



SENATE BILL 619: Grey's Law

2015-2016 General Assembly

Committee:	Senate Re-ref to Judiciary I. If fav, re-ref to Finance	Date:	July 16, 2015
Introduced by:	Sens. Rabon, Stein, Newton	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition S619-CSSA		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for Senate Bill 619 would require a 0.02 alcohol concentration restriction on all restoration of licenses revoked for an impaired driving offense or refusal to submit to a chemical analysis; would provide that where a person has committed an implied-consent offense and applicable law requires a mandatory revocation of the person's drivers license, a request for a hearing does not stay the revocation under certain circumstances; would increase the number of persons subject to an ignition interlock requirement; would provide for the payment of an administrative fee and costs associated with an ignition interlock system; would modify the habitual impaired driving statute; and would make various other changes.*

CURRENT LAW:

G.S. 20-16.2 provides for a mandatory one year license revocation for failure to submit to a chemical analysis, having an alcohol concentration of 0.15 or more, or violating an alcohol concentration restriction. This revocation is not dependent on conviction of an offense involving impaired driving.

G.S. 20-16.5 provides for an immediate mandatory civil license revocation of 30-45 days for refusal to submit to chemical analysis, having an alcohol concentration of 0.08 or more, having an alcohol concentration of 0.04 or more in a commercial vehicle, or having any alcohol concentration when under age 21. This revocation is not dependent on conviction of an offense involving impaired driving

G.S. 20-17.8 requires any person who is convicted of DWI and has an alcohol concentration of 0.15 or more, has a previous DWI conviction within 7 years, or receives an Aggravated Level 1 punishment, or who is convicted of habitual DWI, to have an ignition interlock requirement placed on their license when their license is conditionally reinstated. The ignition interlock is required under this section for 1 year if the original revocation period was 1 year, 3 years if the original revocation period was 4 years, or 7 years if the original revocation was a permanent revocation.

G.S. 20-19(c3) requires DMV to place certain alcohol concentration restrictions on persons whose license is restored after a conviction for an offense involving impaired driving. For a first restoration after a DWI the alcohol concentration restriction is 0.04. For a second or subsequent restoration, for a restoration after conviction of DWI in a commercial vehicle, driving with any amount under 21, felony death by vehicle, or manslaughter or negligent homicide the alcohol concentration restriction is 0.00.

G.S. 20-138.5 provides that a person charged with a DWI who has 3 or more prior convictions for offenses involving impaired driving within 10 years of the current offense is guilty of habitual impaired driving, which is a Class F felony.

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BILL ANALYSIS:

Section 1 of the PCS would name the act "Grey's Law" in honor of William "Grey" Bailey.

Section 2 of the PCS would amend G.S. 20-16.2 to require that any person who is issued a limited driving privilege (LDP) pursuant to that statute must have an ignition interlock requirement on the LDP. This section also would provide that if a person appeals the revocation by requesting a DMV hearing, the revocation is not stayed pending that hearing if a judicial official or the clerk has already found probable cause pursuant to provisions of G.S. 20-16.5.

Section 3 of the PCS would amend G.S. 20-16.5 to require that any person who is issued a LDP pursuant to that statute, when the revocation is for refusal to submit to chemical analysis or having an alcohol concentration of 0.15 or more, must have an ignition interlock requirement on the LDP. This section also removes the current requirement that the license must be revoked for at least 10 days before the LDP may be issued.

Section 4 of the PCS would amend G.S. 20-17.8 to require any person convicted of DWI with an alcohol concentration of 0.08 or more and any person whose license is revoked pursuant to G.S. 20-16.2 for refusal to submit to chemical analysis to have an ignition interlock requirement placed on their license. This section also would provide that if there are multiple offenses leading to revocations that would require an ignition interlock restriction each period of restriction is to run consecutively and would prohibit a person subject to the ignition interlock restriction from disabling or removing, or allowing disabling or removal of the ignition interlock system.

Section 5 of the PCS would amend G.S. 20-19(c3) to make the alcohol concentration restriction 0.02 on all licenses restored after conviction of an offense involving impaired driving. This is also done throughout this PCS whenever an alcohol concentration restriction is indicated.

Section 6 of the PCS would amend G.S. 20-138.5 to provide that if a person is charged with a DWI and has 2 or more previous convictions of offenses involving impaired driving within 20 years or has previously been convicted of habitual impaired driving then they are guilty of habitual impaired driving. Subsections (b) and (c) of this Section would make conforming changes to other statutes regarding the keeping of records.

Section 7 would amend G.S. 20-179.3 to require anyone who receives a LDP after conviction of a DWI must have an ignition interlock requirement on the LDP. This section would also allow a LDP to authorize driving to participate in religious worship.

Section 8 would establish an administrative fee of \$100 to be charge for each ignition interlock device installed. After consultation with the Joint Legislative Transportation Oversight Committee, the Division may increase the fee to an amount not to exceed \$150. The fee shall be collected by the vendor and remitted to the Division. 50% of the fees would be used to pay costs incurred by the Division in administering the ignition interlock program and 50% would be deposited in the Ignition Interlock Device Fund. The Ignition Interlock Device Fund would be created in the Department of Transportation and used for the purpose of installing and removing the ignition interlock systems of persons deemed by the court to be indigent.

Section 9 would direct DMV to study the feasibility and advisability of expanding the list of ignition interlock service providers and report findings and recommendations to the Joint Legislative Transportation Oversight Committee no later than February 1, 2016.

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EFFECTIVE DATE: Sections 9 and 10 of this act are effective when this act becomes law. Section 6 of this act becomes effective December 1, 2015, and subsection (a) of that section applies to offenses committed on or after that date. The remainder of this act becomes effective August 1, 2017, and applies to offenses committed on or after that date and restorations for offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.