

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 298

SHORT TITLE: Governor's Task Force on DWI/AB

SPONSOR(S): Senator Odom

FISCAL IMPACT:

Expenditures:	Increase ()	Decrease ()
Revenues:	Increase ()	Decrease ()
No Impact (X)		

FUNDS AFFECTED:

General Fund ()	Highway Fund ()
Local Fund ()	Other Fund ()

BILL SUMMARY: "TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED." Identical to original H 353. Makes following changes regarding impaired driving offenses: (1) Amends GS 20-179.3, regarding limited driving privileges, to (a) authorize judge, when granting limited driving privilege, to require defendant to drive a motor vehicle equipped with an ignition interlock system that must be activated before driving the vehicle, and (b) require defendant to obtain a substance abuse assessment before being eligible for a privilege. (2) Amends GS 20-13.2 to provide that person under the age of 21 (now, 18) who is convicted of an impaired driving offense or who fails to submit to chemical analysis must have his license revoked, and provides that revocation period for person who is 19 or 20 is for the longer of 45 days or the number of days from the date of the charge until the person's 21st birthday. (3) Amends GS 20-138.3 to make it unlawful for person under the age of 21 (now, 18) to drive a motor vehicle after consuming any alcohol or drugs. (4) Amends GS 20-16.2 (a) to clarify that charging officer or arresting officer may give test and rights required by statute regardless of type of chemical analysis designated. (5) Adds GS 20-138.7 creating a new Class 3 misdemeanor that prohibits person from driving a motor vehicle on a highway or public vehicular area while there is an alcoholic beverage other than in the unopened manufacturer's original container in the passenger area and while the driver has alcohol in his body. Provides that this offense is subject to implied-consent law, is an offense involving impaired driving, and conviction results in an automatic license revocation. Repeals provisions in GS 18B-401 dealing with transportation of opened alcoholic beverages. (6) Amends GS 20-16.2 to (a) increase from 10 to 30 days the length of the immediate civil license revocation if the test reveals an alcohol concentration of 0.08 or more or if the person refuses a breathalyzer test, and (b) increase from 30 to 90 days the length of revocation when the person does not surrender license within 5

days of order to surrender. (7) Amends GS 15A-401(b) to add impaired driving offenses to those offenses for which a law enforcement officer may arrest without a warrant when the officer has probable cause to believe the person to be arrested committed the offense. (8) Amends GS 20-179 to provide that for purposes of DWI sentencing, driving with an alcohol concentration of 0.16 (now, 0.20) or more is an aggravating factor and driving with alcohol concentration that did not exceed 0.09 (now, 0.11) is a mitigating factor. (9) Lowers from 0.15 to 0.13 the minimum blood alcohol concentration level at which court can order participation in treatment program of longer than 90 days. (10) Amends GS 75A-10 to lower blood alcohol limit for operating a motor boat after having consumed alcohol from 0.10 to 0.08.

EFFECTIVE DATE: Provision (4) effective on ratification. Remaining provisions effective October 1, 1995 and apply to offenses committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch; Department of Motor Vehicles; Department of Human Resources

FISCAL IMPACT

	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99	
	<u>FY</u> 99-00				
EXPENDITURES					RECURRING
NON-RECURRING					NO FISCAL IMPACT

REVENUES (see page 4 for information on federal funds)

The proposed legislation includes several changes to existing impaired driving laws. Many of the changes would affect those who would have already been charged with Driving While Impaired. Tacking on additional charges or requiring longer periods of revocation may increase the complexity in some cases, but overall, there would probably not be a substantial amount of additional work or related increases in costs for the Judicial Branch, the Department of Motor Vehicles, or the Department of Human Resources.

ASSUMPTIONS AND METHODOLOGY: Department of Motor Vehicles

Under the proposed legislation, judges would be allowed to order an ignition interlock system installed on any vehicle driven as a condition of a limited driving privilege in order to prevent driving after drinking. Ignition interlock systems are already used in some situations. The defendant must pay to have the

ignition interlock system installed (\$70), and a monthly equipment rental fee (\$50/month).

Under the proposed legislation, the license revocation periods would be increased. The Department of Motor Vehicles anticipates that the individuals that would be affected by the related sections of the proposed bill would have already been charged with DWI. Thus, this bill is not increasing the number of license revocations, but rather increasing the duration of each revocation.

ASSUMPTIONS AND METHODOLOGY: Department of Human Resources

The proposed legislation would require all persons convicted of Driving While Impaired to obtain a substance abuse assessment prior to being granted a limited driving privilege. Current law allows for a \$50 fee per Substance Abuse Assessment as a condition of receipt of a limited driving privilege. The fee is paid by the applicant.

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

The Administrative Office of the Courts believes that the Judicial Branch can absorb the increase in workload that may result from the proposed legislation. The proposed bill increases the penalties associated with drinking and driving. However, it is not expected that the number of individuals picked up for this offense would increase as a result of this bill. Rather, the individuals that would have already been charged with Driving While Impaired would be affected by the stricter guidelines set forth in the proposed legislation.

ADDITIONAL INFORMATION REGARDING FEDERAL FUNDS

The proposed legislation contains two sections that could potentially provide North Carolina with additional Governor's Highway Safety Program funds. These two sections are: (1) zero tolerance for those under the age of 21; and (2) open container and anti-consumption of any alcoholic beverage in the passenger area of any motor vehicle (with certain exceptions). These funds would be allotted to the Governor's Highway Safety Fund for enforcement activities, public education and equipment. If the proposed legislation is passed with an effective legislation date prior to September 30, 1995, an additional \$343,924 in Section 410 moneys (Alcohol Incentive Grant moneys) would be available to North Carolina.

SOURCES OF DATA: Administrative Office of the Courts; Department of Motor Vehicles; Department of Human Resources

TECHNICAL CONSIDERATIONS: None

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