

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

D

SENATE DRS55263-MA-309 (3/12)

Short Title: Alcohol Screening Device Test Results.

(Public)

Sponsors: Senator Vaughan.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A THRESHOLD FOR POSITIVE ALCOHOL SCREENING
3 TEST RESULTS.

4 The General Assembly of North Carolina enacts:

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

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

11 (1) That the driver has committed an implied-consent offense under
12 G.S. 20-16.2; and

13 (2) That the driver had consumed alcohol and that the driver had in his or her
14 body previously consumed alcohol, but not to prove a particular alcohol
15 concentration. Negative results on the alcohol screening test may be used in
16 factually appropriate cases by the officer, a court, or an administrative
17 agency in determining whether a person's alleged impairment is caused by
18 an impairing substance other than alcohol.

19 For the purposes of this section, a positive result is a result that registers .08 or higher on an
20 alcohol screening device. Any result that registers lower than .08 on an alcohol screening
21 device is a negative result."

22 **SECTION 2.** This act becomes effective December 1, 2009, and applies to alcohol
23 screening tests taken on or after that date.

