

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: House Bill 802 (First Edition)
SHORT TITLE: Ignition Interlock/Expand Scope.
SPONSOR(S): Representatives Jackson, Jordan, and Faircloth

FISCAL IMPACT					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Highway Fund Revenues:					
Highway Fund Expenditures:	\$0.08	\$0.01	\$0.01	\$0.01	\$0.01
State Positions:	0.0	0.0	0.0	0.0	0.0
NET STATE IMPACT	(\$0.08)	(\$0.01)	(\$0.01)	(\$0.01)	(\$0.01)
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Department of Transportation, Information Technology Section					
EFFECTIVE DATE: December 1, 2015					
TECHNICAL CONSIDERATIONS:					
Yes - See Technical Considerations Section					

BILL SUMMARY:

Section 1 amends G.S. 20-16.2(c1) to provide that when a person has an alcohol concentration of 0.13 (was, 0.15) or more, the law enforcement officer and the chemical analyst must execute an affidavit stating the specified information under current law.

Section 2 amends G.S. 20-17.8 to require the use of an ignition interlock system when restoring the license of a person who had an alcohol concentration of 0.13 (was, 0.15) or more. Adds the requirement that the Division of Motor Vehicles revoke the drivers license of a person subject to the statute if an ignition interlock system is disabled or removed.

Section 3 amends G.S. 20-179.3, concerning limited driving privilege eligibility, as follows:

- Requires that a limited driving privilege issued to a person convicted of an impaired driving offense with an alcohol concentration of 0.13 (was, 0.15) or more include the specified provisions under current law;
- Removes from those provisions the requirement that the privilege not become effective until at least 45 days after the final conviction; and,
- Amends the definition of standard working hours to include Saturday and Sunday.

The section also makes conforming, clarifying, and technical changes.

Section 4 provides the act is effective December 1, 2015, and applies to offenses committed on or after that date and restorations for offenses committed on or after that date. The section also provides that prosecutions for offenses committed before the act's effective date are not abated or affected.

ASSUMPTIONS AND METHODOLOGY:

According to the Department of Transportation, Information Technology Section, the following modifications to the State Automated Driver License System (SADLS) are required to automate the revised business processes associated with the above changes:

- Create a new conviction placeholder for blood alcohol concentration (BAC) level 0.13 offense and affidavit. These currently exist for 0.15 and 0.16 BAC; however, SADLS currently treats this as an inactive conviction. Therefore, all programs which have special codes for inactive convictions must change accordingly.
- Alter all current programs that handle and adjudicate BAC Level 0.15 offenses/affidavits to also handle a BAC Level 0.13. The BAC Level 0.13 offense/affidavit applies to Refused Chemical Test charges and Driving While Impaired convictions.
- Create new conviction and suspension rules for customers who disable or remove the Ignition Interlock from their vehicle(s).
- Create a new program to adjudicate convictions of disabling/removing an Ignition Interlock device.
- Modify SADLS hearing programs to allow for a hearing to be scheduled and conducted on the new suspension for disabling or removing an Ignition Interlock Device.
- Create a new suspension notice under G.S. 20-48 that will notify the customer that their driving privilege will be suspended for disabling or removing an Ignition Interlock device. The suspension notice shall include hearing provisions.
- Change the Limited Privilege (LP) Eligibility Process to no longer require a 45-day waiting period for LP's being issued for suspensions of Driving While Impaired under G.S. 20-138.1.

DOT-IT estimates that a total of 802 development hours are necessary, at a standard labor rate of \$90/hr (\$77,280). Recurring support costs associated with these modifications are an estimated \$14,000.

Staff training requirements for the Hearings Unit associated with the removal of the 45-day wait period under G.S. 20-179.3(c1) and proposed license cancellation will be accommodated with existing resources.

SOURCES OF DATA: Department of Transportation – Information Technology Section and Division of Motor Vehicles

TECHNICAL CONSIDERATIONS: DOT-IT recommends an alternate effective date of December 1, 2016 based on the current sequencing of project deadlines and resource capacity.

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DATE: April 22, 2015



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