

1 19A NCAC 03K .0103 is adopted under temporary procedures with changes as follows:

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

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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~~ The Division of Motor Vehicles shall develop a form affidavit
7 containing the applicant's name, driver's license number, identification number, or customer number, and the
8 requirements set forth in G.S. 20-179.5(c). The form affidavit shall be posted on the Division's website at
9 www.ncdot.gov/dmv ~~of the vendor's determination. No fees shall be charged for a Review of a Denial of the~~
10 ~~Affordability of an Ignition Interlock System as set forth in G.S. 20-179.5.~~

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

13 (c) ~~(b)~~ Pursuant to G.S. 20-179.5(b), the vendor shall [service] deliver the [applicant with the] decision on the
14 waiver application to the applicant via personal service or certified mail. Within 30 days ~~from the time of service of~~
15 the decision of the vendor, the applicant shall submit a written appeal to the Division of Motor Vehicles setting forth
16 the ~~facts and arguments~~ facts, arguments, and all documents as set out in G.S. 20-179.5 upon which the appeal is
17 based. The appeal shall be served [by a] upon the agency's process agent ~~sent to the Division by~~ via certified mail
18 pursuant to G.S. 1A-1, Rule 4(j) of the Rules of Civil Procedure ~~and with a return receipt requested.~~

19 (d) ~~(c)~~ Upon receipt of the written appeal, the Division shall review the written appeal and the vendor's decision, as
20 well as any documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision,
21 supported by findings of fact. The final agency decision shall be given in accordance with G.S. 20-48. and by deposit
22 in the US mail of such notice in an envelope with postage prepaid, addressed to such person at the address as shown
23 [on the affidavit.] by the [address of record at the Division for the applicant.] records of the Division.

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25 *History Note:* Authority *S.L. 2021-182; G.S. 20-2(b); 20-48; 20-179.5;*
26 *Temporary Adoption Eff. _____ 2022.*