

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 852

Short Title: Alcohol Screening Device Test Results. (Public)

Sponsors: Senator Vaughan.

Referred to: Judiciary II.

March 25, 2009

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

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 actual alcohol concentration result, 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 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.

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

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

