



# HOUSE BILL 924: Highway Safety/Salary Changes

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2015-2016 General Assembly

<b>Committee:</b>	Senate Re-ref to Judiciary I. If fav, re-ref to Transportation	<b>Date:</b>	July 21, 2015
<b>Introduced by:</b>	Reps. Burr, Hager, Goodman	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to Second Edition H924-CSST-75		Committee Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 924 would make changes to the motor vehicle laws regarding timing of mandatory blood testing in certain criminal charges and regarding lights on vehicles, and to the salary continuation of State law enforcement officers, would repeal certain mandatory reporting regarding pseudoephedrine products, would allow certain employees to be separated from employment due to unavailability, and would make other clarifying changes.*

### 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.

The pcs would clarify 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. The pcs would remove "forward facing" to prohibit any red or blue light from being installed on a non-emergency vehicle after manufacture.

**Section 3-4.** Article 12B of Chapter 143 governs salary continuation for certain State law enforcement officers subject to the Criminal Justice Training and Standards Act, and drivers license examiners and corrections officers injured out of certain acts on the job. When an eligible person under that Article is incapacitated as the result of an injury or injuries proximately caused by the heightened risk and special hazards directly related to the violent nature of the eligible person's official duties, the eligible person is paid their full salary as long as the person's employment in that position continues during the further continuance of that incapacity. Salary paid to an eligible person ends upon the resumption of the person's regularly assigned duties, retirement, resignation, or death, whichever first occurs, except that

O. Walker Reagan  
Director



Research Division  
(919) 733-2578

# House Bill 924

Page 2

temporary return to duty does not prohibit payment of salary for a subsequent period of incapacity which can be shown to be directly related to the original injury. If the incapacity continues for more than two years from its inception, then workers' compensation applies.

The pcs would make the following changes to the current law:

- Require the injury to result from or arise out of an episode of violence, resistance or other special hazards which occur while the person is performing official duties.
- Provide that the benefits received under this provision are deducted from the person's total eligibility under workers' compensation.
- Provide that the benefits cease or are equitably reduced when the employee returns to work for the same or a different employer.
- Provide that total base pay is the amount the eligible person is entitled to, rather than full salary.

**Section 5.** The pcs would clarify that when the Director of the State Bureau of Investigation (SBI) hires reserve agents, those reserve agents are eligible to receive workers compensation benefits for injuries incurred while performing that reserve agent's assigned duties.

**Section 6.** 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.

The pcs would repeal the required reporting and maintenance of records.

**Section 7.** The pcs would provide that the State Highway Patrol is authorized to appoint retired members as volunteer reserve officers and those reserve officers are eligible to receive workers' compensation benefits for injuries incurred while performing assigned duties.

**Section 8.** The pcs would make a clarifying change to the subpoena authority of the Director of the SBI.

**Section 9.** The pcs would allow a State employee to be separated from employment due to unavailability, even if the employee has not exhausted their vacation, sick, bonus, or compensatory leave, if one of the following applies:

- The employee is on workers' compensation or salary continuation and is unable to return to his or her previous position at full duty.
- The employee is unable to perform all the duties of their position due to a Court order, due to a loss of required credentials, or due to a loss of other required certification.

**Section 10.** The pcs would authorize the Department of Public Safety, Division of Adult Correction to use funds available to fund enhanced prison security technology to deter illegal access of cell phones by inmates in the State's prison system.

**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.