

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS45003-ML-29A (12/22)

Short Title: Ltd. Driving/Remove Wait for First Offense. (Public)

Sponsors: Senator D. Davis (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE FORTY-FIVE-DAY PERIOD A PERSON CONVICTED OF A
FIRST IMPAIRED DRIVING OFFENSE WITH AN ALCOHOL CONCENTRATION OF
0.15 OR ABOVE MUST WAIT PRIOR TO LIMITED DRIVING PRIVILEGES
BECOMING EFFECTIVE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179.3 reads as rewritten:

"§ 20-179.3. Limited driving privilege.

...

(c1) Privilege Restrictions for High-Risk Drivers. – Notwithstanding any other provision of this section, any limited driving privilege issued to a person convicted of an impaired driving offense with an alcohol concentration of 0.15 or more at the time of the offense shall:

(1) ~~Not become effective until at least 45 days after the final conviction under G.S. 20-138.1;~~

(2) ~~Require~~ shall (i) require the applicant to comply with the ignition interlock requirements of subsection (g5) of this section; and

(3) ~~Restrict~~ section and (ii) restrict the applicant to driving only to and from the applicant's place of employment, the place the applicant is enrolled in school, the applicant's place of religious worship, any court ordered treatment or substance abuse education, and any ignition interlock service facility. In addition, if the person was convicted of a prior offense involving impaired driving, any limited driving privilege issued shall not become effective until at least 45 days after the final conviction under G.S. 20-138.1. Nothing in this subsection shall be construed as authorizing the issuance of a limited driving privilege to a person otherwise ineligible under this section.

(c2) Use of Chemical Analysis Results. – For purposes of ~~this subsection~~, subsection (c1) of this section, the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court.

...."

SECTION 2. This act becomes effective December 1, 2017, and applies to limited driving privileges issued on or after that date.



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