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(Public)

Sponsors:

Referred to:

March 2, 2023

A BILL TO BE ENTITLED

AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY THE INDIGENT DEFENSE SERVICES COMMISSION, TO MODIFY THE CRITERIA FOR OBTAINING A LIMITED DRIVING PRIVILEGE, AND TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END.

The General Assembly of North Carolina enacts:

**REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER**

**SECTION 1.(a)** G.S. 130A-382(b) reads as rewritten:

"(b) County medical examiners shall complete continuing education training as directed by the Office of the Chief Medical Examiner and based upon established and published guidelines for conducting death investigations. The continuing education training shall include training regarding (i) sudden unexpected death in ~~epilepsy~~-epilepsy and (ii) requirements for compliance with the duties prescribed by G.S. 130A-385 and G.S. 130A-389. The Office of the Chief Medical Examiner shall annually update and publish these guidelines on its Internet Web site. Newly appointed county medical examiners shall complete mandatory orientation training as directed by the Office of the Chief Medical Examiner within 90 days ~~of~~-after their appointment."

**SECTION 1.(b)** G.S. 130A-385 reads as rewritten:

"§ 130A-385. **Duties of medical examiner upon receipt of notice; reports; copies.**

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed for that purpose.

~~The Chief Medical Examiner or the county medical examiner is authorized to inspect and copy the medical records of the decedent whose death is under investigation. In addition, in an investigation conducted pursuant to this Article, the Chief Medical Examiner or the county~~



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1 ~~medical examiner is authorized to inspect all physical evidence and documents which may be~~  
2 ~~relevant to determining the cause and manner of death of the person whose death is under~~  
3 ~~investigation, including decedent's personal possessions associated with the death, clothing,~~  
4 ~~weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical~~  
5 ~~images. The Chief Medical Examiner or county medical examiner is further authorized to seek~~  
6 ~~an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the~~  
7 ~~duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no~~  
8 ~~administrative search warrant shall be issued pursuant to this section unless the Chief Medical~~  
9 ~~Examiner or county medical examiner submits an affidavit from the office of the district attorney~~  
10 ~~in the district in which death occurred stating that the death in question is not under criminal~~  
11 ~~investigation.~~

12 (1) In all cases, the Chief Medical Examiner or the county medical examiner may  
13 (i) inspect the decedent's body, (ii) inspect and copy the medical records of  
14 the decedent whose death is under investigation, (iii) collect and inspect the  
15 decedent's body and personal possessions associated with the death, including  
16 clothing on the decedent's body, and (iv) collect tissue and blood samples,  
17 cultures, medical images, X-rays, and other medical information obtained  
18 through the use of medical equipment.

19 (2) In the case of a decedent whose death is not under criminal investigation, the  
20 Chief Medical Examiner or the county medical examiner conducting an  
21 investigation pursuant to this Article is authorized to inspect all other physical  
22 evidence and documents that may be relevant to determining the cause and  
23 manner of death of the person whose death is under investigation, and the  
24 Chief Medical Examiner or county medical examiner may seek an  
25 administrative search warrant pursuant to G.S. 15-27.2 for the purpose of  
26 carrying out the duties imposed under this section.

27 (3) In the case of a decedent whose death is under criminal investigation, no  
28 administrative search warrant shall be issued pursuant to this section, and the  
29 Chief Medical Examiner or the county medical examiner is not authorized to  
30 inspect other physical evidence or documents at the scene except as permitted  
31 by the investigating law enforcement agency. The district attorney or  
32 investigating law enforcement agency shall inform the Chief Medical  
33 Examiner, the county medical examiner, or the autopsy center, as applicable,  
34 that the death is under criminal investigation. Nothing in this subsection  
35 prohibits the Chief Medical Examiner or the county medical examiner from  
36 being present during the execution of a search warrant by the investigating  
37 law enforcement agency.

38 The Chief Medical Examiner shall provide directions as to the nature, character and extent  
39 of an investigation and appropriate forms for the required reports. The facilities of the central and  
40 district offices and autopsy centers and their staff services shall be available to the medical  
41 examiners and designated pathologists in their investigations.

42 (a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology  
43 screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant  
44 to G.S. 130A-383 or G.S. 130A-384.

45 (b) The medical examiner shall complete a certificate of death, stating the name of the  
46 disease ~~which in his opinion that, in the opinion of the medical examiner,~~ caused death. If the  
47 death was from external causes, the medical examiner shall state on the certificate of death the  
48 means of death, and whether, in the medical examiner's opinion, the manner of death was  
49 accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall  
50 also furnish any information as may be required by the State Registrar of Vital Statistics in order  
51 to properly classify the death.

1 (c) ~~The Chief Medical Examiner shall have authority to amend a medical examiner death~~  
2 ~~certificate.~~ may amend a certificate of death completed by a medical examiner pursuant to  
3 subsection (b) of this section.

4 (d) ~~A copy of the report of the medical examiner investigation may be forwarded to the~~  
5 ~~appropriate district attorney.~~ Upon request by the district attorney, the Office of the Chief Medical  
6 Examiner, the local medical examiner, and the autopsy center, as applicable, shall provide a  
7 complete copy of the medical examiner investigation file to the appropriate district attorney. For  
8 purposes of this subsection, the "medical examiner investigation file" means the finalized  
9 toxicology report, the finalized autopsy report, any autopsy examination notes, any death scene  
10 notes, the finalized report of investigation of a medical examiner, the case encounter form, any  
11 case comments, any case notes, any autopsy photographs, any scene photographs, and any video  
12 or audio recordings of the autopsy examination in the custody and control of the North Carolina  
13 Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner,  
14 a county medical examiner appointed under G.S. 130A-382, or an investigating medical  
15 examiner in connection with a death under criminal investigation by a public law enforcement  
16 agency. Each records custodian shall be responsible for providing the portions of the medical  
17 examiner investigation file within its custody and control. This is a continuing disclosure  
18 obligation, and any records or other materials responsive to the district attorney's request that are  
19 discovered or added to the medical examiner investigation file after the request was made shall  
20 also be provided to the district attorney. The district attorney or investigating law enforcement  
21 agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy  
22 center, as applicable, if the death is no longer under criminal investigation and the obligation is  
23 terminated.

24 (e) In cases where death occurred due to an injury received in the course of the decedent's  
25 employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of  
26 the medical examiner's report of the investigation, including the location of the fatal injury and  
27 the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical  
28 Examiner shall forward this report within 30 days of receipt of the information from the medical  
29 examiner.

30 (f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter  
31 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and  
32 the deceased was a client or resident of the facility or a recipient of facility services at the time  
33 of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report  
34 to the Secretary of Health and Human Services within 30 days of receipt of the report from the  
35 medical examiner."

36 **SECTION 1.(c)** G.S. 130A-389(a) reads as rewritten:

37 "(a) The Chief Medical Examiner or a competent pathologist designated by the Chief  
38 Medical Examiner shall perform an autopsy or other study in each of the following cases:

- 39 (1) If, in the opinion of the medical examiner investigating the case or of the Chief  
40 Medical Examiner, it is advisable and in the public interest that an autopsy or  
41 other study be made.
- 42 (2) If an autopsy or other study is requested by the district attorney of the county  
43 or by any superior court judge.
- 44 (3) ~~In~~ Notwithstanding subdivision (2) of this subsection, in any case in which the  
45 district attorney of the county asserts to the Chief Medical Examiner or the  
46 medical examiner of the county in which the body was located that there is  
47 probable cause to believe that a violation of G.S. 14-18.4 has occurred, a  
48 complete autopsy shall be performed. The district attorney has at least 72  
49 weekday hours after pronouncement of death by a person authorized under  
50 this Part to express the opinion that death has occurred to make the assertion  
51 required by this subdivision, provided that the district attorney or the

1 investigating law enforcement agency provides notification within the first 24  
2 hours after the pronouncement that such an assertion might be made. The  
3 district attorney may, but is not required to, assert to the Chief Medical  
4 Examiner the facts supporting probable cause to believe that a violation of  
5 G.S. 14-18.4 has occurred.

6 A complete autopsy report of findings and interpretations, prepared on forms designated for  
7 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the  
8 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an  
9 autopsy, a copy of the report shall be furnished to any person upon request."

10 **SECTION 1.(d)** This section becomes effective October 1, 2024.

11  
12 **MODIFY INDIGENT DEFENSE SERVICES COMMISSION**

13 **SECTION 2.(a)** G.S. 7A-498.4 reads as rewritten:

14 **"§ 7A-498.4. Establishment of Commission on Indigent Defense Services.**

15 (a) The Commission on Indigent Defense Services is created within the Office of  
16 Indigent Defense Services and shall consist of ~~13 members~~, 15 members, who shall reside in  
17 different judicial districts from one another. To create an effective working group, assure  
18 continuity, and achieve staggered terms, the Commission shall be appointed as provided in this  
19 section.

20 (b) The members of the Commission shall be appointed as follows:

- 21 (1) The Chief Justice of the North Carolina Supreme Court shall appoint one  
22 member, who shall be an ~~active or former member of the North Carolina~~  
23 ~~judiciary attorney.~~  
24 (2) ~~The Governor shall appoint one member, who shall be a nonattorney.~~  
25 (3) The General Assembly shall appoint ~~one member, who shall be an attorney,~~  
26 four members, upon the recommendation of the President Pro Tempore of the  
27 ~~Senate.~~ Senate, two of whom shall be attorneys who regularly serve as  
28 appointed counsel, one of whom shall be an active or retired public defender,  
29 and one of whom shall be an attorney.  
30 (4) The General Assembly shall appoint ~~one member, who shall be an attorney,~~  
31 four members, upon the recommendation of the Speaker of the House of  
32 ~~Representatives.~~ Representatives, two of whom shall be attorneys who  
33 regularly serve as appointed counsel, one of whom shall be an active or retired  
34 public defender, and one of whom shall be an attorney.  
35 (5) The North Carolina Public Defenders Association shall appoint ~~member,~~ one  
36 member, who shall be an ~~attorney~~ active or retired public defender.  
37 (6) The North Carolina State Bar shall appoint one member, who shall be an  
38 ~~attorney~~ attorney who regularly serves as an appointed counsel.  
39 (7) ~~The North Carolina Bar Association shall appoint one member, who shall be~~  
40 ~~an attorney.~~  
41 (8) The North Carolina Academy of Trial Lawyers shall appoint one member,  
42 who shall be an attorney.  
43 (9) The North Carolina Association of Black Lawyers shall appoint one member,  
44 who shall be an attorney.  
45 (10) The North Carolina Association of Women Lawyers shall appoint one  
46 member, who shall be an attorney.  
47 (11) The Commission shall appoint ~~three members, who shall reside in different~~  
48 ~~judicial districts from one another. One appointee shall be a nonattorney, and~~  
49 ~~one appointee may be an active member of the North Carolina judiciary. One~~  
50 ~~appointee shall be Native American. The initial three members satisfying this~~

1 subdivision shall be appointed as provided in subsection (k) of this section. one  
 2 member, who shall be an attorney.

3 (c) The initial terms of members appointed pursuant to subsection (b) of this section shall  
 4 be as follows:

- 5 (1) ~~The initial appointments by the Chief Justice, the Governor, and the General~~  
 6 ~~Assembly shall be for four years.~~
- 7 (2) ~~The initial appointments by the Public Defenders Association and State Bar,~~  
 8 ~~and one appointment by the Commission, shall be for three years.~~
- 9 (3) ~~The initial appointments by the Bar Association and Trial Academy, and one~~  
 10 ~~appointment by the Commission, shall be for two years.~~
- 11 (4) ~~The initial appointments by the Black Lawyers Association and Women~~  
 12 ~~Lawyers Association, and one appointment by the Commission, shall be for~~  
 13 ~~one year.~~

14 At the expiration of these initial terms, appointments shall be for four years and shall be made  
 15 by the appointing authorities designated in subsection (b) of this section. No person shall serve  
 16 more than two consecutive four-year terms plus any initial term of less than four years.

17 (d) Persons appointed to the Commission shall have significant experience in the defense  
 18 of criminal or other cases subject to this Article or shall have demonstrated a strong commitment  
 19 to quality representation in indigent defense matters. No active prosecutors or law enforcement  
 20 officials, or active employees of such persons, may be appointed to or serve on the Commission.  
 21 No active judicial officials, or active employees of such persons, may be appointed to or serve  
 22 on the ~~Commission, except as provided in subsection (b) of this section. No Commission.~~  
 23 Notwithstanding the appointments authorized pursuant to G.S. 7A-498.4(b)(3), (4), and (5), no  
 24 active public defenders, active employees of public defenders, or other active employees of the  
 25 Office of Indigent Defense Services may be appointed to or serve on the Commission, except  
 26 that notwithstanding this subsection, G.S. 14-234, or any other provision of law, Commission  
 27 members may include part-time public defenders employed by the Office of Indigent Defense  
 28 Services and may include persons, or employees of persons or organizations, who provide legal  
 29 services subject to this Article as contractors or appointed attorneys.

30 ...  
 31 (k) ~~The Commission shall hold its first meeting no later than September 15, 2000. All~~  
 32 ~~appointments to the Commission specified in subdivisions (1) through (10) of subsection (b) of~~  
 33 ~~this section shall be made by the appointing authorities by September 1, 2000. The appointee of~~  
 34 ~~the Chief Justice shall convene the first meeting. No later than 30 days after its first meeting, the~~  
 35 ~~Commission shall make the appointments specified in subdivision (11) of subsection (b) of this~~  
 36 ~~section and shall elect its chair."~~

37 **SECTION 2.(b)** This section becomes effective October 1, 2024, and applies to  
 38 appointments made on or after that date. Notwithstanding any provision of law to the contrary,  
 39 the terms of members of the Indigent Defense Services Commission appointed prior to October  
 40 1, 2024, shall conclude as follows:

- 41 (1) For those appointed pursuant to G.S. 7A-498.4(b)(6) and (11), the terms shall  
 42 end October 1, 2024.
- 43 (2) For those appointed pursuant to G.S. 7A-498.4(b)(8), (9), and (10), the terms  
 44 shall end with the appointment of a member pursuant to G.S. 7A-498.4(b)(1).
- 45 (3) For those appointed pursuant to G.S. 7A-498.4(b)(3), (5), and (7), the terms  
 46 shall end with the appointment of members pursuant to G.S. 7A-498.4(b)(3).
- 47 (4) For those appointed pursuant to G.S. 7A-498.4(b)(1), (2), and (4), the terms  
 48 shall end with the appointment of members pursuant to G.S. 7A-498.4(b)(4).

50 **IGNITION INTERLOCK AND LIMITED DRIVING PRIVILEGE CHANGES**

51 **SECTION 3.(a)** G.S. 20-179.3 reads as rewritten:

1 **"§ 20-179.3. Limited driving privilege.**

2 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment  
3 issued in the discretion of a court for good cause shown authorizing a person with a revoked  
4 driver's license to drive for essential purposes related to any of the following:

- 5 (1) The person's employment.
- 6 (2) The maintenance of the person's household.
- 7 (3) The person's education.
- 8 (4) The person's court-ordered treatment or assessment.
- 9 (5) Community service ordered as a condition of the person's probation.
- 10 (6) Emergency medical care.
- 11 (7) Religious worship.

12 (b) Eligibility. –

13 (1) ~~A~~Except as otherwise provided in subdivision (3) of this subsection, a person  
14 convicted of the offense of impaired driving under G.S. 20-138.1 is eligible  
15 for a limited driving privilege if all of the following requirements are met:

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

28 A person whose North Carolina driver's license is revoked because of a  
29 conviction in another jurisdiction substantially similar to impaired driving  
30 under G.S. 20-138.1 is eligible for a limited driving privilege if the person  
31 would be eligible for it had the conviction occurred in North Carolina.  
32 Eligibility for a limited driving privilege following a revocation under  
33 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

34 (2) Any person whose licensing privileges are forfeited pursuant to  
35 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds  
36 that at the time of the forfeiture, the person held either a valid drivers license  
37 or a drivers license that had been expired for less than one year and either of  
38 the following requirements is met:

- 39 a. The person is supporting existing dependents or must have a drivers  
40 license to be gainfully employed.
- 41 b. The person has an existing dependent who requires serious medical  
42 treatment and the defendant is the only person able to provide  
43 transportation to the dependent to the health care facility where the  
44 dependent can receive the needed medical treatment.

45 The limited driving privilege granted under this subdivision must restrict  
46 the person to essential driving related to the purposes listed above, and any  
47 driving that is not related to those purposes is unlawful even though done at  
48 times and upon routes that may be authorized by the privilege.

49 (3) A person convicted of the offense of impaired driving under G.S. 20-138.1  
50 that has been convicted of not more than one offense involving impaired

1 driving within the preceding seven years is eligible for a limited driving  
 2 privilege if all of the following requirements are met:

- 3 a. At the time of the offense the person held either a valid driver's license  
 4 or a license that had been expired for less than one year.
- 5 b. At the time of the offense the person did not have an alcohol  
 6 concentration of 0.15 or more.
- 7 c. One of the following punishment levels was imposed for the offense  
 8 of impaired driving:
- 9 1. Punishment Level Three, Four, or Five.  
 10 2. Punishment Level Two, but only if the Grossly Aggravating  
 11 Factor determined to impose Punishment Level Two was the  
 12 Grossly Aggravating Factor provided in G.S. 20-179(c)(1).
- 13 d. Subsequent to the offense the person has not been convicted of, or had  
 14 an unresolved charge lodged against the person for, an offense  
 15 involving impaired driving.
- 16 e. The person has obtained and filed with the court a substance abuse  
 17 assessment of the type required by G.S. 20-17.6 for the restoration of  
 18 a drivers license.

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

25 ...

26 (g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction  
 27 of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or more, a judge shall  
 28 include all of the following in a limited driving privilege order:

- 29 (1) A restriction that the applicant may operate only a designated motor vehicle.  
 30 (2) A requirement that the designated motor vehicle be equipped with a  
 31 functioning ignition interlock system of a type approved by the  
 32 Commissioner, which is set to prohibit driving with an alcohol concentration  
 33 of greater than 0.02. The Commissioner shall not unreasonably withhold  
 34 approval of an ignition interlock system and shall consult with the Division of  
 35 Purchase and Contract in the Department of Administration to ensure that  
 36 potential vendors are not discriminated against.  
 37 (3) A requirement that the applicant personally activate the ignition interlock  
 38 system before driving the motor vehicle.

39 If the limited driving privilege order includes the restrictions set forth in this subsection, then  
 40 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply  
 41 when the person is operating the designated motor vehicle with a functioning ignition interlock  
 42 system. For purposes of this subsection, the results of a chemical analysis presented at trial or  
 43 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and  
 44 shall not be subject to modification by any party, with or without approval by the court.

45 ...

46 (j) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection (j2)  
 47 of this section, a person holding a limited driving privilege who violates any of its restrictions  
 48 commits the offense of driving while license is revoked for impaired driving under  
 49 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If  
 50 a law-enforcement officer has reasonable grounds to believe that the person holding a limited  
 51 driving privilege has consumed alcohol while driving or has driven while the person has

1 remaining in the person's body any alcohol previously consumed, the suspected offense of  
 2 driving while license is revoked is an alcohol-related offense subject to the implied-consent  
 3 provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving  
 4 while license revoked by violating a restriction contained in the limited driving privilege, and a  
 5 judicial official determines that there is probable cause for the charge, the limited driving  
 6 privilege is suspended pending the resolution of the case, and the judicial official must require  
 7 the person to surrender the limited driving privilege. The judicial official must also notify the  
 8 person that the person is not entitled to drive until the case is resolved.

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

16 ...  
 17 (j2) Effect of Ignition Interlock System Violation During Final 90-Day Period. –  
 18 Notwithstanding subsection (j) of this section, a person holding a limited driving privilege,  
 19 including the restriction set forth in subsection (g5) of this section who commits an ignition  
 20 interlock system violation during the 90-day period immediately preceding the date on which the  
 21 person's compliance with subsection (g5) of this section is to end, shall have the period of  
 22 compliance with subsection (g5) of this section extended for an additional period of 90 days or  
 23 until the person has been violation-free for such extended period. For purposes of this subsection,  
 24 the term "ignition interlock system violation" means any of the following:

- 25 (1) A violation of any of the restrictions set forth in subsection (g5) of this section.
- 26 (2) A violation of G.S. 20-17.8A.
- 27 (3) A violation of any of the rules established by the Division for use of an ignition  
 28 interlock system on a designated motor vehicle.

29 ...."

30 **SECTION 3.(b)** G.S. 20-17.8 reads as rewritten:

31 **"§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**  
 32 **ignition interlock.**

33 ...  
 34 (b) Ignition Interlock Required. – Except as provided in subsection (l) of this section,  
 35 when the Division restores the license of a person who is subject to this section, in addition to  
 36 any other restriction or condition, it shall require the person to agree to and shall indicate on the  
 37 person's drivers license the following restrictions for the period designated in subsection (c):

- 38 (1) A restriction that the person may operate only a vehicle that is equipped with  
 39 a functioning ignition interlock system of a type approved by the  
 40 Commissioner. The Commissioner shall not unreasonably withhold approval  
 41 of an ignition interlock system and shall consult with the Division of Purchase  
 42 and Contract in the Department of Administration to ensure that potential  
 43 vendors are not discriminated against.
- 44 (2) A requirement that the person personally activate the ignition interlock system  
 45 before driving the motor vehicle.
- 46 (3) A requirement that the person not drive with an alcohol concentration of 0.02  
 47 or greater.

48 (c) Length of Requirement. – ~~The~~ Except as otherwise provided in subsection (g1) of this  
 49 section, the requirements of subsection (b) shall remain in effect for one of the following:

- 50 (1) One year from the date of restoration if the original revocation period was one  
 51 year.



- 1 (2) Three years from the date of restoration if the original revocation period was  
2 four years.  
3 (3) Seven years from the date of restoration if the original revocation was a  
4 permanent revocation.

5 ...

6 (f) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection  
7 (g1) of this section, a person subject to this section who violates any of the restrictions of this  
8 section commits the offense of driving while license revoked for impaired driving under  
9 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If  
10 a law enforcement officer has reasonable grounds to believe that a person subject to this section  
11 has consumed alcohol while driving or has driven while he has remaining in his body any alcohol  
12 previously consumed, the suspected offense of driving while license is revoked is an  
13 alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person  
14 subject to this section is charged with driving while license revoked by violating a condition of  
15 subsection (b) of this section, and a judicial official determines that there is probable cause for  
16 the charge, the person's license is suspended pending the resolution of the case, and the judicial  
17 official must require the person to surrender the license. The judicial official must also notify the  
18 person that he is not entitled to drive until his case is resolved. An alcohol concentration report  
19 from the ignition interlock system shall not be admissible as evidence of driving while license  
20 revoked, nor shall it be admissible in an administrative revocation proceeding as provided in  
21 subsection (g) of this section, unless the person operated a vehicle when the ignition interlock  
22 system indicated an alcohol concentration in violation of the restriction placed upon the person  
23 by subdivision (b)(3) of this section.

24 (g) Effect of Violation of Restriction When Driving While License Revoked Not  
25 Charged. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to  
26 this section who violates any of the restrictions of this section, but is not charged or convicted of  
27 driving while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked  
28 by the Division for a period of one year.

29 (g1) Effect of Ignition Interlock System Violation During Final 90-Day Period. –  
30 Notwithstanding subsection (f) or (g) of this section, a person subject to this section who commits  
31 an ignition interlock system violation during the 90-day period immediately preceding the date  
32 on which the person's length of requirement set forth in subsection (c) of this section is to end  
33 shall have the period of compliance with subsection (b) of this section extended for an additional  
34 period of 90 days or until the person has been violation-free for such extended period. For  
35 purposes of this subsection, the term "ignition interlock system violation" means any of the  
36 following:

- 37 (1) A violation of any of the restrictions set forth in subsection (b) of this section.  
38 (2) A violation of G.S. 20-17.8A.  
39 (3) A violation of any of the rules established by the Division for use of an ignition  
40 interlock system on a designated motor vehicle.

41 ...."

42 **SECTION 3.(c)** Prosecutions for offenses committed before the effective date of this  
43 act are not abated or affected by this act, and the statutes that would be applicable but for this act  
44 remain applicable to those prosecutions.

45 **SECTION 3.(d)** Section 3(a) of this act becomes effective July 1, 2024, and applies  
46 to limited driving privileges issued on or after that date. Section 3(b) of this act becomes effective  
47 July 1, 2024, and applies to drivers licenses revoked on or after that date. Section 3(c) of this act  
48 becomes effective July 1, 2024.

49 **EFFECTIVE DATE**  
50

1                   **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
2 law.