



HOUSE BILL 924: Highway Safety/Salary Changes

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 28, 2015
Introduced by:	Reps. Burr, Hager, Goodman	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition H924-CSST-45		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, and to repeal certain mandatory reporting regarding pseudoephedrine products.*

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. The test results, or the fact of the person's refusal, are admissible in evidence at trial. Procedures governing chemical analyses administered persons charged with any offense involving impaired driving are governed by G.S. 20-139.1, which provides that a person's alcohol concentration or the presence of any other impairing substance in the person's body as shown by a chemical analysis is admissible in evidence, and the results from a chemical analysis constitute sufficient evidence to prove a person's alcohol concentration. 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 2-4. Currently, G.S. 20-129 prohibits operation of a motor vehicle unless it is equipped with one operable red or amber stop lamp on the rear of the vehicle. Current G.S. 20-139.1 requires one operable red stop lamp on the rear of buses, trucks, tractor trailers, and other specified trailers. A recent State Court of Appeals case, *State v. Heien*, 714 S.E.2d 827 (2011), held that malfunction of a single brake light did not violate State law, and did not constitute a reasonable justification for a traffic stop.

The pcs would:

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- Amend State law to require two operable stop lamps, one on each side of the rear of motor vehicles, buses, trucks, tractor trailers, and other specified trailers; and clarifies that amber stop lamps are authorized on any motor vehicle, if they were original equipment.
- Specify the placement of certain lamps on buses, trucks, tractor trailers, trailers, semitrailers and poletrailers.
- Prohibit after installed red and blue lights on vehicles, whether forward facing or not, on non-emergency vehicles.

Section 5-6. 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 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 amend the current law to provide that total base pay is the amount the eligible person is entitled to, rather than full salary.

Section 7. 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 8. 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.

EFFECTIVE DATE: Except as otherwise noted, effective when it becomes law.