

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 449

Short Title: Presumption-DWI Blood Withdrawal Valid.

(Public)

Sponsors: Senator Queen.

Referred to: Judiciary II.

March 18, 2003

A BILL TO BE ENTITLED

1 AN ACT TO MAKE IT A REBUTTABLE PRESUMPTION THAT THE PERSON
2 WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED
3 PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-139.1(c) reads as rewritten:

7 "(c) Withdrawal of Blood for Chemical Analysis. – When a blood test is specified
8 as the type of chemical analysis by the charging officer, only a physician, registered
9 nurse, or other qualified person may withdraw the blood sample. If the person
10 withdrawing the blood requests written confirmation of the charging officer's request for
11 the withdrawal of blood, the officer shall furnish it before blood is withdrawn. When
12 blood is withdrawn pursuant to a charging officer's request, neither the person
13 withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or
14 corporation employing that person, or contracting for the service of withdrawing blood,
15 may be held criminally or civilly liable by reason of withdrawing that blood, except that
16 there is no immunity from liability for negligent acts or omissions. Upon the
17 introduction of any evidence at trial that the person withdrawing the blood was a
18 qualified person under this subsection, a rebuttable presumption shall be raised that the
19 person withdrawing the blood was qualified."

20 **SECTION 2.** This act becomes effective October 1, 2003.