

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

3

HOUSE BILL 926  
Committee Substitute Favorable 4/28/09  
Committee Substitute #2 Favorable 8/6/09

Short Title: Continuous Alcohol Monitoring Systems.

(Public)

Sponsors:

Referred to:

April 1, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS  
3 TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS  
4 LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE  
5 PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING  
6 TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING  
7 SYSTEMS AS EVIDENCE.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 20-19(d)(2) reads as rewritten:

10 "(d) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has  
11 another offense involving impaired driving for which he has been convicted, which offense  
12 occurred within three years immediately preceding the date of the offense for which his license  
13 is being revoked, or (ii) G.S. 20-17(a)(9) due to a violation of G.S. 20-141.4(a3), the period of  
14 revocation is four years, and this period may be reduced only as provided in this section. The  
15 Division may conditionally restore the person's license after it has been revoked for at least two  
16 years under this subsection if he provides the Division with satisfactory proof that:

17 (1) He has not in the period of revocation been convicted in North Carolina or  
18 any other state or federal jurisdiction of a motor vehicle offense, an alcoholic  
19 beverage control law offense, a drug law offense, or any other criminal  
20 offense involving the possession or consumption of alcohol or drugs; and

21 (2) He is not currently an excessive user of alcohol, drugs, or prescription drugs,  
22 or unlawfully using any controlled substance. The person may voluntarily  
23 submit themselves to continuous alcohol monitoring for the purpose of  
24 proving abstinence from alcohol consumption during a period of revocation  
25 immediately prior to the restoration consideration.

26 a. Monitoring periods of 120 days or longer shall be accepted by the  
27 Division as evidence of abstinence if the Division receives sufficient  
28 documentation that reflects that the person abstained from alcohol  
29 use during the monitoring period.

30 b. The continuous alcohol monitoring system shall be a system  
31 approved under G.S. 15A-1343.3.

32 c. The Division may establish guidelines for the acceptance of evidence  
33 of abstinence under this subdivision.

34 If the Division restores the person's license, it may place reasonable conditions or restrictions  
35 on the person for the duration of the original revocation period."

36 SECTION 2. G.S. 20-19(e1)(2) reads as rewritten:



1       "(e1) Notwithstanding subsection (e) of this section, the Division may conditionally  
2 restore the license of a person to whom subsection (e) applies after it has been revoked for at  
3 least three years under subsection (e) if the person provides the Division with satisfactory proof  
4 of all of the following:

5           (1) In the three years immediately preceding the person's application for a  
6 restored license, the person has not been convicted in North Carolina or in  
7 any other state or federal court of a motor vehicle offense, an alcohol  
8 beverage control law offense, a drug law offense, or any criminal offense  
9 involving the consumption of alcohol or drugs.

10          (2) The person is not currently an excessive user of alcohol, drugs, or  
11 prescription drugs, or unlawfully using any controlled substance. The person  
12 may voluntarily submit themselves to continuous alcohol monitoring for the  
13 purpose of proving abstinence from alcohol consumption during a period of  
14 revocation immediately prior to the restoration consideration.

15           a. Monitoring periods of 120 days or longer shall be accepted by the  
16 Division as evidence of abstinence if the Division receives sufficient  
17 documentation that reflects that the person abstained from alcohol  
18 use during the monitoring period.

19           b. The continuous alcohol monitoring system shall be a system  
20 approved under G.S. 15A-1343.3.

21           c. The Division may establish guidelines for the acceptance of evidence  
22 of abstinence under this subdivision."

23       **SECTION 3.** Of the funds appropriated to the Division of Motor Vehicles of the  
24 Department of Transportation for the 2009-2010 fiscal year, up to the sum of ten thousand  
25 dollars (\$10,000) may be expended for the development and promulgation of guidelines to  
26 implement this act.

27       **SECTION 4.** Section 3 of this act becomes effective July 1, 2009. Section 4 of this  
28 act is effective when it becomes law, and the remainder of this act is effective for hearings or  
29 proceedings occurring on or after December 1, 2009.