

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 812
SENATE BILL 784

AN ACT TO PERMIT AN INDIVIDUAL DETAINED UNDER THE REASONABLE BELIEF THAT HE IS DRIVING UNDER THE INFLUENCE TO REQUEST AND BE ADMINISTERED A BREATH TEST BEFORE HIS ARREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-16.2, as the same is found in the 1975 Replacement to Volume 1C of the General Statutes, is amended by adding a new subsection (i) to read as follows:

"(i) Notwithstanding any other provision of this Chapter, a person, who is stopped, detained or questioned by a law enforcement officer having reasonable grounds to believe that the person has been driving or operating a motor vehicle on a highway or public vehicular area while under the influence of intoxicating liquor, may request and the law enforcement officer shall cause the administration of the chemical tests provided for in this section prior to the person's arrest for violating any provision of G.S. 20-138. Prior to the administration of chemical tests under this subsection, the person who is stopped, detained or questioned shall sign a form, to be supplied by the Division, confirming his request. The tests provided for in this subsection shall be administered under the same conditions as are provided in this section for the administration of chemical tests after arrest. The results of the tests administered under this subsection may be used in evidence in the trial of a charge arising out of the occurrence."

Sec. 2. This act shall become effective on October 1, 1977.

In the General Assembly read three times and ratified, this the 29th day of June, 1977.