18, 19, or 20 years old on the date of the offense.

48 (2) Has not previously been convicted of a violation of this section.

49 (3) Has equipped all vehicles to be operated under a limited driving privilege  
50 with approved ignition interlock systems.

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

7 **SECTION 7.** G.S. 20-179.3(b) reads as rewritten:

8 "(b) Eligibility. –

9 (1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is  
10 eligible for a limited driving privilege if:

11 a. At the time of the offense he held either a valid driver's license or a  
12 license that had been expired for less than one ~~year~~; year.

13 b. At the time of the offense he had not within the preceding seven  
14 years been convicted of an offense involving impaired  
15 ~~driving~~; driving.

16 c. Punishment Level Three, Four, or Five was imposed for the offense  
17 of impaired ~~driving~~; driving.

18 d. Subsequent to the offense he has not been convicted of, or had an  
19 unresolved charge lodged against him for, an offense involving  
20 impaired ~~driving~~; and driving.

21 e. The person has obtained and filed with the court a substance abuse  
22 assessment of the type required by G.S. 20-17.6 for the restoration of  
23 a drivers license.

24 f. The person has installed an approved ignition interlock system on all  
25 vehicles subject to ignition interlock requirements to be operated by  
26 the applicant under a limited driving privilege.

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

33 **SECTION 8.** G.S. 20-179.3(g5) reads as rewritten:

34 "(g5) Ignition Interlock Required. – If a person's drivers license is revoked for a  
35 conviction of G.S. 20-138.1, and the person had an alcohol concentration of ~~0.15~~0.08 or more,  
36 or refused to submit to a chemical analysis, a judge shall include all of the following in a  
37 limited driving privilege order:

38 (1) A restriction that the applicant may operate only a designated motor vehicle.

39 (2) A requirement that the designated motor vehicle be equipped with a  
40 functioning ignition interlock system of a type approved by the  
41 Commissioner, which is set to prohibit driving with an alcohol concentration  
42 of greater than ~~0.00~~0.02. The Commissioner shall not unreasonably  
43 withhold approval of an ignition interlock system and shall consult with the  
44 Division of Purchase and Contract in the Department of Administration to  
45 ensure that potential vendors are not discriminated against.

46 (3) A requirement that the applicant personally activate the ignition interlock  
47 system before driving the motor vehicle.

48 For purposes of this subsection, the results of a chemical analysis presented at trial or  
49 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and  
50 shall not be subject to modification by any party, with or without approval by the court."



1           **SECTION 9.** Article 3 of Chapter 20 of the General Statutes is amended by adding  
2 a new section to read:

3 **"§ 20-179.5. Ignition interlock; administrative fee and costs for installation and**  
4 **monitoring; Ignition Interlock Device Fund.**

5       (a) The costs incurred in order to comply with the ignition interlock requirements  
6 imposed by the court pursuant to this Article, including costs for installation and monitoring of  
7 the ignition interlock system, shall be paid by the person ordered to install the system. The  
8 person also shall pay an ignition interlock administrative fee, in an amount which shall be  
9 determined by the Division and which shall be not less than thirty dollars (\$30.00) nor more  
10 than sixty dollars (\$60.00). The administrative fee shall be collected at the time of installation  
11 by the vendor installing the ignition interlock system. Costs for installation and monitoring of  
12 the ignition interlock system shall be collected under terms agreed upon by the vendor and the  
13 person required to install the ignition interlock system.

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

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

24       **SECTION 10.** This act becomes effective December 1, 2015, and applies to  
25 offenses committed on or after that date.