

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 298

Short Title: 0.00 Alcohol Restriction - All DWI. (Public)

Sponsors: Representatives Jackson, Conrad, Adcock, and Warren (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary II, if favorable, Appropriations

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A 0.00 ALCOHOL CONCENTRATION RESTRICTION ON ALL RESTORATION OF LICENSES REVOKED FOR AN IMPAIRED DRIVING OFFENSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-17.8(b) reads as rewritten:

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

- (1) A restriction that the person may operate only a vehicle that is equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against.
- (2) A requirement that the person personally activate the ignition interlock system before driving the motor vehicle.
- (3) An alcohol concentration restriction as follows:
 - a. If the ignition interlock system is required pursuant only to subdivision (a)(1) of this section, a requirement that the person not drive with an alcohol concentration of ~~0.04 or greater~~; greater than 0.00;
 - b. If the ignition interlock system is required pursuant to subdivision (a)(2) or (a)(3) of this section, 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 subdivision (a)(1) of this section, and the person has also been convicted, based on the same set of circumstances, of: (i) driving while impaired in a commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) a violation of G.S. 20-141.4, or (iv) 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."

SECTION 2. G.S. 20-19(c3) reads as rewritten:



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1 "(c3) Restriction; Revocations. – When the Division restores a person's drivers license which
2 was revoked pursuant to G.S. 20-13.2(a), G.S. 20-23 when the offense involved impaired driving,
3 G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision (1) or (9) of G.S. 20-17(a) when the
4 offense involved impaired driving, or this subsection, in addition to any other restriction or
5 condition, it shall place the applicable restriction on the person's drivers license as follows:

- 6 (1) For the first restoration of a drivers license for a person convicted of driving
7 while impaired, G.S. 20-138.1, or a drivers license revoked pursuant to
8 G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license was
9 revoked prohibits substantially similar conduct which if committed in this State
10 would result in a conviction of driving while impaired under G.S. 20-138.1, that
11 the person not operate a vehicle with an alcohol concentration of ~~0.04 or more~~
12 greater than 0.00 at any relevant time after the driving;
- 13 (2) For the second or subsequent restoration of a drivers license for a person
14 convicted of driving while impaired, G.S. 20-138.1, or a drivers license revoked
15 pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's
16 license was revoked prohibits substantially similar conduct which if committed
17 in this State would result in a conviction of driving while impaired under
18 G.S. 20-138.1, that the person not operate a vehicle with an alcohol
19 concentration greater than 0.00 at any relevant time after the driving;
- 20 (3) For any restoration of a drivers license for a person convicted of driving while
21 impaired in a commercial motor vehicle, G.S. 20-138.2, driving while less than
22 21 years old after consuming alcohol or drugs, G.S. 20-138.3, felony death by
23 vehicle, G.S. 20-141.4(a1), manslaughter or negligent homicide resulting from
24 the operation of a motor vehicle when the offense involved impaired driving, or
25 a revocation under this subsection, that the person not operate a vehicle with an
26 alcohol concentration of greater than 0.00 at any relevant time after the driving;
- 27 (4) For any restoration of a drivers license revoked pursuant to G.S. 20-23 or
28 G.S. 20-23.2 when the offense for which the person's license was revoked
29 prohibits substantially similar conduct which if committed in this State would
30 result in a conviction of driving while impaired in a commercial motor vehicle,
31 G.S. 20-138.2, driving while less than 21 years old after consuming alcohol or
32 drugs, G.S. 20-138.3, a violation of G.S. 20-141.4, or manslaughter or negligent
33 homicide resulting from the operation of a motor vehicle when the offense
34 involved impaired driving, that the person not operate vehicle with an alcohol
35 concentration of greater than 0.00 at any relevant time after the driving.

36 In addition, the person seeking restoration of a license must agree to submit to a chemical
37 analysis in accordance with G.S. 20-16.2 at the request of a law enforcement officer who has
38 reasonable grounds to believe the person is operating a motor vehicle on a highway or public
39 vehicular area in violation of the restriction specified in this subsection. The person must also
40 agree that, when requested by a law enforcement officer, the person will agree to be transported by
41 the law enforcement officer to the place where chemical analysis is to be administered.

42 The restrictions placed on a license under this subsection shall be in effect (i) seven years from
43 the date of restoration if the person's license was permanently revoked, (ii) until the person's
44 twenty-first birthday if the revocation was for a conviction under G.S. 20-138.3, and (iii) three
45 years in all other cases.

46 A law enforcement officer who has reasonable grounds to believe that a person has violated a
47 restriction placed on the person's drivers license shall complete an affidavit pursuant to
48 G.S. 20-16.2(c1). On the basis of information reported pursuant to G.S. 20-16.2, the Division shall
49 revoke the drivers license of any person who violates a condition of reinstatement imposed under
50 this subsection. An alcohol concentration report from an ignition interlock system shall not be
51 used as the basis for revocation under this subsection. A violation of a restriction imposed under

1 this subsection or the willful refusal to submit to a chemical analysis shall result in a one-year
2 revocation. If the period of revocation was imposed pursuant to subsection (d) or (e), any
3 remaining period of the original revocation, prior to its reduction, shall be reinstated and the
4 one-year revocation begins after all other periods of revocation have terminated."

5 **SECTION 3.** This act becomes effective July 1, 2017, and applies to offenses
6 committed on or after that date.