

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

**Legislative Fiscal Note
REVISED**

BILL NUMBER: House Bill 615 (Third Edition)

SHORT TITLE: Remove Revocation for DWLR.

SPONSOR(S): Representatives Ramsey, Baskerville, and Turner

FISCAL IMPACT					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Highway Fund Revenues:	No significant impact. See Assumptions and Methodology section.				
Highway Fund Expenditures:	217,880				
State Positions:					
NET STATE IMPACT	See Assumptions and Methodology section.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Department of Transportation, Division of Motor Vehicles; Administrative Office of the Courts					
EFFECTIVE DATE: June 1, 2014					
TECHNICAL CONSIDERATIONS:					
None					

BILL SUMMARY:

HB 615 repeals the additional license revocation requirements upon conviction of the offense of driving while license revoked (DWLR), except for offenses in which the underlying revocation is for an impaired-driving conviction or violation of ignition interlock and limited driving privilege restrictions.

Section 1 amends existing G.S. 20-28(a) to maintain that if the person’s driving privilege is revoked for (i) an impaired driving offense, (ii) violating a limited driving privilege, or (iii) violating a restriction relating to the installation or use of an ignition interlock, upon conviction of the driving while license revoked violation, the person’s license shall be revoked for an additional year for the first offense, two years for the second offense, and permanently for a third or subsequent offense, consistent with current law. However, Section 1 removes the additional revocation requirement for a driving while license revoked offense which is not associated with an underlying revocation for these aforementioned offenses.

Section 2 amends G.S. 20-28.1(a) to specify that the following violations do not constitute motor vehicle moving offenses which require additional revocation if committed while a person's driving privilege is revoked or suspended:

- driving while license revoked, except those offenses which require additional revocation periods per Section 1;
- driving without reclaiming a license; and,
- driving without a regular driver license.

Section 3 makes conforming and other changes to limited driving privilege eligibility.

HB 615 becomes effective June 1, 2014, and applies to offenses committed on or after that date.

ASSUMPTIONS AND METHODOLOGY:

NOTE: This section has been revised to clarify that HB 615 would not alter revocation requirements for moving violations other than Driving While License Revoked or No Operators License which are committed during a period of revocation or suspension of a person's driving privilege.

Division of Motor Vehicles

HB 615 removes the requirement that the Division of Motor Vehicles (DMV) assess an additional revocation period following conviction of a Driving While License Revoked (DWLR) offense. However, pursuant to G.S. 20-28.1(a), assessment of an additional revocation period is still mandatory following conviction of a moving violation that is committed during a period of suspension or revocation. Additionally, HB 615 does not alter current requirements for subsequent revocation periods following DWLR offenses committed during a period of revocation for an underlying impaired driving offense.

Requested queries of the State Automated Driver License System (SADLS) for convictions occurring during calendar year 2012 indicate a total of 23,635 convictions of DWLR offenses which resulted in 1st, 2nd, or 3rd revocation periods *and* which were not associated with an underlying offense involving impaired driving. Conversely, a total of 20,878 DWLR and moving violation convictions were directly associated with an underlying offense of impaired driving.¹

Because restoration fees (G.S. 20-7(i1)) apply to license reinstatement and do not accumulate based on multiple revocations, Fiscal Research does not anticipate a significant impact on restoration fee collections. However, refunds are not currently issued for cases in which a person has paid the base \$50.00 restoration fee prior to the underlying license reinstatement date and subsequently commits a DWLR offense before reinstatement. Consequently, another \$50.00 restoration fee is then payable for license reinstatement. Similarly, restoration fees are assessed for reinstatement of driving privileges for out-of-state drivers in which a DWLR offense is committed during operation within the State. Therefore, repeal of the additional revocation periods may result

¹ The type of underlying suspension could not be directly attributed for a total of 10,856 reported convictions over the same period.

in reduced restoration fees; however, any resultant revenue impacts are expected to be insignificant.

While the number of hearings attributable to DWLR convictions following offenses not involving impaired driving is unknown, a reduction in requested hearings is anticipated due to the repeal of the additional revocation requirements. Accordingly, workload reductions are expected for the 37 Hearings Officers responsible for conducting DWLR/Moving Violation hearings. However, based on current reported caseloads (150 cases for 1st offender DWLR/Moving Violation and 561 multiple DWLR/Moving Violation), direct reductions in personnel requirements are not anticipated.

Department of Transportation, Information Technology Section

According to the Department of Transportation, Information Technology Section (DOT-IT), the following modifications to the State Automated Driver License System (SADLS) are required:

- Creation of a new driving while license revoked (DWLR) adjudication process which accounts for conviction, suspension, limited driving privilege, and ignition interlock histories to determine the application of a DWLR revocation/suspension. New codes table groups are required to track conviction codes and suspension event identifiers.
- Programming for the limited driving privilege eligibility module to check for violations occurring during a limited privilege and convictions under G.S. 20-28.2(a) involving impaired driving.
- Programming for the “Driving No Operators License” adjudication process to repeal the initiation of a suspension.

Because the current Next Generation Secure Driver License System (NGSDLS) project is implementing a graphic user interface of the SADLS mainframe system, code changes to affected mainframe programs and screens must also be applied to the NGSDLS. To accommodate the above modifications, DOT-IT projects a combined total of 1,996 development labor hours at an estimated total cost of \$217,880.

Administrative Office of the Courts

This bill would require AOC to create new offense codes for the specific triggering offense for DWLR so that the DMV will know the length of time to revoke an individual’s driver license. AOC may also need to update forms to reflect these changes. While the exact cost for these modifications cannot be determined, AOC anticipates these to be negligible.

SOURCES OF DATA: Division of Motor Vehicles; DOT Information Technology Section; Administrative Office of the Courts

TECHNICAL CONSIDERATIONS:

AOC raises the possibility that a *Blakely* issue will arise regarding whether the revocation itself is perceived as a punishment or if it is an administrative type of sanction. If it is seen as a punishment, *Blakely* may insist that the findings would need to be made by a jury, presumably requiring these cases to be heard in Superior Court rather than District Court.

AOC notes that in amending the bill on p. 1, lines 18-19. p. 2, lines 23-24, and p. 3, lines 1-2, the bill now reads: “any restriction relating to the installation or use of an ignition interlock pursuant to

G.S. 20-17.8[.]” As it is currently written, this provision would not capture violations of G.S. 20-17.8 that have nothing to do with the actual installation or actual use of the ignition interlock device, such as if an individual has the device properly installed and activates the device according to the requirements, but then consumes alcohol after having activated the device—perhaps while driving—and therefore violates the blood alcohol concentration restrictions that were part of his or her limited privilege. If it is the intent that this type of scenario is to be included in this provision, perhaps the language should read “any restriction of G.S. 20-17.8,” as is the case with the other statutory references in the same sentences.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Bryce Ball and William Childs

APPROVED BY:

Mark Trogon, Director
Fiscal Research Division

DATE: Revised on July 03, 2014



Signed Copy Located in the NCGA Principal Clerk's Offices