



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

DIVISION OF MOTOR VEHICLES

EUGENE A. CONTI, JR.  
SECRETARY

November 25, 2009

*Approved  
Michael D. Robertson  
11/30/2009*

MEMORANDUM

TO: Michael D. Robertson, Commissioner  
North Carolina Division of Motor Vehicles

FROM: Lori A. Kroll, Director of Hearings  
North Carolina Division of Motor Vehicles *JAK*

DATE: November 20, 2009

SUBJECT: Procedures for the Use of the CAM Technology

This memorandum addresses the procedures that were effective May 1, 2008, pertaining to the use of Continued Alcohol Monitoring (CAM) technology in the conditional restoration of a driver's license and incorporates the new requirements established in Session Law 2009-500. Effective 1 December, 2009, the following procedures shall be applied to the DMV Hearings Section's.

- 1 For driver's licenses that were conditionally restored pursuant to G.S. § 20-19 (d) and G. S. § 20-19(e) and the licensee was granted a medical exemption under G.S. § 20-17.8(l):

DMV Medical Hearings will notify DMV Hearings Section of such exemption and that the CAM device shall be used in lieu of an Ignition Interlock device. The DMV Medical Hearings may impose additional restrictions to the conditional restoration agreement to protect highway safety. The conditional restoration agreement must be carried on the applicant's person at all times while operating a motor vehicle.

The hearing officer of record shall conduct a modification hearing to amend the conditional restoration agreement as soon as practical. The completed file will be forwarded to Wendy Robbins at DMV Headquarters.

If the approved applicant did not previously have an Ignition Interlock device installed, then the applicant must have the CAM device of a type approved by the Department of Correction (DOC) installed within six months of the original

date of the conditional license restoration. If the approved applicant does not meet this deadline, then the conditional license restoration will be cancelled.

The company monitoring the approved CAM device (herein referred to as Provider) will be responsible for installation, maintenance, and compliance monitoring of the applicant's CAM device. Provider shall work directly with the approved applicant to handle all financial arrangements relating to the CAM device.

Provider will present a CAM installation certificate to both the approved applicant and to DMV Medical Hearings. This certification will be shared with DMV Hearings Section through Wendy Robbins. The approved applicant shall present the CAM installation certification to a DMV driver's license examiner as documentation that the applicant has met that requirement for the issuance of a driver's license.

Provider will monitor the approved applicant on a continual basis, screening for violations including: 1) confirmed alcohol consumption, 2) tampers that indicate a test defeating strategy has been attempted in order to obscure an alcohol consumption event, and 3) insufficient communication has been maintained in order to monitor the device. All CAM violations are determined by the device manufacturer, Alcohol Monitoring Systems, and communicated by Provider through a CAM violation report.

CAM violation reports will be submitted by the Provider to DMV Medical Hearings, through Linda Hill, on the day that the violation is confirmed by Provider. Provider will hand-deliver a notarized affidavit of the CAM violation report to DMV Medical Hearings, which will, through Linda Hill, forward CAM violation reports to Wendy Robbins. Wendy Robbins will notify the hearing officer of record to schedule a compliance hearing. A compliance hearing will be scheduled and conducted as soon as practical by the hearing officer of record. Provider will be notified of all revoked licensee's under this provision and may proceed with the removal of the applicant's CAM device.

Fully compliant applicants will receive a notarized CAM completion report and have Provider forward a notarized CAM completion report to DMV Medical Hearings, through Linda Hill. DMV Medical Hearings, through Linda Hill, will notify DMV Hearings Section, through Wendy Robbins, of the CAM completion report and that the restriction of CAM device may be removed from the customer's conditional restoration agreement.

The hearing officer of record shall conduct a modification hearing to amend the conditional restoration agreement as soon as practical. The completed file will be forwarded to DMV Hearings Section, through Wendy Robbins.

DMV Hearing Section, through Wendy Robbins, will be notified by Provider on the day applicants remove the CAM device, including early removal or termination of contract with Provider.

2. For driver's licenses revoked under G.S. § 20-17(a)(2), effective on or after December 1, 2007 and following at least a 24 month period of revocation:

An applicant may apply for a conditional license restoration under G.S. § 20-19(e2) The applicant voluntarily elects to participate in at least 12 months of continuous alcohol monitoring using a DOC approved CAM technology.

Provider will be responsible for installation, maintenance and compliance monitoring of the applicant's CAM device. Provider shall work directly with the approved applicant to handle all financial arrangements relating to the CAM device

The customer may request a hearing for conditional license restoration no more than three months prior to the 24 month anniversary of the applicant's revocation. The hearing request will be forwarded to the field hearing officer based on established DMV procedure.

The hearing officer will schedule a DWI interview hearing for the applicant and will notify the applicant in writing of the date, time and location of the hearing. The applicant will notify Provider of their scheduled hearing and Provider will provide a notarized CAM completion report to the applicant or current report with projected completion date.

During the DWI interview hearing, the applicant will submit either the CAM completion report or the current report with projected completion date to the hearing officer for consideration. The hearing officer will notate the submission of the report received and the corresponding completion date or projected completion date of the report on form HO-15 in the additional comments section.

Should the applicant meet all the hearing eligibility requirements, the hearing officer shall schedule a DWI restoration hearing. The DWI restoration hearing will not be scheduled prior to the 24 month anniversary of the revocation nor prior to 12 months of continuous alcohol monitoring

The applicant will continue to use the CAM device and Provider will continue to monitor the applicant until the applicant's hearing has been completed. Provider will provide the applicant two CAM completion reports prior to the applicant's scheduled DWI restoration hearing.

At the hearing, the applicant will provide a copy of the CAM completion report showing 12 months of continuous alcohol monitoring to the hearing officer. Additionally, the Applicant will be required to demonstrate that the device is still installed. The hearing officer will include the CAM completion report with the hearing paperwork.

Provider will submit to DMV Hearings Section, through Wendy Robbins, a final CAM completion report for verification that the applicant was compliant through the hearing date. Provider will submit a CAM violation report on the day a violation is confirmed.

Evidence of monitoring by a CAM device tending to prove that a conditional driver's license restoration applicant has not consumed any alcohol for at least 12 months preceding the restoration being sought by may be received and considered by DMV Hearing Officers. Such evidence shall not replace, but shall supplement, other evidence received in driver's license conditional restoration hearings under current DMV policy and procedures. Notwithstanding evidence of an applicant's monitoring by a CAM device, approval for conditional restoration of a drivers' license under GS 20-19(e) will remain with the DMV Hearing Officer.

Once a hearing is completed and the request for a conditional license has been approved, an applicant may instruct Provider to remove the CAM device.

3. Effective December 1, 2009, Session Law 2009-500, HB 926 amended the use of Continued Alcohol Monitoring Systems (CAM) to meet the requirements for the conditional restoration of a revoked Driver License. HB 926 allows the driver to voluntarily submit themselves to Continuous Alcohol Monitoring for the purpose of proving evidence of abstinence from alcohol consumption during a period of revocation immediately prior to the restoration consideration:

Under G.S. § 20-19 (d) (2) and G.S. § 20-19(e1) (2), 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.

The continuous alcohol monitoring system shall be a system approved under G.S. §15A-1343.3, specifically, a device approved by the Department of Corrections.

An applicant voluntarily elects to participate in an approved CAM technology to demonstrate at least 120 days of continuous alcohol monitoring.

Provider will be responsible for installation, maintenance and compliance monitoring of the applicant's CAM device. Provider shall work directly with the approved applicant to handle all financial arrangements relating to the CAM device.

The applicant may request a hearing for conditional license restoration no more than three months prior to the hearing eligibility date. The hearing request will be forwarded to the field hearing officer based on established DMV procedure.

The hearing officer will schedule a DWI interview hearing for the applicant and will notify the applicant in writing of the date, time and location of the hearing. The applicant will notify Provider of their scheduled hearing and Provider will provide a notarized CAM completion report to the applicant or current report with projected completion date.

During the DWI interview hearing, the applicant will submit to the hearing officer an installation report and either a CAM completion report or current report with projected completion date. The hearing officer will notate the submission of report(s) received and the corresponding completion date of the applicant on form HO-15 in the additional comments section.

Should the applicant meet all the hearing eligibility requirements, the hearing officer shall schedule a DWI license restoration hearing. The DWI restoration hearing shall not be scheduled prior to the anniversary of the revocation (three years under G.S. § 20-19 (e1) or two years under G.S. § 20-19 (d)).

The applicant will continue to use the CAM device and Provider will continue to monitor the applicant until the hearing has been completed. Provider will provide the applicant two CAM completion reports prior to their scheduled DWI restoration hearing.

The applicant will participate in the hearing and at the hearing will demonstrate that the device is still installed. The applicant will provide to the hearing officer a copy of the CAM completion report from the Provider showing at a minimum 120 days of abstinence on the CAM device. The period of 120 days shall be the period of time immediately prior to the restoration hearing. This report will be included in the officer's submission of paperwork.

When determining whether an applicant has abstained from the use of alcohol for a minimum of 120 days immediately prior to the restoration hearing, a DMV Hearing Officer may receive and consider a completion report from a Provider as evidence that an applicant has abstained from the use alcohol for the period of time the applicant was monitored. This evidence can be used by the applicant to establish that the applicant is not currently an excessive user of alcohol. Such evidence shall not replace, but shall supplement, other evidence received in driver's license conditional restoration hearings under current DMV policy and procedures. Notwithstanding evidence of an applicant's monitoring by a CAM device, approval for conditional restoration of a drivers' license under GS. 20-19(d) or G.S. 20-19(e1) will remain with DMV Hearing Officers.

A CAM device monitors an applicant's use of alcohol; however the device does not monitor an applicant's use of drugs or other controlled substance.

Completion reports reflecting periods of time not immediately prior to the restoration hearing do not comply with the statute; however, a hearing officer may consider this evidence in determining whether an applicant is an excessive user.

Provider will submit to DMV Hearings Section, through Wendy Robbins, a final CAM completion report for verification that the applicant was compliant through the hearing date.

Provider will submit a CAM violation report on the day a violation is confirmed. Provider will notify the DMV Hearings Section, through Wendy Robbins, of violations from the installation of the device for the applicant until the date the device is removed by the Provider

Once a hearing is completed, and the request for a conditional license has been approved, an applicant may instruct Provider to remove the CAM device.

Any questions regarding the implementation of this policy should be directed to the Director of Hearings at (919) 861-3035.

cc: Joseph R. John, Sr , Deputy Commissioner  
All DMV Hearings Section Staff  
Bruce Roberts, Rehabilitation Support Services