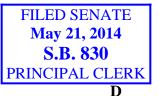
## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013



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## SENATE DRS45118-RWz-20A\* (02/24)

Short Title:	DWI Interlock Violation/DMV Hearing Site.	(Public)
Sponsors:	Senators Harrington and Daniel (Primary Sponsors).	
Referred to:		

1	A BILL TO BE ENTITLED
2	AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES HEARING ON A
3	LICENSE REVOCATION AS A RESULT OF A DRIVING WHILE IMPAIRED
4	IGNITION INTERLOCK VIOLATION BE HELD IN THE LICENSEE'S COUNTY OF
5	RESIDENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE
6	TRANSPORTATION OVERSIGHT COMMITTEE.
7	The General Assembly of North Carolina enacts:
8	<b>SECTION 1.</b> G.S. 20-17.8(j) reads as rewritten:
9	"(j) Right to Hearing Before Division; Issues. – If the person's license is revoked
10	pursuant to subsection (g) of this section, before the effective date of the order issued under
11	subsection (i) of this section, the person may request in writing a hearing before the Division.
12	Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the
13	Division that the person's license was surrendered to the court and remained in the court's
14	possession, then the Division shall credit the amount of time for which the license was in the
15	possession of the court against the revocation period required by subsection (g) of this section.
16	If the person properly requests a hearing, the person retains the person's license, unless it is
17	revoked under some other provision of law, until the hearing is held, the person withdraws the
18	request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena
19	any witnesses or documents that the hearing officer deems necessary. The person may request
20	the hearing officer to subpoen the charging officer, the chemical analyst, or both to appear at
21	the hearing if the person makes the request in writing at least three days before the hearing. The
22	person may subpoen any other witness whom the person deems necessary, and the provisions
23	of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the
24	authority of this section. The hearing officer is authorized to administer oaths to witnesses
25	appearing at the hearing. The hearing must be conducted in the county where the charge was
26	brought, except when the evidence of the violation is an alcohol concentration report from an
27	ignition interlock system, the hearing shall be conducted in the county where the person
28	resides. and The hearing must be limited to consideration of whether:
29	(1) The drivers license of the person had an ignition interlock requirement; and
30	(2) The person:

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- a. Was driving a vehicle that was not equipped with a functioning ignition interlock system; or
- b. Did not personally activate the ignition interlock system before driving the vehicle; or
- 35 36
- c. Drove the vehicle in violation of an applicable alcohol concentration restriction prescribed by subdivision (b)(3) of this section.



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1	If the Division finds that the conditions specified in this subsection are
2	met, it must order the revocation sustained. If the Division finds that the
3	condition of subdivision (1) is not met, or that none of the conditions of
4	subdivision (2) are met, it must rescind the revocation. If the revocation is
5	sustained, the person must surrender the person's license immediately upon
6	notification by the Division. If the revocation is sustained, the person may
7	appeal the decision of the Division pursuant to G.S. 20-25."
8	<b>SECTION 2.</b> This act becomes effective October 1, 2014, and applies to hearings
9	requested on or after that date.