

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH30249-MAF-196A (03/08)

Short Title: Ignition Interlock Systems/Record Checks. (Public)

Sponsors: Representatives McComas and Carney (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE TAMPERING WITH AN IGNITION INTERLOCK SYSTEM AN UNLAWFUL ACT AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CONDUCT BACKGROUND INVESTIGATIONS ON EVERY PERSON APPLYING FOR A DEALER'S LICENSE, MECHANIC'S LICENSE, OR ANY OTHER LICENSE ISSUED BY THE DIVISION EXCEPT FOR A DRIVERS LICENSE.

The General Assembly of North Carolina enacts:

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

"§ 20-17.8A. Tampering with ignition interlock systems.

Any person who tampers with, circumvents, or attempts to circumvent an ignition interlock device required to be installed on a motor vehicle pursuant to judicial order, statute, or as may be otherwise required as a condition for an individual to operate a motor vehicle, for the purpose of avoiding or altering testing on the ignition interlock device in the operation or attempted operation of a vehicle, or altering the testing results received or results in the process of being received on the ignition interlock device, is guilty of a Class 1 misdemeanor. Each act of tampering, circumvention, or attempted circumvention under this statute shall constitute a separate violation."

SECTION 2. Article 4 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-19.31. Criminal history record checks of applicants for a dealer's license, a mechanic's license, and all other licenses issued by the Division of Motor Vehicles.

The Department of Justice may provide to the Division of Motor Vehicles, from the State and National Repositories of Criminal Histories, the criminal history record of any applicant for licensure under Chapter 20 of the General Statutes, including, but not limited to, a dealer's license, mechanic's inspection license, or station inspection license, as dictated by the licensing guidelines for each application under Chapter 20 of the General Statutes. The provisions of this section shall not apply to an applicant for a drivers license. Along with the request, the Division shall provide to the Department of Justice the fingerprints of the applicant, a form signed by the applicant consenting to the criminal history record check and use of fingerprints, and other identifying information required by the State and National Repositories, and any additional information required by the Department of Justice. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal



1 Bureau of Investigation for a national criminal history record check. The Division shall keep all
2 information obtained pursuant to this section confidential. The Department of Justice may
3 charge a fee to offset the cost incurred by it to conduct a criminal history record check under
4 this section. The fee shall not exceed the actual cost of locating, editing, researching, and
5 retrieving the information. Fees and other costs incurred by the Division under this statute may
6 be charged to the applicant."

7 **SECTION 3.** This act becomes effective December 1, 2011, and applies to
8 offenses committed and dealer licenses, mechanic inspection licenses, and all other licenses
9 issued by the Division of Motor Vehicles on or after that date. Prosecutions for offenses
10 committed before the effective date of this act are not abated or affected by this act, and the
11 statutes that would be applicable but for this act remain applicable to those prosecutions.