

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 658
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10241-ML-174 (03/28)

Short Title: Use Actual Alcohol Concentration Result. (Public)

Sponsors: Representative McNeill.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ACTUAL CONCENTRATION RESULTS OF AN ALCOHOL SCREENING TEST MAY BE USED FOR DETERMINING IF THERE ARE REASONABLE GROUNDS FOR BELIEVING A DRIVER CONSUMED ALCOHOL OR COMMITTED AN IMPLIED CONSENT OFFENSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.3(d) reads as rewritten:

"(d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed a positive or negative result on an alcohol screening test, but not the~~ The actual alcohol concentration result, result of an alcohol screening test or a driver's refusal to submit may be used by a law-enforcement officer, is admissible in a court, or may also be used by an administrative agency in determining if there are reasonable grounds for believing:

- (1) That the driver has committed an implied-consent offense under G.S. 20-16.2; and
- (2) That the driver had consumed alcohol and that the driver had in his or her body previously consumed alcohol, ~~but not to prove a particular alcohol concentration.~~ Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol."

SECTION 2. This act becomes effective December 1, 2013, and applies to offenses committed on or after that date.

