



# HOUSE BILL 924: Highway Safety/Salary Changes

2015-2016 General Assembly

**Committee:** Rules and Operations of the Senate  
**Introduced by:** Reps. Burr, Hager, Goodman  
**Analysis of:** PCS to Third Edition  
H924-CSRW-48

**Date:** September 23, 2015  
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**SUMMARY:** *The proposed committee substitute for House Bill 924 does the following:*

- *Clarifies when a law enforcement officer is required to request a blood sample when charging the offense of misdemeanor death by vehicle.*
- *Clarifies the law governing prohibited use of red and blue lights.*
- *Repeals certain mandatory reporting regarding pseudoephedrine products.*
- *Clarifies the subpoena authority of the director of the SBI.*
- *Provides for upset bids for leases of mineral deposits on State lands.*
- *Increases the cost limit on work that can be performed by governmental force account labor.*
- *Repeals the Donate Life NC Matching funds requirement of the 2015 Appropriations Act.*

## CURRENT LAW & BILL ANALYSIS:

**Section 1.** Pursuant to G.S. 20-16.2, any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if charged with an offense involving impaired driving. A person charged with an impaired driving offense may be requested to submit to a chemical analysis of blood or other bodily fluid or substance in addition to or in lieu of a chemical analysis of the breath, in the discretion of a law enforcement officer. A person is *required* to provide a blood sample in addition to or in lieu of a chemical analysis of the breath when charged with felony or misdemeanor death by vehicle, felony serious injury by vehicle, aggravated felony death or serious injury by vehicle, or repeat felony death by vehicle. If a person charged with one of the aforementioned offenses refuses to provide a blood sample, a law enforcement officer with probable cause to believe the offense involved impaired driving must seek a warrant to obtain a blood sample. G.S. 20-139.1 requires that a physician, registered nurse, emergency medical technician, or other qualified person withdraw blood samples and obtain urine samples.

Section 1 clarifies that when a person is charged with felony or misdemeanor death by vehicle, felony serious injury by vehicle, aggravated felony death or serious injury by vehicle, or repeat felony death by vehicle and required to provide the blood sample, the sample is to be taken at any relevant time after the driving. Effective December 1, 2015.

**Sections 2.** Currently, G.S. 20-130.1 prohibits forward facing after installed red and blue lights on non-emergency vehicles. Section 2 removes "forward facing" to prohibit any red or blue light from being installed on a non-emergency vehicle after manufacture.

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**Section 3.** Currently, every 30 calendar days, a wholesale distributor of pseudoephedrine products is to submit an electronic report to the SBI that accounts for all transactions involving pseudoephedrine products with persons or firms located within this State for the preceding month. The wholesale distributor is to keep each monthly report for a period of two years from the date of submittal to the SBI. G.S. 106-145.13. Section 3 repeals the required reporting and maintenance of records.

**Section 4** makes a clarifying change to the subpoena authority of the Director of the SBI.

**Section 5** modifies a statute authorizing the Department of Administration to sell, lease, or otherwise dispose of mineral deposits in State lands not under water on such terms as the Department deems proper. Specifically the PCS would require that the Department solicit competitive bids for such leases, and implement a process for upset bids that would allow those persons who bid within 75% of a high bid to submit increased bids (with opportunities for successive upset bid periods). In addition, the PCS would direct the Department to require that any lessee of mineral deposits in State lands diligently conduct continuous mining operations for minerals subject to the lease throughout the entire term of the lease.

**Section 6** increases the cost limit on work that can be performed by force account labor of the State or subdivisions of the State to projects with a total cost of up to \$500,000, or a total cost of labor up to \$200,000.

**Section 6.5** repeals the Donate Life NC Matching funds requirement of the 2015 Appropriations Act, Section 27.8.

**EFFECTIVE DATE:** Sections 1 and 2 of this act become effective December 1, 2015, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

*Susan Sitze and Jennifer McGinnis, Staff Attorneys in the Research Division, substantially contributed to this summary.*