



N.C. DEPARTMENT OF TRANSPORTATION

NCDMV Proposed Temporary Rule

Review of Denial for Ignition Interlock System

North Carolina Administrative Code (NCAC)

19A NCAC 03K .0103

Virtual Public Hearing

Tuesday, March 15, 2022 10:00 AM

Pre-register at <https://attendee.gotowebinar.com/register/2069434136979734797>

After registering, you will receive a confirmation email containing information about joining the webinar.

PURPOSE OF VIRTUAL PUBLIC HEARING

The virtual public hearing is an opportunity for you, the public, to be involved in the rulemaking process, and is being held to solicit comments regarding the request to amend, adopt or repeal portions of the N.C. Administrative Code per the rules process.

YOUR PARTICIPATION

You are encouraged to participate by making your comments and/or questions a part of the public record. This can be done by having them recorded at the Formal Virtual Public Hearing or by providing them in writing.

You may leave your written comments and/or questions by submitting them via mail or email to the contact below.

**The public comment period ends March 30, 2022 for the following rule:
19A NCAC 03K .0103**

Attn: Jamille Robbins
NCDOT – Environmental Analysis Unit
1598 Mail Service Center
Raleigh, NC 27699-1598
Email: rulemaking@ncdot.gov

Everyone present is urged to participate in the proceedings. It is important, however, that **THE OPINIONS OF ALL INDIVIDUALS BE RESPECTED REGARDLESS OF HOW DIVERGENT THEY MAY BE FROM YOUR OWN**. Accordingly, debates are out of place at public hearings. Also, the public hearing is not to be used as a popular referendum to determine the location and/or design by a majority vote of those present.

WHAT IS DONE WITH THE INPUT?

All input received through the public hearing process will be reviewed by the Division of Motor Vehicles staff prior to adoption of the proposed temporary rule. The Division will then submit the adopted proposed temporary rule to the Rules Review Commission with the Office of Administrative Hearings for review.

FOR MORE INFORMATION

Please go to <https://www.ncdot.gov/about-us/how-we-operate/policy-process/rules/> for more information about the rules change process.

REASON FOR PROPOSED TEMPORARY RULE

To comply with requirements set forth in Session Law 2021-182 that requires the agency to adopt temporary rules concerning the review of denial for the ignition interlock system.

1 19A NCAC 03K .0103 is proposed under temporary procedures as follows:
2

3 **19A NCAC 03K .0103 REVIEW OF DENIAL FOR IGNITION INTERLOCK SYSTEM**
4

5 (a) In the event an applicant is denied a waiver of costs for an ignition interlock system and pursuant to G.S. 20-179.5,
6 the applicant may seek review of the decision by the Division of Motor Vehicles of the vendor's determination. No
7 fees shall be charged for a Review of a Denial of the Affordability of an Ignition Interlock System as set forth in G.S.
8 20-179.5.

9 (b) Should any applicant disagree with a decision of the vendor pertaining to the denial of the waiver, the applicant
10 may appeal to the Division of Motor Vehicles in accordance with this Rule.

11 (c) Within 30 days from the time of the decision of the vendor, the applicant shall submit a written appeal to the
12 Division of Motor Vehicles setting forth the facts and arguments upon which the appeal is based. The appeal shall be
13 sent to the Division by certified mail and with a return receipt requested.

14 (d) Upon receipt of the written appeal, the Division shall review the written appeal and the vendor's decision, as well
15 as any documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision,
16 supported by findings of fact. The final agency decision shall be given by deposit in the US mail of such notice in an
17 envelope with postage prepaid, addressed to such person at the address as shown by the records of the Division.
18

19 *History Note: Authority S.L. 2021-182; G.S. 20-179.5;*
20 *Temporary Adoption Eff. _____ 2022.*
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TITLE VI PUBLIC INVOLVEMENT FORM

Completing this form is **completely** voluntary. You are not required to provide the information requested in order to participate in this meeting.

Meeting Type: Rule Changes Virtual Public Hearing	Date: March 15, 2022
Location: GoToMeeting	
TIP No.:	
Project Description:	

In accordance with Title VI of the Civil Rights Act of 1964 and related authorities, the N.C. Department of Transportation assures that no person(s) shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any of the Department's programs, policies, or activities, based on their race, color, national origin, disability, age, income, or gender.

Completing this form helps meet our data collection and public involvement obligations under Title VI and NEPA, and will improve how we serve the public. Please place the completed form in the designated box on the sign-in table, hand it to an NCDOT official or mail it to the Environmental Analysis Unit, 1598 Mail Service Center, Raleigh, NC 27699-1598.

All forms will remain on file at the NCDOT as part of the public record.

Zip Code: _____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Street Name: (i.e. Main Street) _____	Age: <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
Total Household Income: <input type="checkbox"/> Less than \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 or greater	Have a Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Race/Ethnicity: <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	National Origin: (if born outside the U.S.) <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> European: _____ <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____

How did you hear about this meeting? (newspaper advertisement, flyer, and/or mailing) _____

For more information regarding Title VI or this request, please contact the NCDOT Title VI Nondiscrimination Program at (919) 508-1808 or toll free at 1-800-522-0453, or by email at titleVI@ncdot.gov. Thank you for your participation!



**NCDOT- Environmental Analysis Unit
Attn: Jamille Robbins
1598 Mail Service Center
Raleigh, NC 27699-1598**

COMMENT SHEET

Proposed Temporary Rule for **19A NCAC 03K .0103**

Virtual Public Hearing – March 15, 2022.

NAME:

ADDRESS:

COMMENTS AND/OR QUESTIONS:

Submit comments via mail or email to:

Attn: Jamille Robbins
NCDOT – Environmental Analysis Unit
1598 Mail Service Center
Raleigh, NC 27699-1598
Phone: (919) 707-6085
Email: jarobbins@ncdot.gov

Attn: Hannah Jernigan
Rulemaking Coordinator
1501 Mail Service Center
Raleigh, NC 27699-1501
Phone: (919) 707-2821
Email: Rulemaking@ncdot.gov



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Attn: Jamille Robbins
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Raleigh, NC 27699-1598**