

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-500
HOUSE BILL 926**

AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-19(d)(2) reads as rewritten:

"(d) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has another offense involving impaired driving for which he has been convicted, which offense occurred within three years immediately preceding the date of the offense for which his license is being revoked, or (ii) G.S. 20-17(a)(9) due to a violation of G.S. 20-141.4(a3), the period of revocation is four years, and this period may be reduced only as provided in this section. The Division may conditionally restore the person's license after it has been revoked for at least two years under this subsection if he provides the Division with satisfactory proof that:

- (1) He has not in the period of revocation been convicted in North Carolina or any other state or federal jurisdiction of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any other criminal offense involving the possession or consumption of alcohol or drugs; and
- (2) He is not currently an excessive user of alcohol, drugs, or prescription drugs, or unlawfully using any controlled substance. The person may voluntarily submit themselves to continuous alcohol monitoring for the purpose of proving abstinence from alcohol consumption during a period of revocation immediately prior to the restoration consideration.
 - a. Monitoring periods of 120 days or longer shall be accepted by the Division as evidence of abstinence if the Division receives sufficient documentation that reflects that the person abstained from alcohol use during the monitoring period.
 - b. The continuous alcohol monitoring system shall be a system approved under G.S. 15A-1343.3.
 - c. The Division may establish guidelines for the acceptance of evidence of abstinence under this subdivision.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for the duration of the original revocation period."

SECTION 2. G.S. 20-19(e1)(2) reads as rewritten:

"(e1) Notwithstanding subsection (e) of this section, the Division may conditionally restore the license of a person to whom subsection (e) applies after it has been revoked for at least three years under subsection (e) if the person provides the Division with satisfactory proof of all of the following:

- (1) In the three years immediately preceding the person's application for a restored license, the person has not been convicted in North Carolina or in any other state or federal court of a motor vehicle offense, an alcohol beverage control law offense, a drug law offense, or any criminal offense involving the consumption of alcohol or drugs.
- (2) The person is not currently an excessive user of alcohol, drugs, or prescription drugs, or unlawfully using any controlled substance. The person may voluntarily submit themselves to continuous alcohol monitoring for the



purpose of proving abstinence from alcohol consumption during a period of revocation immediately prior to the restoration consideration.

- a. Monitoring periods of 120 days or longer shall be accepted by the Division as evidence of abstinence if the Division receives sufficient documentation that reflects that the person abstained from alcohol use during the monitoring period.
- b. The continuous alcohol monitoring system shall be a system approved under G.S. 15A-1343.3.
- c. The Division may establish guidelines for the acceptance of evidence of abstinence under this subdivision."

SECTION 3. Of the funds appropriated to the Division of Motor Vehicles of the Department of Transportation for the 2009-2010 fiscal year, up to the sum of ten thousand dollars (\$10,000) may be expended for the development and promulgation of guidelines to implement this act.

SECTION 4. Section 3 of this act becomes effective July 1, 2009. Section 4 of this act is effective when it becomes law, and the remainder of this act is effective for hearings or proceedings occurring on or after December 1, 2009.

In the General Assembly read three times and ratified this the 11th day of August, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:11 p.m. this 26th day of August, 2009