

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 312
SENATE BILL 85

AN ACT TO PROVIDE FOR "PRELIMINARY" OR "ROAD SIDE" BREATH TEST FOR BLOOD ALCOHOL AND TO MAKE MANDATORY THE REVOCATION OF OPERATOR'S LICENSE IN EVENT OF REFUSAL TO PROVIDE BREATH SPECIMEN.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 20 of the General Statutes is hereby amended by adding a new section to be designated "§ 20-16.3" to read as follows:

"§ 20-16.3. **Preliminary breath test.** — Any law enforcement officer having reasonable grounds to believe that a person has been driving or operating a vehicle on a highway or public vehicular area while under the influence of intoxicating liquor may, without making an arrest, request that such person submit to a preliminary chemical breath test to be administered by the officer. The results of this test shall not be admissible in evidence and failure to submit to the test shall not constitute a violation of this Chapter. Nothing contained in this section shall be construed to prevent or require a subsequent chemical test pursuant to G.S. 20-16.2. The law enforcement officer requesting the test shall advise orally and in writing the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent chemical test pursuant to G.S. 20-16.2.

No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the State Board of Health."

Sec. 2. This act shall become effective on June 1, 1973.

In the General Assembly read three times and ratified, this the 4th day of May, 1973.