



HOUSE BILL 924: Highway Safety/Other Changes, Secs. 1 and 2

2015-2016 General Assembly

Committee:
Introduced by:
Analysis of: Secs. 1 and 2 of S.L. 2015-276

Date:
Prepared by: Giles S. Perry
Staff Attorney

SUMMARY: *Secs. 1 and 2 of S.L. 2015-276 do 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.*

These sections became effective December 1, 2015, and apply to offenses committed on or after that date.

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.

EFFECTIVE DATE: Sections 1 and 2 of this act become effective December 1, 2015, and apply 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.

O. Walker Reagan
Director



Research Division
(919) 733-2578

H 9 2 4 - S M R W - 1 3 6 S L

House Bill 924

Page 2