



1



2

4. Deterrence: DWI Offender Treatment, Monitoring, and Control

| Countermeasure | Effectiveness | Cost | Use | Time |
|--|---------------|--------|---------|--------|
| 4.1 Alcohol Problem Assessment and Treatment | ★ ★ ★ ★ ★ | Varies | High | Varies |
| 4.2 Alcohol Ignition Interlocks [†] | ★ ★ ★ ★ ★ | \$\$ | Medium | Medium |
| 4.3 Vehicle and License Plate Sanctions [†] | ★ ★ ★ ★ | Varies | Medium | Medium |
| 4.4 DWI Offender Monitoring [†] | ★ ★ ★ ★ | \$\$\$ | Unknown | Varies |
| 4.5 Lower BAC Limit for Repeat Offenders | ★ ★ ★ ★ | \$ | Low | Short |

[†] Proven for reducing recidivism

3

Requiring ignition interlocks for all drunk-driving convictions was associated with 15% fewer alcohol-involved crash deaths, compared with states with less-stringent requirements. Interlocks are a life-saving technology that merit wider use.

Kaufan, Elinore J. & Wiebe, Douglas J., *Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States*, 106 AM. J. PUB. Health, No. 5, 865-71 (2016).

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When Is Ignition Interlock Required?



In connection with certain limited driving privileges



In connection with certain license restorations

5

Limited Driving Privileges & Interlock

Ignition Interlock is **required** if person had AC of 0.15 or more

- G.S. 20-179.3(c1)
- Person may only drive vehicle with ignition interlock and person must activate ignition interlock
- Exception for employer-owned vehicles (G.S. 20-179.3(g4)).

For **any** limited driving privilege under G.S. 20-179.3, judge **may** impose ignition interlock

- G.S. 20-179.3(g3)

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S.L. 2021-182: Limited Driving Privileges

No 45-day drive for limited driving privilege issued to person convicted of impaired driving based on AC of 0.15 or more

- Effective December 1, 2021 for limited driving privileges issued on or after that date
- Also eliminated heightened driving restrictions that applied to limited driving privileges issued to high-risk drivers

Time and purpose restrictions for a limited driving privilege issued under G.S. 20-179.3 eliminated if privilege orders ignition interlock

- Effective June 1, 2022 for limited driving privileges issued on or after that date

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AOC-CR-340

STATE OF NORTH CAROLINA

County: _____

STATE VERGESS

INTERLOCK LIMITED DRIVING PRIVILEGE
UNIMPAIRED DRIVING OR
OPEN CONTAINER OR
UNDERAGE ALCOHOL VIOLATION
(N.C. CONVICTIONS ONLY)

NOTE: Use AOC-CR-340 when the applicant has no prior convictions for a restricted license or a limited court order.

1. Driving restricted to: (select a, or b, depending on the basis for the ignition interlock restriction; also select c, if applicable)

a. (select if interlock imposed in court's discretion pursuant to G.S. 20-179.3(g3)) The following non-commercial vehicle(s):

which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles. The driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

b. (select if mandatory interlock imposed pursuant to G.S. 20-179.3(g5); see finding no. 9 on Side One of this form) The following non-commercial vehicle(s):

which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles that is set to prohibit driving with an alcohol concentration of greater than 0.02, and the driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

c. (select if G.S. 20-179.3(g4) applies) The following non-commercial vehicle(s):

which is owned by the driver's employer and is operated by the driver solely for work-related purposes, and the vehicle owner has filed a written statement with the court authorizing such work-related driving by the driver.

2. Additional restrictions: Corrective Lenses 45 M.P.H. Only Daylight Only

Other: _____

RESTRICTIONS

The driver shall not drink alcohol while driving or drive while any alcohol remains in his/her body. The driver shall not drive while having a controlled substance in his/her body unless such controlled substance was lawfully obtained and taken in therapeutically approved amounts. This limited driving privilege **DOES NOT** include the privilege of operating a commercial motor vehicle as defined in G.S. 20-4.01(3d).

1. Driving is restricted to: (select a, or b, depending on the basis for the ignition interlock restriction; also select c, if applicable)

a. (select if interlock imposed in court's discretion pursuant to G.S. 20-179.3(g3)) The following non-commercial vehicle(s):

which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles. The driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

b. (select if mandatory interlock imposed pursuant to G.S. 20-179.3(g5); see finding no. 9 on Side One of this form) The following non-commercial vehicle(s):

which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles that is set to prohibit driving with an alcohol concentration of greater than 0.02, and the driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

c. (select if G.S. 20-179.3(g4) applies) The following non-commercial vehicle(s):

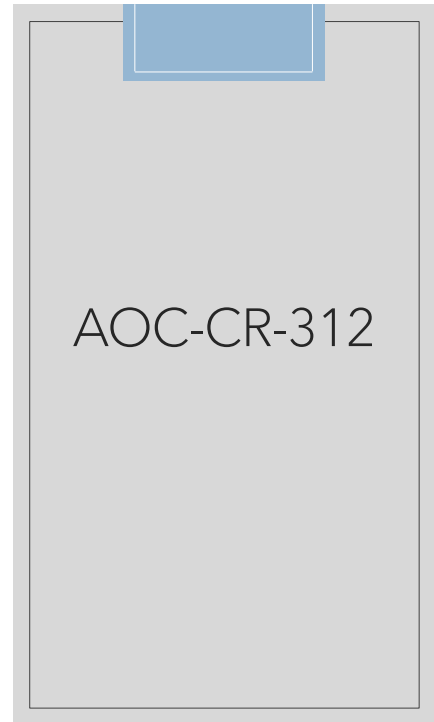
which is owned by the driver's employer and is operated by the driver solely for work-related purposes, and the vehicle owner has filed a written statement with the court authorizing such work-related driving by the driver.

2. Additional restrictions: Corrective Lenses 45 M.P.H. Only Daylight Only

Other: _____

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| RESTRICTIONS | |
|---|---|
| <p>The driver shall not drink alcohol while driving or drive while any alcohol remains in his/her body. The driver shall not drive while having a controlled substance in his/her body unless such controlled substance was lawfully obtained and taken in therapeutically approved amounts. This limited driving privilege DOES NOT include the privilege of operating a commercial motor vehicle as defined in G.S. 20-4.01(3d). Driving when essential for emergency medical care is authorized at any time. Standard working hours are from 6 AM to 8 PM, Monday - Friday.</p> | |
| <p>Essential driving, other than for emergency medical care, is permitted only as follows: (check only applicable boxes)</p> | |
| <input type="checkbox"/> 1. Driving is permitted for work-related, religious worship, or educational purposes during standard working hours as follows: | |
| <input type="checkbox"/> 2. Driving is permitted for maintenance of household during standard working hours as follows: | |
| <input type="checkbox"/> 3. Driving is permitted for work-related, religious worship, or educational purposes during nonstandard working hours as follows: | |
| <input type="checkbox"/> The driver is self-employed and the required documentation for work-related driving is attached. | |
| <input type="checkbox"/> 4. Driving is permitted for community service assignment, Alcohol and Drug Education Traffic School, and substance abuse assessment or treatment as follows: | |
| <input type="checkbox"/> 5. Driving is restricted to: | |
| <input type="checkbox"/> a. any non-commercial vehicle registered in the name of the driver. | |
| <input type="checkbox"/> b. the following non-commercial vehicle(s): | |
| <input type="checkbox"/> 6. Additional restrictions: <input type="checkbox"/> Corrective Lenses <input type="checkbox"/> 45 M.P.H. Only <input type="checkbox"/> Daylight Only | |
| <input type="checkbox"/> Other: | |
| <small>Name And Address Of ADET School, Community Service Coordinator, Or Mental Health Treatment Facility To Which Driver Assigned</small> | <small>Name And Address Of Employer Or Driver's Place Of Work</small> |
| NOTICE/ACKNOWLEDGMENT OF RECEIPT | |
| I have received a copy of this limited driving privilege which contains the restrictions on my driving privilege. I understand that if I drive | |



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S.L. 2021-182: Driver's License Restoration

- A person subject to ignition interlock is required to designate any registered vehicle that she owns and intends to operate and to have that vehicle/those vehicles equipped with ignition interlock. G.S. 20-17.8(c1)
- Universal alcohol concentration restriction standard for a person required to have ignition interlock as a condition of having his license restored is 0.02. G.S. 20-19(c3)(5).
- Ignition interlock vendors must waive a portion of ignition interlock costs for persons who are unable to afford the cost of the system. G.S. 20-179.5(c).

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VIOLATIONS

11



LICENSE RESTORATION

12

License restored after revocation for DWI or Habitual DWI

Ignition Interlock required if:

Person had an alcohol concentration of 0.15 or more

Person was convicted of another offense involving impaired driving that occurred within 7 years of the offense for which the person's license was revoked

Person is sentenced at Aggravated Level One

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Person may only operate a vehicle with Ignition Interlock

Person must personally activate Ignition Interlock before driving

Person may not drive with an alcohol concentration of 0.02 or greater

Person must designate any registered vehicle that the person owns and intends to operate, and equip vehicle(s) with ignition interlock

DMV must cancel the driver's license of any person for operating a vehicle that has not been designated and equipped with ignition interlock

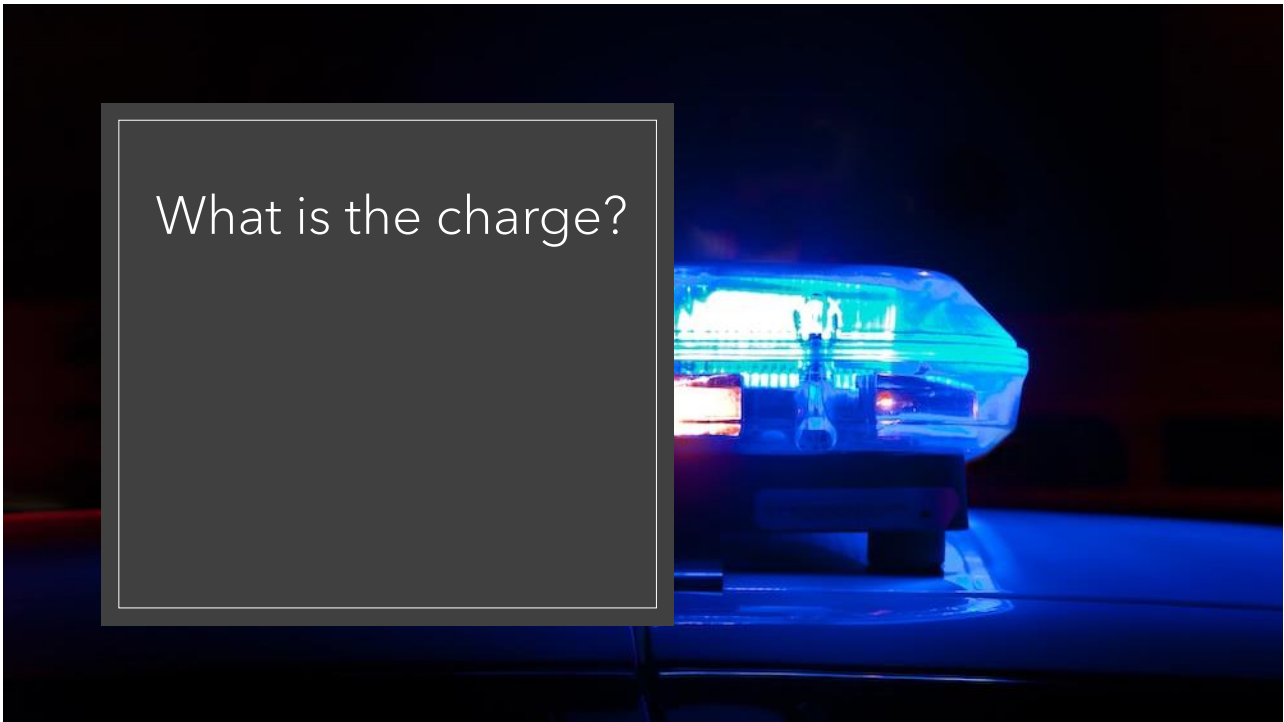


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| OCCUR/ BEGIN DATE | CONV/ END DATE | NATURE OF RECORD OR DIVISION ACTION |
|----------------------|-------------------|---|
| 11-27-2021 | 11-27-2022 | SUSP: VIOLATION OF ALCOHOL RESTRICTION -- LOGGER STATUTE: 20-19(c3) AND/OR 20-17.8(g) |
| 9-28-2021 | 9-28-2021 | CONV: (785) VIOL ALCOHOL RESTRCTN -- LOGGER COURT: MONITECH INC, NC COURT: AOC #: AB1CD0000123 CITATION ID: 1234567 |

VENDOR-REPORTED VIOLATIONS

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License surrender

- If the person is charged with DWLR based on
 - driving a vehicle not equipped with Ignition Interlock,
 - not personally activating the interlock, or
 - driving with an alcohol concentration of .02 or greater,
- and the judicial official finds PC for the charge,
- then the judicial official must order the person to surrender his license and notify the person that he is not entitled to drive until the case is resolved.

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| | | |
|--|-------------|--|
| STATE OF NORTH CAROLINA | | File No. _____ |
| _____ County | | In The General Court Of Justice District Court Division |
| STATE VERSUS | | ORDER TO SURRENDER LICENSE OR LIMITED DRIVING PRIVILEGE |
| Name Of Defendant _____ | | |
| Drivers License No. _____ | State _____ | |
| G.S. 20-16.1, 20-17.8, 20-20.1, 20-179.3 | | |
| FINDINGS FOR PROBABLE CAUSE | | |
| The undersigned judicial official finds probable cause to believe that: | | |
| 1. A charging officer had reasonable grounds to believe that the above named person committed the offense of driving while license revoked in that the above named person <ul style="list-style-type: none"> <input type="checkbox"/> a. is subject to the restrictions of G.S. 20-17.8 and violated one or more of those restrictions. <input type="checkbox"/> b. holds a limited driving privilege pursuant to G.S. 20-16.1, 20-20.1, or 20-179.3 and violated one or more of the restrictions included in the limited driving privilege order. | | |
| 2. The above named person has been charged with driving while license revoked. | | |
| ORDER | | |
| It is ORDERED that the above named person's drivers license or limited driving privilege be suspended, and the above named person is prohibited from operating a motor vehicle on the highways of North Carolina until the case is resolved and the person is authorized to drive by the Division of Motor Vehicles. | | |
| It is further ORDERED that the above named person immediately surrender the person's drivers license or limited driving | | |

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Is the motor vehicle driven subject to seizure?

Suppose person is charged with DWI and with DWLR under G.S. 20-28(a1) for violating ignition interlock restriction.

Is the person's motor vehicle subject to seizure?

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Motor vehicle seizure: G.S. 20-28.3

- A motor vehicle driven by a person **charged with an offense involving impaired driving** is subject to seizure if
 1. At the time of the violation, **the driver's license of the person driving the motor vehicle was revoked as a result of a prior impaired driving license revocation** as defined in G.S. 20-28.2(a); or
 2. At the time of the violation the person was driving **without a valid driver's license** and the **driver was not covered by an automobile liability policy**

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Was the person's *driver's license revoked as a result of a prior impaired driving license revocation* as defined in G.S. 20-28.2(a)?

The revocation of a person's drivers license is an impaired driving license revocation if the revocation is pursuant to:

1. G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-17(a)(2), 20-17(a)(12), or 20-138.5; or
2. G.S. 20-16(a)(7), 20-17(a)(1), 20-17(a)(3), 20-17(a)(9), or 20-17(a)(11), if the offense involves impaired driving; or
3. The laws of another state and the offense for which the person's license is revoked prohibits substantially similar conduct which if committed in this State would result in a revocation listed in 1 or 2.

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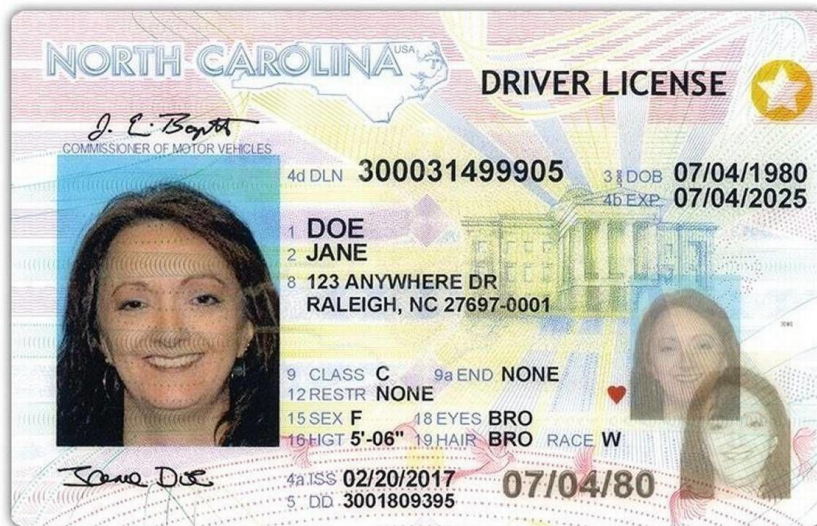
LDP Violations

- Driving in violation of LDP restrictions is the offense of driving while license revoked for impaired driving under G.S. 20-28(a1). G.S. 20-179.3(j).
- If judicial official finds PC for charge, she must order surrender of the privilege.
- DMV must revoke the license of a person convicted under G.S. 20-28(a1) for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense. G.S. 20-28(a1).

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FUTURE STANDARD EQUIPMENT?

23



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Alcohol
Concentration
Restrictions

19 = AC of 0.04

20 = AC of 0.04 + ignition
interlock

21 = AC of 0.00

22 = AC of 0.00 + ignition
interlock

23 = ignition interlock only