

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1499*
Committee Substitute Favorable 6/6/00
Senate Judiciary II Committee Substitute Adopted 7/6/00
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Short Title: Interlock/Open Container Changes.

(Public)

Sponsors:

Referred to:

May 10, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S
3 DWI TASK FORCE, TO PROVIDE FOR A CHALLENGE TO THE TRANSFER
4 OF FEDERAL FUNDS, AND TO CLARIFY THE EFFECTIVE DATE FOR
5 COMMERCIAL MOTOR VEHICLE INSURANCE PROVISIONS OF SESSION
6 LAW 330 OF THE 1999 GENERAL ASSEMBLY.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 20-17.8(b) reads as rewritten:
9 "(b) Ignition Interlock Required. – When the Division restores the license of a
10 person who is subject to this section, in addition to any other restriction or condition, it
11 shall require the person to agree to and shall indicate on the person's drivers license the
12 following restrictions for the period designated in subsection (c):
13 (1) A restriction that the person may operate only a vehicle that is equipped
14 with a functioning ignition interlock system of a type approved by the
15 Commissioner. The Commissioner shall not unreasonably withhold
16 approval of an ignition interlock system and shall consult with the

1 Division of Purchase and Contract in the Department of Administration
2 to ensure that potential vendors are not discriminated against.

3 (2) A requirement that the person personally activate the ignition interlock
4 system before driving the motor vehicle.

5 (3) ~~A requirement that the person not drive with an alcohol concentration of~~
6 ~~0.04 or greater.~~ An alcohol concentration restriction as follows:

7 a. If the ignition interlock system is required pursuant only to
8 subdivision (a)(1) of this section, a requirement that the person
9 not drive with an alcohol concentration of 0.04 or greater;

10 b. If the ignition interlock system is required pursuant to
11 subdivision (a)(2) of this section, a requirement that the person
12 not drive with an alcohol concentration of greater than 0.00; or

13 c. If the ignition interlock system is required pursuant to
14 subdivision (a)(1) of this section, and the person has also been
15 convicted, based on the same set of circumstances, of: (i) driving
16 while impaired in a commercial vehicle, G.S. 20-138.2, (ii)
17 driving while less than 21 years old after consuming alcohol or
18 drugs, G.S. 20-138.3, (iii) felony death by vehicle, G.S. 20-
19 141.4(a1), or (iv) manslaughter or negligent homicide resulting
20 from the operation of a motor vehicle when the offense involved
21 impaired driving, a requirement that the person not drive with an
22 alcohol concentration of greater than 0.00."

23 Section 2. G.S. 20-17.8 is amended by adding a new subsection to read:

24 "(c1) Vehicles Subject to Requirement. – A person subject to this section shall have
25 all registered vehicles owned by that person equipped with a functioning ignition
26 interlock system of a type approved by the Commissioner, unless the Division determines
27 that one or more specific registered vehicles owned by that person are relied upon by
28 another member of that person's family for transportation and that the vehicle is not in the
29 possession of the person subject to this section."

30 Section 3. G.S. 20-17.8(f) reads as rewritten:

31 "(f) Effect of Violation of Restriction. – A person subject to this section who
32 violates any of the restrictions of this section commits the offense of driving while license
33 revoked under G.S. 20-28(a) and is subject to punishment and license revocation as
34 provided in that section. If a law enforcement officer has reasonable grounds to believe
35 that a person subject to this section has consumed alcohol while driving or has driven
36 while he has remaining in his body any alcohol previously consumed, the suspected
37 offense of driving while license is revoked is an alcohol-related offense subject to the
38 implied-consent provisions of G.S. 20-16.2. If a person subject to this section is charged
39 with driving while license revoked by violating a condition of subsection (b) of this
40 section, and a judicial official determines that there is probable cause for the charge, the
41 person's license is suspended pending the resolution of the case, and the judicial official
42 must require the person to surrender the license. The judicial official must also notify the
43 person that he is not entitled to drive until his case is resolved. An alcohol concentration

1 report from the ignition interlock system shall not be admissible as evidence of driving
2 while license revoked, nor shall it be admissible in an administrative revocation
3 proceeding as provided in subsection (g) of this section; ~~provided that the person did not~~
4 ~~operate a vehicle until the ignition interlock system indicated an alcohol concentration of less~~
5 ~~than 0.04.~~ section, unless the person operated a vehicle when the ignition interlock system
6 indicated an alcohol concentration in violation of the restriction placed upon the person
7 by subdivision (b)(3) of this section. If a person subject to this section is charged with
8 driving while license revoked by violating the requirements of subsection (c1) of this
9 section, and no other violation of this section is alleged, the court may make a
10 determination at the hearing of the case that the vehicle, on which the ignition interlock
11 system was not installed, was relied upon by another member of that person's family for
12 transportation and that the vehicle was not in the possession of the person subject to this
13 section, and therefore the vehicle was not required to be equipped with a functioning
14 ignition interlock system. If the court determines that the vehicle was not required to be
15 equipped with a functioning ignition interlock system and the person subject to this
16 section has committed no other violation of this section, the court shall find the person
17 not guilty of driving while license revoked.”

18 Section 4. G.S. 20-138.7 reads as rewritten:

19 **"§ 20-138.7. Transporting an open container of alcoholic ~~beverage after consuming~~**
20 **~~alcohol.~~ beverage.**

21 (a) Offense. – No person shall drive a motor vehicle on a highway or ~~public~~
22 ~~vehicular area;~~ the right-of-way of a highway:

- 23 (1) While there is an alcoholic beverage in the passenger area in other than
24 in the unopened manufacturer's original container in the passenger area;
25 container; and
26 (2) While the driver is consuming alcohol or while alcohol remains in the
27 driver's body.

28 (a1) Offense. – No person shall possess an alcoholic beverage other than in the
29 unopened manufacturer's original container, or consume an alcoholic beverage, in the
30 passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-
31 way of a highway. For purposes of this subsection, only the person who possesses or
32 consumes an alcoholic beverage in violation of this subsection shall be charged with this
33 offense.

34 (a2) Exception. – It shall not be a violation of subsection (a1) of this section for a
35 passenger to possess an alcoholic beverage other than in the unopened manufacturer's
36 original container, or for a passenger to consume an alcoholic beverage, if the container
37 is:

- 38 (1) In the passenger area of a motor vehicle that is designed, maintained, or
39 used primarily for the transportation of persons for compensation;
40 (2) In the living quarters of a motor home or house car as defined in G.S.
41 20-4.01(27)d2.; or
42 (3) In a house trailer as defined in G.S. 20-4.01(14).

1 (a3) Meaning of Terms. – Under this section, the term ‘motor vehicle’ means only
2 those types of motor vehicles which North Carolina law requires to be registered, whether
3 the motor vehicle is registered in North Carolina or another jurisdiction.

4 (b) Subject to Implied-Consent Law. – An offense under this section is an alcohol-
5 related offense subject to the implied-consent provisions of G.S. 20-16.2.

6 (c) Odor Insufficient. – The odor of an alcoholic beverage on the breath of the
7 driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was
8 remaining in the driver's body in violation of this section, unless the driver was offered an
9 alcohol screening test or chemical analysis and refused to provide all required samples of
10 breath or blood for analysis.

11 (d) Alcohol Screening Test. – Notwithstanding any other provision of law, an
12 alcohol screening test may be administered to a driver suspected of violating subsection
13 (a) of this section, and the results of an alcohol screening test or the driver's refusal to
14 submit may be used by a law enforcement officer, a court, or an administrative agency in
15 determining if alcohol was present in the driver's body. No alcohol screening tests are
16 valid under this section unless the device used is one approved by the Commission for
17 Health Services, and the screening test is conducted in accordance with the applicable
18 regulations of the Commission as to the manner of its use.

19 (e) Punishment; Effect When Impaired Driving Offense Also Charged. – Violation
20 of ~~this section~~ subsection (a) of this section shall be ~~punished as a~~ Class 3 misdemeanor for
21 the first offense and shall be ~~punished as a~~ Class 2 misdemeanor for a second or
22 subsequent offense. ~~A fine imposed for a second or subsequent offense may not exceed one~~
23 ~~thousand dollars (\$1,000).~~ Violation of this section subsection (a) of this section is not a
24 lesser included offense of impaired driving under G.S. 20-138.1, but if a person is
25 convicted under ~~this section~~ subsection (a) of this section and of an offense involving
26 impaired driving arising out of the same transaction, the punishment imposed by the court
27 shall not exceed the maximum applicable to the offense involving impaired driving, and
28 any minimum applicable punishment shall be imposed. Violation of subsection (a1) of
29 this section by the driver of the motor vehicle is a lesser-included offense of subsection
30 (a) of this section. A violation of ~~this section~~ subsection (a) shall be considered a moving
31 violation for purposes of G.S. 20-16(c).

32 Violation of subsection (a1) of this section shall be an infraction and shall not be
33 considered a moving violation for purposes of G.S. 20-16(c).

34 (f) Definitions. – If the seal on a container of alcoholic beverages has been
35 broken, it is opened within the meaning of this section. For purposes of this section,
36 "passenger area of a motor vehicle" means the area designed to seat the driver and
37 passengers and any area within the reach of a seated driver or passenger, including the
38 glove compartment. The area of the trunk or the area behind the last upright back seat of
39 a station wagon, hatchback, or similar vehicle shall not be considered part of the
40 passenger area. The term "alcoholic beverage" is as defined in G.S. 18B-101(4).

41 (g) Pleading. – In any prosecution for a violation of ~~this section~~, subsection (a) of
42 this section, the pleading is sufficient if it states the time and place of the alleged offense
43 in the usual form and charges that the defendant drove a motor vehicle on a highway or

1 ~~public vehicular area~~ the right-of-way of a highway with an open container of alcoholic
2 beverage after drinking.

3 In any prosecution for a violation of subsection (a1) of this section, the pleading
4 is sufficient if it states the time and place of the alleged offense in the usual form and
5 charges that (i) the defendant possessed an open container of alcoholic beverage in the
6 passenger area of a motor vehicle while the motor vehicle was on a highway or the right-
7 of-way of a highway, or (ii) the defendant consumed an alcoholic beverage in the
8 passenger area of a motor vehicle while the motor vehicle was on a highway or the right-
9 of-way of a highway.

10 (h) Limited Driving Privilege. – A person who is convicted of violating subsection
11 (a) of this section and whose drivers license is revoked solely based on that conviction
12 may apply for a limited driving privilege as provided for in G.S. 20-179.3. The judge
13 may issue the limited driving privilege only if the driver meets the eligibility
14 requirements of G.S. 20-179.3, other than the requirement in G.S. 20-179.3(b)(1)c. G.S.
15 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in
16 G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the
17 issuance of a limited driving privilege to a person who is convicted of violating
18 subsection (a) of this section and of driving while impaired as a result of the same
19 transaction."

20 Section 5. G.S. 20-16.2(c1) reads as rewritten:

21 "(c1) Procedure for Reporting Results and Refusal to Division. – Whenever a person
22 refuses to submit to a chemical analysis or a person's drivers license has an alcohol
23 concentration restriction and the results of the chemical analysis establish a violation of
24 the restriction, the charging officer and the chemical analyst must without unnecessary
25 delay go before an official authorized to administer oaths and execute an affidavit(s)
26 stating that:

- 27 (1) The person was charged with an implied-consent offense or had an
28 alcohol concentration restriction on the drivers license;
- 29 (2) The charging officer had reasonable grounds to believe that the person
30 had committed an implied-consent offense or violated the alcohol
31 concentration restriction on the drivers license;
- 32 (3) Whether the implied-consent offense charged involved death or critical
33 injury to another person, if the person willfully refused to submit to
34 chemical analysis;
- 35 (4) The person was notified of the rights in subsection (a); and
- 36 (5) The results of any tests given or that the person willfully refused to
37 submit to a chemical analysis upon the request of the charging officer.

38 If the person's drivers license has an alcohol concentration restriction, pursuant to G.S.
39 20-19(c3), and an officer has reasonable grounds to believe the person has violated a
40 provision of that restriction other than violation of the alcohol concentration level, the
41 charging officer and chemical analyst shall complete the applicable sections of the
42 affidavit and indicate the restriction which was violated. The charging officer must
43 immediately mail the affidavit(s) to the Division. If the charging officer is also the

1 chemical analyst who has notified the person of the rights under subsection (a), the
2 charging officer may perform alone the duties of this subsection."

3 Section 6. G.S. 20-19(c3) reads as rewritten:

4 "(c3) Restriction; Revocations. – When the Division restores a person's drivers
5 license which was revoked pursuant to G.S. 20-13.2(a), G.S. 20-23 when the offense
6 involved impaired driving, G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision (1)
7 or (9) of G.S. 20-17(a) when the offense involved impaired driving, or this subsection, in
8 addition to any other restriction or condition, it shall place the applicable restriction on
9 the person's drivers license as follows:

10 (1) For the first restoration of a drivers license for a person convicted of
11 driving while impaired, G.S. 20-138.1, or a drivers license revoked
12 pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the
13 person's license was revoked prohibits substantially similar conduct
14 which if committed in this State would result in a conviction of driving
15 while impaired under G.S. 20-138.1, that the person not operate a
16 vehicle with an alcohol concentration of 0.04 or more at any relevant
17 time after the driving;

18 (2) For the second or subsequent restoration of a drivers license for a person
19 convicted of driving while impaired, G.S. 20-138.1, or a drivers license
20 revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for
21 which the person's license was revoked prohibits substantially similar
22 conduct which if committed in this State would result in a conviction of
23 driving while impaired under G.S. 20-138.1, that the person not operate
24 a vehicle with an alcohol concentration greater than 0.00 at any relevant
25 time after the driving;

26 (3) For any restoration of a drivers license for a person convicted of driving
27 while impaired in a commercial motor vehicle, G.S. 20-138.2, driving
28 while less than 21 years old after consuming alcohol or drugs, G.S. 20-
29 138.3, felony death by vehicle, G.S. 20-141.4(a1), manslaughter or
30 negligent homicide resulting from the operation of a motor vehicle
31 when the offense involved impaired driving, or a revocation under this
32 subsection, that the person not operate a vehicle with an alcohol
33 concentration of 0.00 or more at any relevant time after the driving;

34 (4) For any restoration of a drivers license revoked pursuant to G.S. 20-23
35 or G.S. 20-23.2 when the offense for which the person's license was
36 revoked prohibits substantially similar conduct which if committed in
37 this State would result in a conviction of driving while impaired in a
38 commercial motor vehicle, G.S. 20-138.2, driving while less than 21
39 years old after consuming alcohol or drugs, G.S. 20-138.3, felony death
40 by vehicle, G.S. 20-141.4(a1), or manslaughter or negligent homicide
41 resulting from the operation of a motor vehicle when the offense
42 involved impaired driving, that the person not operate a vehicle with an

1 alcohol concentration of 0.00 or more at any relevant time after the
2 driving.

3 In addition, the person seeking restoration of a license must agree to submit to a
4 chemical analysis in accordance with G.S. 20-16.2 at the request of a law enforcement
5 officer who has reasonable grounds to believe the person is operating a motor vehicle on
6 a highway or public vehicular area in violation of the restriction specified in this
7 subsection. The person must also agree that, when requested by a law enforcement
8 officer, the person will agree to be transported by the law enforcement officer to the place
9 where chemical analysis is to be administered.

10 The restrictions placed on a license under this subsection shall be in effect (i) seven
11 years from the date of restoration if the person's license was permanently revoked, (ii)
12 until the person's twenty-first birthday if the revocation was for a conviction under G.S.
13 20-138.3, and (iii) three years in all other cases.

14 A law enforcement officer who has reasonable grounds to believe that a person has
15 violated a restriction placed on the person's drivers license shall complete an affidavit
16 pursuant to G.S. 20-16.2(c1). On the basis of information reported pursuant to G.S. 20-
17 16.2, the Division shall revoke the drivers license of any person who violates a condition
18 of reinstatement imposed under this subsection. An alcohol concentration report from an
19 ignition interlock system shall not be used as the basis for revocation under this
20 subsection. A violation of a restriction imposed under this subsection or the willful
21 refusal to submit to a chemical analysis shall result in a one-year revocation. If the period
22 of revocation was imposed pursuant to subsection (d) or (e), any remaining period of the
23 original revocation, prior to its reduction, shall be reinstated and the one-year revocation
24 begins after all other periods of revocation have terminated."

25 Section 7. G.S. 20-179.3(g5) reads as rewritten:

26 "(g5) Ignition Interlock Required. – If a person's drivers license is revoked for a
27 conviction of G.S. 20-138.1, and the person had an alcohol concentration of 0.16 or more,
28 a judge shall include all of the following in a limited driving privilege order:

- 29 (1) A restriction that the applicant may operate only a designated motor
30 vehicle.
- 31 (2) A requirement that the designated motor vehicle be equipped with a
32 functioning ignition interlock system of a type approved by the
33 ~~Commissioner~~ Commissioner, which is set to prohibit driving with an
34 alcohol concentration of greater than 0.00. The Commissioner shall not
35 unreasonably withhold approval of an ignition interlock system and
36 shall consult with the Division of Purchase and Contract in the
37 Department of Administration to ensure that potential vendors are not
38 discriminated against.
- 39 (3) A requirement that the applicant personally activate the ignition
40 interlock system before driving the motor vehicle."

41 Section 8. G.S. 20-139.1(b3) reads as rewritten:

42 "(b3) Sequential Breath Tests Required. – By January 1, 1985, the regulations of the
43 Commission for Health Services governing the administration of chemical analyses of the

1 breath shall require the testing of at least duplicate sequential breath samples. Those
2 regulations must provide:

- 3 (1) A specification as to the minimum observation period before collection
4 of the first breath sample and the time requirements as to collection of
5 second and subsequent samples.
- 6 (2) That the test results may only be used to prove a person's particular
7 alcohol concentration if:
8 a. The pair of readings employed are from consecutively
9 administered tests; and
10 b. The readings do not differ from each other by an alcohol
11 concentration greater than 0.02.
- 12 (3) That when a pair of analyses meets the requirements of subdivision (2),
13 only the lower of the two readings may be used by the State as proof of
14 a person's alcohol concentration in any court or administrative
15 proceeding.

16 A person's ~~willful~~-refusal to give the sequential breath samples necessary to constitute a
17 valid chemical analysis is a ~~willful~~-refusal under G.S. 20-16.2(c).

18 A person's ~~willful~~-refusal to give the second or subsequent breath sample shall make
19 the result of the first breath sample, or the result of the sample providing the lowest
20 alcohol concentration if more than one breath sample is provided, admissible in any
21 judicial or administrative hearing for any relevant purpose, including the establishment
22 that a person had a particular alcohol concentration for conviction of an offense involving
23 impaired driving."

24 Section 9. G.S. 20-4.01(24a) reads as rewritten:

25 "(24a) Offense Involving Impaired Driving. – Any of the following offenses:

- 26 a. Impaired driving under G.S. 20-138.1.
27 b. Death by vehicle under G.S. 20-141.4 when conviction is based
28 upon impaired driving or a substantially ~~equivalent~~-similar
29 offense under previous law.
30 c. First or second degree murder under G.S. 14-17 or involuntary
31 manslaughter under G.S. 14-18 when conviction is based upon
32 impaired driving or a substantially ~~equivalent~~-similar offense
33 under previous law.
34 d. An offense committed in another jurisdiction which prohibits
35 substantially similar conduct prohibited by the offenses in this
36 subsection.
37 e. A repealed or superseded offense substantially ~~equivalent~~-similar
38 to impaired driving, including offenses under former G.S. 20-138
39 or G.S. 20-139.
40 f. Impaired driving in a commercial motor vehicle under G.S. 20-
41 138.2, except that convictions of impaired driving under G.S. 20-
42 138.1 and G.S. 20-138.2 arising out of the same transaction shall

1 be considered a single conviction of an offense involving
2 impaired driving for any purpose under this Chapter.

3 g. Habitual impaired driving under G.S. 20-138.5.

4 A conviction under former G.S. 20-140(c) is not an offense involving
5 impaired driving."

6 Section 10. G.S. 20-16(a) reads as rewritten:

7 "(a) The Division shall have authority to suspend the license of any operator with
8 or without a preliminary hearing upon a showing by its records or other satisfactory
9 evidence that the licensee:

10 (1) through (4) Repealed by Session Laws 1979, c. 36;

11 (5) Has, under the provisions of subsection (c) of this section, within a
12 three-year period, accumulated 12 or more points, or eight or more
13 points in the three-year period immediately following the reinstatement
14 of a license which has been suspended or revoked because of a
15 conviction for one or more traffic offenses;

16 (6) Has made or permitted an unlawful or fraudulent use of such license or
17 a learner's permit, or has displayed or represented as his own, a license
18 or learner's permit not issued to him;

19 (7) Has committed an offense in another state, which if committed in this
20 State would be grounds for suspension or revocation;

21 (8) Has been convicted of illegal transportation of alcoholic beverages;

22 (8a) Has been convicted of impaired instruction under G.S. 20-12.1;

23 (8b) Has violated on a military installation a regulation of that installation
24 prohibiting conduct substantially ~~equivalent~~ similar to conduct that
25 constitutes impaired driving under G.S. 20-138.1 and, as a result of that
26 violation, has had his privilege to drive on that installation revoked or
27 suspended after an administrative hearing authorized by the
28 commanding officer of the installation and that commanding officer has
29 general court martial jurisdiction;

30 (9) Has, within a period of 12 months, been convicted of two or more
31 charges of speeding in excess of 55 and not more than 80 miles per
32 hour, or of one or more charges of reckless driving and one or more
33 charges of speeding in excess of 55 and not more than 80 miles per
34 hour;

35 (10) Has been convicted of operating a motor vehicle at a speed in excess of
36 75 miles per hour on a public road or highway where the maximum
37 speed is less than 70 miles per hour;

38 (10a) Has been convicted of operating a motor vehicle at a speed in excess
39 of 80 miles per hour on a public highway where the maximum speed
40 is 70 miles per hour; or

41 (11) Has been sentenced by a court of record and all or a part of the sentence
42 has been suspended and a condition of suspension of the sentence is that
43 the operator not operate a motor vehicle for a period of time.

1 However, if the Division revokes without a preliminary hearing and the person whose
2 license is being revoked requests a hearing before the effective date of the revocation, the
3 licensee retains his license unless it is revoked under some other provision of the law,
4 until the hearing is held, the person withdraws his request, or he fails to appear at a
5 scheduled hearing."

6 Section 11. G.S. 20-179.3(b) reads as rewritten:

7 "(b) Eligibility. –

8 (1) A person convicted of the offense of impaired driving under G.S. 20-
9 138.1 is eligible for a limited driving privilege if:

- 10 a. At the time of the offense he held either a valid driver's license or
11 a license that had been expired for less than one year;
12 b. At the time of the offense he had not within the preceding seven
13 years been convicted of an offense involving impaired driving;
14 c. Punishment Level Three, Four, or Five was imposed for the
15 offense of impaired driving;
16 d. Subsequent to the offense he has not been convicted of, or had an
17 unresolved charge lodged against him for, an offense involving
18 impaired driving; and
19 e. The person has obtained and filed with the court a substance
20 abuse assessment of the type required by G.S. 20-17.6 for the
21 restoration of a drivers license.

22 A person whose North Carolina driver's license is revoked because of
23 a conviction in another jurisdiction substantially ~~equivalent~~ similar to
24 impaired driving under G.S. 20-138.1 is eligible for a limited driving
25 privilege if he would be eligible for it had the conviction occurred in
26 North Carolina. Eligibility for a limited driving privilege following a
27 revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

28 (2) Any person whose licensing privileges are forfeited pursuant to G.S.
29 15A-1331A is eligible for a limited driving privilege if the court finds
30 that at the time of the forfeiture, the person held either a valid drivers
31 license or a drivers license that had been expired for less than one year
32 and

- 33 a. The person is supporting existing dependents or must have a
34 drivers license to be gainfully employed; or
35 b. The person has an existing dependent who requires serious
36 medical treatment and the defendant is the only person able to
37 provide transportation to the dependent to the health care facility
38 where the dependent can receive the needed medical treatment.

39 The limited driving privilege granted under this subdivision must
40 restrict the person to essential driving related to the purposes listed
41 above, and any driving that is not related to those purposes is unlawful
42 even though done at times and upon routes that may be authorized by
43 the privilege."

1 Section 12. G.S. 20-179.3(c) reads as rewritten:

2 "(c) Privilege Not Effective until after Compliance with Court-Ordered Revocation.
3 – A person convicted of an impaired driving offense may apply for a limited driving
4 privilege at the time the judgment is entered. If the judgment does not require the person
5 to complete a period of nonoperation pursuant to G.S. 20-179, the privilege may be
6 issued at the time the judgment is issued. If the judgment requires the person to complete
7 a period of nonoperation pursuant to G.S. 20-179, the limited driving privilege may not
8 be effective until the person successfully completes that period of nonoperation. A person
9 whose license is revoked because of a conviction in another jurisdiction substantially
10 ~~equivalent~~ similar to impaired driving under G.S. 20-138.1 may apply for a limited
11 driving privilege only after having completed at least 60 days of a court-imposed term of
12 nonoperation of a motor vehicle, if the court in the other jurisdiction imposed such a term
13 of nonoperation."

14 Section 13. G.S. 20-179.3(e) reads as rewritten:

15 "(e) Limited Basis for and Effect of Privilege. – A limited driving privilege issued
16 under this section authorizes a person to drive if his license is revoked solely under G.S.
17 20-17(2) or as a result of a conviction in another jurisdiction substantially ~~equivalent~~
18 similar to impaired driving under G.S. 20-138.1; if the person's license is revoked under
19 any other statute, the limited driving privilege is invalid."

20 Section 14. G.S. 14-7.7(b) reads as rewritten:

21 "(b) For purposes of this Article, "violent felony" includes the following offenses:

- 22 (1) All Class A through E felonies.
23 (2) Any repealed or superseded offense substantially equivalent to the
24 offenses listed in subdivision (1).
25 (3) Any offense committed in another jurisdiction substantially ~~equivalent~~
26 similar to the offenses set forth in subdivision (1) or (2)."

27 Section 15. G.S. 16.5(b) reads as rewritten:

28 "(b) Revocations for Persons Who Refuse Chemical Analyses or Who Are Charged
29 With Certain Implied-Consent Offenses. – A person's driver's license is subject to
30 revocation under this section if:

- 31 (1) A charging officer has reasonable grounds to believe that the person has
32 committed an offense subject to the implied-consent provisions of G.S.
33 20-16.2;
34 (2) The person is charged with that offense as provided in G.S. 20-16.2(a);
35 (3) The charging officer and the chemical analyst comply with the
36 procedures of G.S. 20-16.2 and G.S. 20-139.1 in requiring the person's
37 submission to or procuring a chemical analysis; and
38 (4) The person:
39 a. Willfully refuses to submit to the chemical analysis;
40 b. Has an alcohol concentration of 0.08 or more within a relevant
41 time after the driving;
42 c. Has an alcohol concentration of 0.04 or more at any relevant time
43 after the driving of a commercial motor vehicle; or

1 d. Has any alcohol concentration at any relevant time after the
2 driving and the person is under 21 years of age."

3 Section 16. G.S. 20-138.2A(b2) reads as rewritten:

4 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
5 alcohol screening test may be administered to a driver suspected of violation of
6 subsection (a) of this section, and the results of an alcohol screening test or the driver's
7 refusal to submit may be used by a law enforcement officer, a court, or an administrative
8 agency in determining if alcohol was present in the driver's body. No alcohol screening
9 tests are valid under this section unless the device used is one approved by the
10 Commission ~~on~~for Health Services, and the screening test is conducted in accordance
11 with the applicable regulations of the Commission as to its manner and use."

12 Section 17. G.S. 20-138.2B(b2) reads as rewritten:

13 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
14 alcohol screening test may be administered to a driver suspected of violation of
15 subsection (a) of this section, and the results of an alcohol screening test or the driver's
16 refusal to submit may be used by a law enforcement officer, a court, or an administrative
17 agency in determining if alcohol was present in the driver's body. No alcohol screening
18 tests are valid under this section unless the device used is one approved by the
19 Commission ~~on~~for Health Services, and the screening test is conducted in accordance
20 with the applicable regulations of the Commission as to its manner and use."

21 Section 18. G.S. 20-138.3(b2) reads as rewritten:

22 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
23 alcohol screening test may be administered to a driver suspected of violation of
24 subsection (a) of this section, and the results of an alcohol screening test or the driver's
25 refusal to submit may be used by a law enforcement officer, a court, or an administrative
26 agency in determining if alcohol was present in the driver's body. No alcohol screening
27 tests are valid under this section unless the device used is one approved by the
28 Commission ~~on~~for Health Services, and the screening test is conducted in accordance
29 with the applicable regulations of the Commission as to its manner and use."

30 Section 19. The General Assembly requests that the Attorney General initiate
31 litigation to challenge the federal government's unconstitutional intrusion into the State's
32 authority to enact and enforce its own laws regarding motor vehicles and traffic safety,
33 and particularly regarding section 154 of Title 23 of the United States Code.

34 Section 20. Section 10 of Session Law 1999-330 reads as rewritten:

35 "Section 10. Section 4 of this act becomes effective September 1, 2000, and applies
36 to new or renewal policies written to become effective on or after that date. The
37 remainder of this ~~This~~ act becomes effective December 1, 1999, and applies to violations
38 occurring on or after that date."

39 Section 21. Section 4 of this act is effective September 1, 2000, and expires
40 September 30, 2002. Sections 19 and 20 of this act are effective when those sections
41 become law. The remainder of this act becomes effective September 1, 2000, and applies
42 to offenses committed on or after that date.