

North Carolina Criminal Law

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Ignition Interlock Changes Effective June 1

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Last year, the General Assembly enacted [significant changes to the state's ignition interlock laws](#). See [S.L. 2021-182](#). Some of those changes became effective June 1 and are reflected in revised limited privilege order and application forms published by the Administrative Office of the Courts (AOC). This post reviews those changes and links to the revised forms.

Ignition interlock, generally. Ignition interlock is a device attached to a vehicle that permits the vehicle's engine to start only after a person has submitted a breath sample that registers below the programmed alcohol concentration limit. These devices are among the leading countermeasures recommended by experts to reduce [impaired driving generally](#) and [alcohol-related crash deaths specifically](#). The North Carolina Department of Motor Vehicles (NC DMV) [has authorized three private companies](#), Smart Start, Alcolock NC, and Monitech, to provide ignition interlock services to satisfy driving and licensure requirements under State law. To have ignition interlock installed and monitored, the person must pay the vendor an installation fee (nationally [the cost for installation ranges between \\$70 to \\$100](#)) and a monthly fee (ranging nationally from \$60 to \$100).

Ignition interlock may be required in two circumstances. First, ignition interlock may be ordered — and indeed is sometimes required — as a condition of a limited driving privilege issued by a court. G.S. 20-179.3(g3), (g5). A limited driving privilege authorizes driving by a person whose license otherwise is revoked. Traditionally, driving pursuant to a limited driving privilege may only occur during specified times and for specified purposes.

Second, ignition interlock may be imposed as a condition of driving pursuant to a driver's license that has been restored following license revocation. G.S. 20-17.8.

Changes effective June 1, 2022. Four significant changes to North Carolina's ignition interlock law became effective June 1, 2022:

#1. The time and purpose limitations for a limited driving privilege granted pursuant to G.S. 20-179.3 are eliminated if ignition interlock is ordered as a driving condition and the person is driving a designated vehicle equipped with ignition interlock.

This means that a person issued a limited driving privilege pursuant to G.S. 20-179.3 that contains an ignition interlock restriction may, pursuant to that privilege, drive a designated vehicle equipped with ignition interlock at all hours of the day and for any purpose.

#2. 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 or those vehicles (and only that vehicle or those vehicles, as opposed to the former license restoration requirement for interlock on all the vehicles the person owns) equipped with ignition interlock. G.S. 20-17.8(c1).

#3. The 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).

#4. 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).

To qualify, the person must have an income at or below 150 percent of the federal poverty line or be enrolled in one of several specified public assistance programs.

To obtain the waiver, an applicant must submit to the vendor an affidavit of financial hardship and supporting documentation. A vendor that receives a supported waiver application must install ignition interlock without charging for installation and removal and must reduce the monthly service rate by 50 percent.

Revised forms. The following AOC forms have been amended to account for these changes.

AOC-CR-340. This is the form used to grant a limited driving privilege requiring ignition interlock following a person's conviction (and ensuing license revocation) for impaired driving, impaired driving in a commercial vehicle, driving after consuming, and other specified alcohol-related offenses. AOC has revised the form to reflect the fewer driving restrictions that apply to a person whose privilege requires ignition interlock.

AOC-CR-313 (new A and B versions). These are the limited driving privilege forms for a person who is revoked under G.S. 20-16.2 for willfully refusing a chemical analysis. AOC-CR-313A is the form for a privilege that does not order ignition interlock, and AOC-CR-313B is the form for a privilege that does order ignition interlock.

AOC-CVR-10 (new A and B versions). These are the limited driving privilege forms for a person with a 30-day or 45-day civil license revocation. [AOC-CVR-10A](#) is the form for a privilege that does not order ignition interlock. [AOC-CVR-10B](#) is the form for a privilege that does order ignition interlock.

AOC-CVR-11 (new A and B versions). These are the limited driving privilege forms for a person with an indefinite civil license revocation. [AOC-CVR-11A](#) is the form for a privilege that does not order ignition interlock. [AOC-CVR-11B](#) is the form for a privilege that does order ignition interlock.

AOC-CV-352 (new A and B versions). These are the limited driving privilege forms for a North Carolina resident with a conviction in another jurisdiction of an offense substantially similar to driving while impaired under G.S. 20-138.1. [AOC-CV-352A](#) is the form for a privilege that does not order ignition interlock. [AOC-CV-352B](#) is the form for a privilege that does order ignition interlock.

The AOC made technical and conforming changes to the following additional forms:

- [AOC-CR-312](#) (limited driving form for revocations following conviction of impaired driving and related offenses; for use when court does not order ignition interlock)
- [AOC-CVR-9](#) (form petition for limited driving privilege for person who has a civil license revocation under G.S. 20-16.5)
- [AOC-CV-350](#) (form petition for limited driving privilege for North Carolina resident revoked for an out-of-state or federal conviction)

AOC Guidance. Matt Osborne, Deputy Legal Counsel for AOC, described these legislative changes and form amendments in detail in [this May 23, 2022 memorandum](#).

Category: [Motor Vehicles](#) | Tags: [2021-182](#), [aoc forms](#), [ignition interlock](#), [license restoration](#), [limited driving privilege](#)

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