

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40637-MLf-161

Short Title: DWI Modernization Act of 2026.

(Public)

Sponsors: Representative Ager.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODERNIZE DWI LAWS RELATING TO PREVENTION, ENFORCEMENT,
3 AND RECOVERY AND TO SAVE LIVES OF OPERATORS, PASSENGERS, AND
4 PEDESTRIANS BY REQUIRING MAGISTRATES TO EXPLAIN A FINDING OF NO
5 PROBABLE CAUSE IN IMPLIED CONSENT CASES; TO INCREASE EFFICIENCY IN
6 THE IMMEDIATE CIVIL PRETRIAL REVOCATION; TO REQUIRE IMPAIRED
7 DRIVERS TO PAY THEIR FAIR SHARE OF THE COSTS OF THEIR PROCESSING; TO
8 REDUCE UNNECESSARY MOTIONS BY ADMITTING ALCOHOL AND ORAL DRUG
9 SCREENING TESTS TO PROVE THE ARRESTING OFFICER HAD PROBABLE
10 CAUSE; TO HAVE TRANSPORTATION NETWORK DRIVERS MEET THE SAME
11 STANDARDS AS BUS DRIVERS; TO ALLOW REPEAT OFFENDERS A METHOD TO
12 PROVE THEIR SOBRIETY AND OBTAIN A LEGAL METHOD TO OPERATE A
13 VEHICLE; AND TO MAKE IT A FELONY FOR A PERSON OF LAWFUL AGE TO AID
14 AN UNDERAGE PERSON IN OBTAINING ALCOHOLIC BEVERAGES WHEN THE
15 UNDERAGE PERSON CAUSES SERIOUS INJURY TO THEMSELVES OR ANOTHER
16 PERSON.

17 The General Assembly of North Carolina enacts:

18
19 **TITLE OF ACT**

20 **SECTION 1.** This act shall be known as "The DWI Modernization Act of 2026."

21
22 **PROVISIONS RELATING TO MAGISTRATES' REQUIREMENT TO EXPLAIN A**
23 **FINDING OF NO PROBABLE CAUSE IN IMPLIED CONSENT CASES**

24 **SECTION 2.(a)** G.S. 15A-511 is amended by adding a new subsection to read:

25 "(c1) Written Findings for Implied Consent Offense. – If the magistrate determines that
26 there is no probable cause for an implied consent offense, as defined in G.S. 20-16.2, the
27 magistrate shall provide a written explanation on a form approved by the Administrative Office
28 of the Courts which shall contain, at a minimum, all of the following:

- 29 (1) When performed, the result of any alcohol or other impairing substance
30 screening test.
31 (2) When performed, the results of any standardized field sobriety tests.
32 (3) When performed, the results of any drug recognition expert evaluation.
33 (4) When available, the alcohol concentration or the fact that the driver refused
34 the implied consent test.
35 (5) Whether a blood sample for analysis was obtained from the defendant.



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1 (6) The element or elements of the offense charged that the magistrate believes
2 are missing that led to the determination that probable cause did not exist.

3 A copy of the form required by this subsection shall be sent to the head of the law enforcement
4 agency that employed the charging officer, and to the chief district court judge and district
5 attorney for the judicial district, and filed with the court. The Administrative Office of the Courts
6 shall electronically record this data in its database and make it available upon request."

7 **SECTION 2.(b)** This section becomes effective December 1, 2026, and applies to
8 initial appearances on or after that date.

9
10 **PROVISIONS RELATED TO INCREASING EFFICIENCY IN THE IMMEDIATE**
11 **CIVIL PRETRIAL REVOCATION AND ASSURING IMPAIRED DRIVERS PAY**
12 **THEIR FAIR SHARE OF THE COSTS OF PROCESSING THEM**

13 **SECTION 3.(a)** G.S. 20-7(i1) reads as rewritten:

14 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
15 the provisions of this Chapter, other than ~~G.S. 20-17(a)(2)~~ subdivision (2), (12), (13), or (14) of
16 subsection (a) of G.S. 20-17, shall pay a restoration fee of seventy dollars (\$70.00). A person
17 whose drivers license has been revoked under ~~G.S. 20-17(a)(2)~~ subdivision (2), (12), (13), or (14)
18 of subsection (a) of G.S. 20-17 shall pay a restoration fee of ~~one two hundred forty-five~~ dollars
19 ~~and twenty five cents (\$140.25).~~ (\$250.00). The fee shall be paid to the Division prior to the
20 issuance to such person of a new drivers license or the restoration of the drivers license. The
21 restoration fee shall be paid to the Division in addition to any and all fees which may be provided
22 by law. This restoration fee shall not be required from any licensee whose license was revoked
23 or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was
24 conducted pursuant to this Chapter. The seventy dollar (\$70.00) fee, and the first one hundred
25 ~~five twenty dollars (\$105.00)~~ (\$120.00) of the ~~one two hundred forty-five~~ dollar and ~~twenty five~~
26 ~~cent (\$140.25)~~ (\$250.00) fee, shall be deposited in the Highway Fund. ~~Twenty five~~ ~~Sixty-five~~
27 dollars ~~(\$25.00)~~ (\$65.00) of the ~~one two hundred forty-five~~ dollar and ~~twenty five cent~~ (\$140.25)
28 (\$250.00) fee shall be used to fund a statewide ~~chemical alcohol impairment~~ testing program
29 administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section
30 of the Department of Health and Human Services. The remaining sixty-five dollars (\$65.00) of
31 the two hundred fifty dollar (\$250.00) fee shall be remitted to the county for the sole purpose of
32 reimbursing the county for jail expenses incurred due to enforcement of the impaired driving
33 laws. Notwithstanding any other provision of law, a restoration fee assessed pursuant to this
34 subsection may be waived by the Division when (i) the restoration fee remains unpaid for more
35 than 10 years from the date of assessment and (ii) the person responsible for payment of the
36 restoration fee has been issued a drivers license by the Division after the effective date of the
37 revocation for which the restoration fee is owed. The Office of State Budget and Management
38 shall annually report to the General Assembly the amount of fees deposited in the General Fund
39 and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury
40 Section of the Department of Health and Human Services under this subsection."

41 **SECTION 3.(b)** G.S. 20-16.2 reads as rewritten:

42 "**§ 20-16.2. Implied consent to chemical analysis; mandatory revocation of license in event**
43 **of refusal; right of driver to request analysis.**

44 (a) Basis for Officer to Require Chemical Analysis; Notification of Rights. – Any person
45 who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical
46 analysis if charged with an implied-consent offense. Any law enforcement officer who has
47 reasonable grounds to believe that the person charged has committed the implied-consent offense
48 may obtain a chemical analysis of the person.

49 Before any type of chemical analysis is administered the person charged shall be taken before
50 a chemical analyst authorized to administer a test of a person's breath or a law enforcement officer

1 who is authorized to administer chemical analysis of the breath, who shall inform the person
 2 orally and also give the person a notice in writing ~~that~~ of the following implied-consent advisory:

3 (1) You have been charged with an implied-consent offense. ~~Under~~ You have
 4 consented to a chemical analysis under the implied-consent law, you can law.
 5 If you choose to withdraw your consent and refuse any test, ~~but~~ your drivers
 6 license will be revoked for one year and could be revoked for a longer period
 7 of time under certain circumstances, and an officer can compel you to be tested
 8 under other laws.

9 ...
 10 (4) Your driving privilege will be revoked immediately for at least 30 days if ~~you~~
 11 ~~refuse any test or the test result is 0.08 or more, 0.04 or more if you were~~ refuse any test or the test result is 0.08 or more, 0.04 or more if you were
 12 ~~driving a commercial vehicle, or 0.01 or more if you are under the age of 21.~~ driving a commercial vehicle, or 0.01 or more if you are under the age of 21.
 13 a judicial official determines there is probable cause for the implied-consent
 14 offense charge.

15 ...
 16 (a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense
 17 involving impaired driving, a violation of G.S. 20-141.4(a2), or an alcohol-related offense made
 18 subject to the procedures of this section. A person is "charged" with an offense if the person is
 19 arrested for it or if criminal process for the offense has been issued. The term "judicial official"
 20 is as defined in G.S. 15A-101.

21 ...
 22 (i) Right to Chemical Analysis before Arrest or Charge. – A person stopped or
 23 questioned by a law enforcement officer who is investigating whether the person may have
 24 committed an implied consent offense may request the administration of a chemical analysis
 25 before any arrest or other charge is made for the offense. Upon this request, the officer shall
 26 afford the person the opportunity to have a chemical analysis of his or her breath, if available, in
 27 accordance with the procedures required by G.S. 20-139.1(b). The request constitutes the
 28 person's consent to be transported by the law enforcement officer to the place where the chemical
 29 analysis is to be administered. Before the chemical analysis is made, the person shall confirm the
 30 request in writing and shall be ~~notified~~ notified of all of the following:

31 (1) That the test results will be admissible in evidence and may be used against
 32 you in any implied consent offense that may ~~arise~~ arise.
 33 (2) Your driving privilege will be revoked immediately for at least 30 days if ~~the~~
 34 ~~test result is 0.08 or more, 0.04 or more if you were driving a commercial~~ test result is 0.08 or more, 0.04 or more if you were driving a commercial
 35 ~~vehicle, or 0.01 or more if you are under the age of 21.~~ vehicle, or 0.01 or more if you are under the age of 21.
 36 you are charged with
 37 an implied-consent offense and a judicial official determines there is probable
 38 cause for the charge.

39"

SECTION 3.(c) G.S. 20-16.5 reads as rewritten:

40 **"§ 20-16.5. Immediate civil license revocation for certain persons charged with**
 41 **implied-consent offenses.**

42 ...
 43 (b) Revocations for Persons ~~Who Refuse Chemical Analyses or Who Are Charged With~~
 44 ~~Certain Implied-Consent Offenses.~~ – A person's driver's license is subject to revocation under
 45 this section ~~if~~ if all of the following criteria are met:

46 (1) A law enforcement officer has reasonable grounds to believe that the person
 47 has committed an offense subject to the implied-consent provisions of ~~G.S.~~
 48 ~~20-16.2;~~ G.S. 20-16.2.
 49 (2) The person is charged with that offense as provided in ~~G.S.~~
 50 ~~20-16.2(a);~~ G.S. 20-16.2(a).

1 (3) The law enforcement officer and the chemical analyst comply with the
 2 procedures of G.S. 20-16.2 and G.S. 20-139.1 in requiring the person's
 3 submission to or procuring a chemical ~~analysis; and~~ analysis.

4 (4) ~~The person:~~ A judicial official determines there is probable cause for the
 5 implied-consent offense charge.

6 a. ~~Willfully refuses to submit to the chemical analysis;~~

7 b. ~~Has an alcohol concentration of 0.08 or more within a relevant time~~
 8 ~~after the driving;~~

9 e. ~~Has an alcohol concentration of 0.04 or more at any relevant time after~~
 10 ~~the driving of a commercial motor vehicle; or~~

11 d. ~~Has any alcohol concentration at any relevant time after the driving~~
 12 ~~and the person is under 21 years of age.~~

13 (b1) Precharge Test Results as Basis for Revocation. – Notwithstanding the provisions of
 14 subsection (b), a person's driver's license is subject to revocation under this section ~~if~~ if all of the
 15 following criteria are met:

16 (1) The person requests a precharge chemical analysis pursuant to ~~G.S. 20-16.2(i);~~
 17 ~~and~~ G.S. 20-16.2(i).

18 (2) ~~The person has:~~

19 a. ~~An alcohol concentration of 0.08 or more at any relevant time after~~
 20 ~~driving;~~

21 b. ~~An alcohol concentration of 0.04 or more at any relevant time after~~
 22 ~~driving a commercial motor vehicle; or~~

23 e. ~~Any alcohol concentration at any relevant time after driving and the~~
 24 ~~person is under 21 years of age; and~~

25 (3) The person is charged with an implied-consent offense.

26 (4) A judicial official determines there is probable cause for the implied-consent
 27 offense charge.

28 ...

29 (e) Procedure if Report Filed with Judicial Official When Person Is Present. – If a
 30 properly executed revocation report concerning a person is filed with a judicial official when the
 31 person is present before that official, the judicial official shall, after completing any other
 32 proceedings involving the person, determine whether there is probable cause to believe that each
 33 of the ~~conditions~~ criteria of subsection (b) ~~has~~ or (b1) of this section has been met. If ~~he~~ the
 34 judicial official determines that there is such probable cause, ~~he~~ the judicial official shall enter
 35 an order revoking the person's driver's license for the period required in this subsection. The
 36 judicial official shall order the person to surrender his or her license and if necessary may order
 37 a law-enforcement officer to seize the license. The judicial official shall give the person a copy
 38 of the revocation order. In addition to setting it out in the order the judicial official shall
 39 personally inform the person of his or her right to a hearing as specified in subsection ~~(g); (g)~~ of
 40 this section, and that his or her license remains revoked pending the hearing. The revocation
 41 under this subsection begins at the time the revocation order is issued and continues until the
 42 person's license has been surrendered for the period specified in this subsection, and the person
 43 has paid the applicable costs. The period of revocation is 30 days, if there are no pending offenses
 44 for which the person's license had been or is revoked under this section. If at the time of the
 45 current offense, the person has one or more pending offenses for which his or her license had
 46 been or is revoked under this section, the revocation shall remain in effect until a final judgment,
 47 including all appeals, has been entered for the current offense and for all pending offenses. In no
 48 event, may the period of revocation under this subsection be less than 30 days. If within five
 49 working days of the effective date of the order, the person does not surrender his or her license
 50 or demonstrate that he or she is not currently licensed, the clerk shall immediately issue a pick-up
 51 order. The pick-up order shall be issued to a member of a local law-enforcement agency if the

1 law enforcement officer was employed by the agency at the time of the charge and the person
2 resides in or is present in the agency's territorial jurisdiction. In all other cases, the pick-up order
3 shall be issued to an officer or inspector of the Division. A pick-up order issued pursuant to this
4 section is to be served in accordance with G.S. 20-29 as if the order had been issued by the
5 Division.

6 (f) Procedure if Report Filed with Clerk of Court When Person Not Present. – When a
7 clerk receives a properly executed report under subdivision (d)(3) of this section and the person
8 named in the revocation report is not present before the clerk, the clerk shall determine whether
9 there is probable cause to believe that each of the ~~conditions-criteria~~ of subsection (b) ~~has or~~ (b1)
10 of this section has been met. For purposes of this subsection, a properly executed report under
11 subdivision (d)(3) of this section may include a sworn statement by the law enforcement officer
12 along with an affidavit received directly by the ~~Clerk-clerk~~ from the chemical analyst. If ~~he-the~~
13 clerk determines that there is such probable cause, ~~he-the clerk~~ shall mail to the person a
14 revocation order by first-class mail. The order shall direct that the person on or before the
15 effective date of the order either surrender his or her license to the clerk or appear before the
16 clerk and demonstrate that he or she is not currently licensed, and the order shall inform the
17 person of the time and effective date of the revocation and of its duration, of his or her right to a
18 hearing as specified in subsection ~~(g), (g)~~ of this section, and that the revocation remains in effect
19 pending the hearing. Revocation orders mailed under this subsection become effective on the
20 fourth day after the order is deposited in the United States mail. If within five working days of
21 the effective date of the order, the person does not surrender his or her license to the clerk or
22 appear before the clerk to demonstrate that he or she is not currently licensed, the clerk shall
23 immediately issue a pick-up order. The pick-up order shall be issued and served in the same
24 manner as specified in subsection (e) of this section for pick-up orders issued pursuant to that
25 subsection. A revocation under this subsection begins at the date specified in the order and
26 continues until the person's license has been revoked for the period specified in this subsection
27 and the person has paid the applicable costs. If the person has no pending offenses for which his
28 or her license had been or is revoked under this section, the period of revocation under this
29 subsection ~~is:~~ is for any of the following:

- 30 (1) Thirty days from the time the person surrenders his or her license to the court,
31 if the surrender occurs within five working days of the effective date of the
32 ~~order;~~ order.
- 33 (2) Thirty days after the person appears before the clerk and demonstrates that he
34 or she is not currently licensed to drive, if the appearance occurs within five
35 working days of the effective date of the revocation ~~order;~~ order.
- 36 (3) Forty-five days from ~~the time;~~ any of the following times:
- 37 a. The person's drivers license is picked up by a law-enforcement officer
38 following service of a pick-up ~~order;~~ order.
- 39 b. The person demonstrates to a law-enforcement officer who has a
40 pick-up order for his or her license that he or she is not currently
41 ~~licensed;~~ licensed.
- 42 c. The person's drivers license is surrendered to the court if the surrender
43 occurs more than five working days after the effective date of the
44 revocation ~~order;~~ order.
- 45 d. The person appears before the clerk to demonstrate that he or she is
46 not currently licensed, if he or she appears more than five working
47 days after the effective date of the revocation order.

48 If at the time of the current offense, the person has one or more pending offenses for which his
49 or her license had been or is revoked under this section, the revocation shall remain in effect until
50 a final judgment, including all appeals, has been entered for the current offense and for all
51 pending offenses. In no event may the period of revocation for the current offense be less than

1 the applicable period of revocation in subdivision (1), (2), or (3) of this subsection. When a
2 pick-up order is issued, it shall inform the person of his or her right to a hearing as specified in
3 subsection ~~(g)~~ (g) of this section, and that the revocation remains in effect pending the hearing.
4 An officer serving a pick-up order under this subsection shall return the order to the court
5 indicating the date it was served or that he or she was unable to serve the order. If the license was
6 surrendered, the officer serving the order shall deposit it with the clerk within three days of the
7 surrender.

8 (g) Hearing before ~~Magistrate or Judge~~ Clerk of Court if Person Contests Validity of
9 Revocation. – A person whose license is revoked under this section may request in writing a
10 hearing to contest the validity of the revocation. The request may be made at the time of the
11 person's initial appearance, or within 10 days of the effective date of the revocation to the ~~clerk~~
12 ~~or a magistrate designated by the clerk, and may specifically request that the hearing be~~
13 ~~conducted by a district court judge.~~ clerk. The Administrative Office of the Courts must develop
14 a hearing request form for any person requesting a hearing. ~~Unless a district court judge is~~
15 ~~requested, the~~ The hearing must be conducted within the county by a ~~magistrate assigned by the~~
16 ~~chief district court judge to conduct such hearings. If the person requests that a district court~~
17 ~~judge hold the hearing, the hearing must be conducted within the district court district as defined~~
18 ~~in G.S. 7A-133 by a district court judge assigned to conduct such hearings.~~ where the revocation
19 was issued. If the clerk's office issued the revocation order pursuant to subsection (f) of this
20 section, then a member of the clerk's office other than the clerk may hold the hearing. The
21 revocation remains in effect pending the hearing, but the hearing must be held within ~~three~~
22 ~~working~~ 10 days following the request if the hearing is before a magistrate or within ~~five working~~
23 ~~days if the hearing is before a district court judge.~~ request. The request for the hearing must
24 specify the ~~grounds upon~~ criteria in subsection (b) or (b1) of this section which the ~~validity of~~
25 ~~the revocation is challenged~~ person claims were not met and the hearing must be limited to the
26 ~~grounds~~ criteria specified in the hearing request. A witness may submit his or her evidence by
27 affidavit ~~unless he is subpoenaed to appear, or video.~~ Any person who ~~appears and testifies in~~
28 ~~person or by video~~ is subject to questioning by the ~~judicial official~~ clerk conducting the hearing,
29 and the ~~judicial official~~ clerk may adjourn the hearing to seek additional evidence if he or she is
30 not satisfied with the accuracy or completeness of evidence. The person contesting the validity
31 of the revocation may, but is not required to, testify in his or her own behalf. Unless contested
32 by the person requesting the hearing, the ~~judicial official~~ clerk may accept as true any matter
33 stated in the revocation report. ~~If any relevant condition~~ The clerk shall consider any relevant
34 information in any files or records concerning the person from the Administrative Office of the
35 Courts or the Division of Motor Vehicles. The failure of the charging officer or chemical analyst
36 to testify in person or by video shall not be grounds to rescind the revocation. For any criteria
37 under subsection (b) or (b1) of this section that are contested, the judicial official clerk must
38 find by the greater weight of the evidence that the condition was met in order to sustain the
39 revocation. At the conclusion of the hearing the ~~judicial official~~ clerk must enter an order
40 sustaining or rescinding the revocation. The ~~judicial official's~~ clerk's findings are without
41 prejudice to the person contesting the revocation and to any other potential party as to any other
42 proceedings, civil or criminal, that may involve facts bearing upon the ~~conditions~~ criteria
43 in subsection (b) or (b1) of this section considered by the ~~judicial official~~ clerk. The decision of the
44 ~~judicial official~~ clerk is final and may not be appealed in the General Court of Justice. If the
45 hearing is not held and completed within ~~three working~~ 10 days of the written request for a
46 ~~hearing before a magistrate or within five working days of the written request for a hearing before~~
47 ~~a district court judge,~~ hearing, the ~~judicial official~~ clerk must enter an order rescinding the
48 revocation, unless the person contesting the revocation contributed to the delay in completing the
49 hearing. If the person requesting the hearing fails to appear at the hearing or any rescheduling
50 thereof after having been properly notified, he or she forfeits his or her right to a hearing.

51 ...

(j) Costs. – Unless the magistrate or judge orders the revocation rescinded, a person whose license is revoked under this section must pay a fee of ~~one two~~ fifty dollars ~~(\$100.00)–(\$250.00)~~ as costs for the action before the person's license may be returned under subsection (h) of this section. Fifty percent (50%) of the costs collected under this section shall be credited to the General Fund. Twenty-five percent (25%) of the costs collected under this section shall be used to fund a statewide ~~chemical–alcohol–~~impairment testing program administered by the ~~Injury Control Section–Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section~~ of the Department of Health and Human Services. The remaining twenty-five percent (25%) of the costs collected under this section shall be remitted to the county for the sole purpose of reimbursing the county for jail expenses incurred due to enforcement of the impaired driving laws.

...
(n) ~~Exception for Revoked Licenses.—Notwithstanding any other provision of this section, if the judicial official required to issue a revocation order under this section determines that the person whose license is subject to revocation under subsection (b):~~

- ~~(1) Has a currently revoked driver's license;~~
- ~~(2) Has no limited driving privilege; and~~
- ~~(3) Will not become eligible for restoration of his license or for a limited driving privilege during the period of revocation required by this section;~~

~~the judicial official need not issue a revocation order under this section. In this event the judicial official must file in the records of the civil proceeding a copy of any documentary evidence and set out in writing all other evidence on which he relies in making his determination.~~

...."

SECTION 3.(d) G.S. 20-17(a)(2)b. reads as rewritten:

"b. Impaired driving under ~~G.S. 20-138.2, if the driver's alcohol concentration level was .06 or higher. For the purposes of this sub-subdivision, the driver's alcohol concentration level result, obtained by chemical analysis, shall be conclusive and is not subject to modification by any party, with or without approval by the court.~~G.S. 20-138.2."

SECTION 3.(e) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

PROVISIONS RELATING TO REDUCING UNNECESSARY MOTIONS IN COURT AND ALLOWING ORAL FLUID DRUG SCREENING TESTS

SECTION 4.(a) G.S. 20-16.3 reads as rewritten:

"§ 20-16.3. Alcohol and drug screening tests required of certain drivers; approval of test devices and manner of use by Department of Health and Human Services; use of test results or refusal.

(a) When Alcohol or Drug Screening Test May Be Required; Not an Arrest. – A law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening ~~test within a relevant time after the driving test, drug screening test, or an alcohol screening test and a drug screening test,~~ if the officer ~~has~~has either of the following:

- (1) Reasonable grounds to believe that the driver has consumed ~~alcohol~~alcohol, an impairing substance other than alcohol, or alcohol and an impairing substance other than alcohol, and ~~has~~has done either of the following:
 - a. Committed a moving traffic ~~violation;~~or violation.
 - b. Been involved in an accident or ~~collision;~~or collision.
- (2) An articulable and reasonable suspicion that the driver has committed an implied-consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully

1 encountered by the officer in the course of the performance of the officer's
2 duties.
3 Requiring a driver to submit to ~~an alcohol screening a~~ a test in accordance with this section does
4 not in itself constitute an arrest.

5 (b) Approval of Alcohol Screening Devices and Manner of Use. – The Department of
6 Health and Human Services is directed to examine and approve devices suitable for use by
7 law-enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For
8 each alcohol screening device or class of devices approved, the Department must adopt
9 regulations governing the manner of use of the device. For any alcohol screening device that tests
10 the breath of a driver, the Department is directed to specify in its regulations the shortest feasible
11 minimum waiting period that does not produce an unacceptably high number of false positive
12 test results.

13 (b1) Approval of Oral Drug Screening Devices and Manner of Use. – The Department of
14 Health and Human Services is directed to examine and approve oral fluid drug screening devices
15 suitable for use by law-enforcement officers to test drivers for the presence of impairing
16 substances other than alcohol in oral fluids. For each device or class of devices approved, the
17 Department must adopt regulations governing the manner of use of the device and the level of
18 training required for officers who are authorized to use the device. The Department is directed to
19 specify in its regulations the shortest feasible minimum waiting period that does not produce an
20 unacceptably high number of false positive test results.

21 (c) Tests Must Be Made with Approved Devices and in Approved Manner. – No
22 screening test ~~for alcohol concentration~~ is a valid one under this section unless the device used is
23 one approved by the Department and the screening test is conducted in accordance with the
24 applicable regulations of the Department as to the manner of its use.

25 (d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed~~
26 ~~a positive or negative result on an alcohol screening test, but not the actual alcohol concentration~~
27 ~~result, result of an alcohol screening test, the type of impaired substance present as shown by an~~
28 oral fluid drug screening test, or a driver's refusal to submit to a test may be used by a
29 law-enforcement officer, is admissible in a court, or may also be used by an administrative
30 agency in determining if there are reasonable grounds for believing, or probable cause to believe
31 any of the following:

- 32 (1) That the driver has committed an implied-consent offense under ~~G.S. 20-16.2;~~
33 ~~and~~ G.S. 20-16.2.
34 (2) ~~That~~ For an alcohol screening test, that the driver had consumed alcohol and
35 that the driver had in his or her body previously consumed alcohol, but not to
36 prove a particular alcohol concentration. Negative or low results on the
37 alcohol screening test may be used in factually appropriate cases by the
38 officer, a court, or an administrative agency in determining whether a person's
39 alleged impairment is caused by an impairing substance other than alcohol.
40 (3) For an oral fluid drug screening test, that the driver had consumed one or more
41 impairing substances other than alcohol and had in his or her body one or more
42 previously consumed impairing substances other than alcohol."

43 **SECTION 4.(b)** G.S. 20-138.7(d) reads as rewritten:

44 "(d) Alcohol Screening Test. – Notwithstanding any other provision of law, an alcohol
45 screening test may be administered to a driver suspected of violating subsection (a) of this
46 section, and the results of an alcohol screening test or the driver's refusal to submit may be used
47 by a law enforcement officer, a court, or an administrative agency in determining if alcohol was
48 present in the driver's body. No alcohol screening tests are valid under this section unless the
49 device used is one approved by the ~~Commission for Public Health,~~ Department of Health and
50 Human Services, and the screening test is conducted in accordance with the applicable

1 regulations of the ~~Commission~~ Department of Health and Human Services as to the manner of
 2 its use."

3 **SECTION 4.(c)** G.S. 15A-534.2(d)(2) reads as rewritten:

4 "(2) For any purpose in any proceeding if the test was not performed by a method
 5 approved by the ~~Commission for Public Health~~ Department of Health and
 6 Human Services under G.S. 20-139.1 and by a person licensed to administer
 7 the test by the Department of Health and Human Services."

8 **SECTION 4.(d)** This section becomes effective December 1, 2026, and applies to
 9 offenses committed on or after that date.

10
 11 **PROVISIONS RELATING TO PROHIBITING TRANSPORTATION NETWORK**
 12 **COMPANY (TNC) DRIVERS FROM DRIVING AFTER CONSUMING ALCOHOL**
 13 **AND PROVIDING FOR EDUCATION FOR TNC DRIVERS**

14 **SECTION 5.(a)** G.S. 20-17(a) is amended by adding a new subdivision to read:

15 "(13a) A second or subsequent conviction, as defined in G.S. 20-138.2B(d), of
 16 driving a TNC service vehicle after consuming alcohol under
 17 G.S. 20-138.2B."

18 **SECTION 5.(b)** G.S. 20-138.2B reads as rewritten:

19 "**§ 20-138.2B. Operating a school bus, school activity bus, child care vehicle, ambulance,**
 20 **other EMS vehicle, firefighting vehicle, ~~or law enforcement vehicle-vehicle, or~~**
 21 **TNC service vehicle after consuming alcohol.**

22 (a) Offense. – A person commits the offense of operating a school bus, school activity
 23 bus, child care vehicle, ambulance, other emergency medical services vehicle, firefighting
 24 vehicle, ~~or law enforcement vehicle-vehicle, or TNC service vehicle~~ after consuming alcohol if
 25 the person drives a school bus, school activity bus, child care vehicle, ambulance, other
 26 emergency medical services vehicle, firefighting vehicle, ~~or law enforcement vehicle-vehicle, or~~
 27 TNC service vehicle upon any highway, any street, or any public vehicular area within the State
 28 while consuming alcohol or while alcohol remains in the person's body. This section does not
 29 apply to law enforcement officers acting in the course of, and within the scope of, their official
 30 duties. For purposes of this section, the term "TNC service vehicle" means a motor vehicle being
 31 operated for the purpose of providing a TNC service, as that term is defined in G.S. 20-280.1.

32"

33 **SECTION 5.(c)** G.S. 20-280.6 reads as rewritten:

34 "**§ 20-280.6. Background checks.**

35 (a) Prior to permitting an individual to act as a TNC driver, the transportation network
 36 company must do all of the following:

37 ...

38 (4) Require the individual to agree in writing that the individual will not act as a
 39 TNC driver while consuming alcohol or at any time while the driver has
 40 remaining in the driver's body any alcohol or controlled substance previously
 41 consumed. This subdivision does not apply to any controlled substance that
 42 was lawfully obtained and taken in therapeutically appropriate amounts.

43 ...

44 (c) The transportation network company must not permit an individual to act as a TNC
 45 driver if any of the following apply:

46 ...

47 (2) Has been convicted within the past seven years of driving under the influence
 48 of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit
 49 a felony, or a crime involving property damage, theft, acts of violence, or acts
 50 of terror.

1 (2a) Has been convicted within the past seven years of a second or subsequent
2 conviction, as defined in G.S. 20-138.2B(d), of driving a TNC service vehicle
3 after consuming alcohol under G.S. 20-138.2B.

4 "

5 **SECTION 5.(d)** Transportation network companies (TNCs) shall notify all TNC
6 drivers providing TNC services at the time of the effective date of this section of the requirement
7 set forth in G.S. 20-280.6(a)(4), as enacted by subsection (c) of this section. A TNC shall not
8 permit an individual subject to this subsection to act as a TNC driver if the individual does not
9 comply with the requirement set forth in G.S. 20-280.6(a)(4) by no later than 12 months from the
10 effective date of this section.

11 **SECTION 5.(e)** Subsection (b) of this section becomes effective December 1, 2026,
12 and applies to offenses committed on or after that date. The remainder of this section becomes
13 effective December 1, 2026.

14 15 **PROVISIONS RELATED TO TRANSPARENCY IN COURT PROCEEDINGS** 16 **INVOLVING IMPAIRED DRIVERS**

17 **SECTION 6.(a)** G.S. 7A-191.1 reads as rewritten:

18 **"§ 7A-191.1. Recording of proceeding in which defendant pleads guilty or no contest to**
19 **felony in district court.**

20 (a) The trial judge shall require that a true, complete, and accurate record be made of ~~the~~
21 ~~proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to~~
22 ~~G.S. 7A-272.(i) any hearing on an infraction conducted pursuant to Article 66 of Chapter 15A of~~
23 ~~the General Statutes and (ii) any criminal trial proceeding, including pretrial motions, pleas, plea~~
24 ~~bargains, an explanation required under G.S. 20-138.4, taking of evidence, sentencing hearings,~~
25 ~~posttrial motions, and requests for limited driving privileges. A proceeding described in this~~
26 ~~subsection shall be recorded, both video and audio, using electronic or other mechanical devices~~
27 ~~provided by the Administrative Office of the Courts.~~

28 (b) It is the duty of the clerk of superior court, or another person designated by the clerk,
29 to (i) operate the recording device described in subsection (a) of this section and (ii) preserve any
30 recording produced by the device. Notwithstanding any provision of law to the contrary, making
31 a recording produced in accordance with this section available online in a format that allows a
32 person to view the recording and download or save the recording to his or her device is allowed
33 and sufficient to comply with any provision of Chapter 132 of the General Statutes requiring
34 access to public records. A proceeding described in subsection (a) of this section may be deleted
35 in accordance with a retention schedule adopted and implemented by the Administrative Office
36 of the Courts."

37 **SECTION 6.(b)** G.S. 7A-109.2 reads as rewritten:

38 **"§ 7A-109.2. Records of dispositions in criminal cases; impaired driving integrated data**
39 **system.**

40 (a) Each clerk of superior court shall ensure that all records of dispositions in criminal
41 cases, including those records filed electronically, contain all the essential information about the
42 case, including the name of the presiding judge and the attorneys representing the State and the
43 defendant.

44 (b) In addition to the information required by subsection (a) of this section for all offenses
45 involving impaired driving as defined by G.S. 20-4.01, all charges of driving while license
46 revoked for an impaired driving license revocation as defined by G.S. 20-28.2, and any other
47 violation of the motor vehicle code involving the operation of a vehicle and the possession,
48 consumption, use, or transportation of alcoholic beverages, the clerk shall include in the
49 electronic records the following information:

50 (1) The reasons for any pretrial dismissal by the court.

- 1 (2) The alcohol concentration reported by the charging officer or chemical
- 2 analyst, if any.
- 3 (3) The reasons for any suppression of evidence.
- 4 (4) The disposition of the charge.

5 (c) In addition to the information required under subsections (a) and (b) of this section,
6 for defendants sentenced pursuant to G.S. 20-179, the clerk shall include in the electronic records
7 (i) each grossly aggravating factor, aggravating factor, and mitigating factor found by the court
8 and (ii) the level of punishment imposed by the court.

9 (d) The Administrative Office of the Courts shall publish an annual report no later than
10 September 1 of each year on its website that includes the information required by this section for
11 the fiscal year immediately preceding the date of the report. The report shall include statewide
12 and countywide summaries of the number of charges, dispositions, sentencing factors, and
13 sentencing levels. Additionally, for each county, the report shall include each type of charge filed
14 and all of the information required by this section for each charge."

15 **SECTION 6.(c)** Section 33 of S.L. 2006-253, as amended by Section 5 of S.L.
16 2007-493, reads as rewritten:

17 "**SECTION 33.** Section 6 becomes effective August 21, 2006, and applies to hearings held
18 on or after that date. Sections 20.1, 20.2, and the requirement that the Administrative Office of
19 the Courts electronically record certain data contained in subsection (c) of G.S. 20-138.4, as
20 amended by Section 19 of this act, become effective ~~after the next rewrite of the superior court~~
21 ~~clerks system by the Administrative Office of the Courts. December 1, 2026.~~ Section 22.4
22 becomes effective December 1, 2006. The remainder of this act becomes effective December 1,
23 2006, and applies to offenses committed on or after that date."

24 **SECTION 6.(d)** The first report required under G.S. 7A-109.2(d), as enacted by
25 subsection (b) of this section, shall include information from December 1, 2026, through June
26 30, 2027, and shall be published no later than September 1, 2027.

27 **SECTION 6.(e)** Subsections (a) and (b) of this section become effective December
28 1, 2026, and apply to any hearing, trial, or disposition of charges occurring on or after that date.
29 The remainder of this section is effective when it becomes law.

30 31 **PROVISIONS RELATED TO ALLOWING REPEAT OFFENDERS A METHOD TO** 32 **PROVE THEIR SOBRIETY AND OBTAIN A LEGAL METHOD TO OPERATE A** 33 **VEHICLE**

34 **SECTION 7.(a)** G.S. 20-19 is amended by adding a new subsection to read:

35 "(d1) Notwithstanding any other provision of law, when a person's license is revoked for
36 an impaired driving offense and the person is sentenced pursuant to G.S. 20-179, the Division
37 may conditionally restore the person's license after it has been revoked for at least one year if the
38 person (i) provides the Division with a certificate of graduation from a Drug Treatment or Driving
39 While Impaired (DWI) Treatment Court Program established pursuant to Article 62 of Chapter
40 7A of the General Statutes, (ii) successfully completes a Division-approved driver improvement
41 clinic described in G.S. 20-16, and (iii) pays, in addition to any other applicable fees, a fee of
42 twenty-five dollars (\$25.00). The twenty-five dollar (\$25.00) fee shall be deposited in the
43 Highway Fund. If the Division restores the person's license, it shall place all of the following
44 restrictions, requirements, and conditions on the person for the duration of the original revocation
45 period:

- 46 (1) A requirement that all registered vehicles owned by that person be equipped
47 with a functioning ignition interlock system in accordance with
48 G.S. 20-17.8(c1).
- 49 (2) A restriction that the person may operate only a motor vehicle equipped with
50 a functioning ignition interlock system of a type approved by the

1 Commissioner that is set to prohibit driving with an alcohol concentration of
2 greater than 0.02.

3 (3) A requirement that the person personally activate the ignition interlock system
4 before driving the motor vehicle.

5 In lieu of an ignition interlock system, the Division may impose a requirement that the person
6 prove abstention from the consumption of alcohol by use of a continuous alcohol monitoring
7 system approved under G.S. 15A-1343.3. The provider of the continuous alcohol monitoring
8 system shall send reports prepared in accordance with this subsection to the Division.

9 In addition, the Division may place other reasonable restrictions, requirements, and
10 conditions on the person for the duration of the original revocation period."

11 **SECTION 7.(b)** This section becomes effective December 1, 2026.

12
13 **REVISION RELATED TO THE OFFENSE OF AIDING OR ABETTING THE SALE TO**
14 **OR PURCHASE BY UNDERAGE PERSONS OF ALCOHOLIC BEVERAGES**

15 **SECTION 8.(a)** G.S. 18B-302(c)(2) reads as rewritten:

16 "(2) By Person over Lawful Age. – Any Except as otherwise provided in this
17 subdivision, any person who is over the lawful age to purchase and who aids
18 or abets another in violation of subsection (a), (a1), or (b) of this section is
19 guilty of a Class 1 misdemeanor. Any person who is over the lawful age to
20 purchase and who aids or abets a person under the lawful age to purchase in
21 violation of subsection (a), (a1), or (b) of this section is guilty of a Class F
22 felony if the person under the lawful age to purchase consumed the alcoholic
23 beverage involved in the violation and serious bodily injury to the person
24 under lawful age or another results that was proximately caused by the
25 consumption of the alcoholic beverage. For purposes of this subdivision, the
26 term "serious bodily injury" is as defined in G.S. 14-32.4."

27 **SECTION 8.(b)** G.S. 18B-302.1(b) reads as rewritten:

28 "(b) A violation of G.S. 18B-302(c)(2) is either a Class 1 misdemeanor, misdemeanor or
29 a Class F felony. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a
30 sentence that does not include an active punishment, the court must include among the conditions
31 of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as
32 authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours
33 of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous
34 conviction of this offense in the four years immediately preceding the date of the current offense,
35 and the court imposes a sentence that does not include an active punishment, the court must
36 include among the conditions of probation a requirement that the person pay a fine of at least one
37 thousand dollars (\$1,000) as authorized by G.S. 15A-1343(b)(9) and a requirement that the
38 person complete at least 150 hours of community service, as authorized by
39 G.S. 15A-1343(b1)(6)."

40 **SECTION 8.(c)** This section becomes effective December 1, 2026, and applies to
41 offenses committed on or after that date.

42
43 **SEVERABILITY CLAUSE, CRIMINAL SAVINGS CLAUSE, AND EFFECTIVE DATE**

44 **SECTION 9.(a)** If any provision of this act or its application is held invalid, the
45 invalidity does not affect other provisions or applications of this act that can be given effect
46 without the invalid provisions or application and, to this end, the provisions of this act are
47 severable.

48 **SECTION 9.(b)** Prosecutions for offenses committed before the effective date of
49 this act are not abated or affected by this act, and the statutes that would be applicable but for
50 this act remain applicable to those prosecutions.

1 **SECTION 9.(c)** Except as otherwise provided, this act is effective when it becomes
2 law.