

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2011

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HOUSE BILL 761

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

Sponsors: Representatives McComas and Carney (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B, if favorable, Finance.

April 7, 2011

1 **A BILL TO BE ENTITLED**

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

7 The General Assembly of North Carolina enacts:

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

10 **"§ 20-17.8A. Tampering with ignition interlock systems.**

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

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

21 **"§ 114-19.31. Criminal history record checks of applicants for a dealer's license, a**
22 **mechanic's license, and all other licenses issued by the Division of Motor**
23 **Vehicles.**

24 The Department of Justice may provide to the Division of Motor Vehicles, from the State
25 and National Repositories of Criminal Histories, the criminal history record of any applicant for
26 licensure under Chapter 20 of the General Statutes, including, but not limited to, a dealer's
27 license, mechanic's inspection license, or station inspection license, as dictated by the licensing
28 guidelines for each application under Chapter 20 of the General Statutes. The provisions of this
29 section shall not apply to an applicant for a drivers license. Along with the request, the Division
30 shall provide to the Department of Justice the fingerprints of the applicant, a form signed by the
31 applicant consenting to the criminal history record check and use of fingerprints, and other
32 identifying information required by the State and National Repositories, and any additional
33 information required by the Department of Justice. The applicant's fingerprints shall be
34 forwarded to the State Bureau of Investigation for a search of the State's criminal history record
35 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.