

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS15138-MA-276 (3/5)

Short Title: Require Chemical Test/Crashes Involving Death. (Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE ADMINISTRATION OF A CHEMICAL ANALYSIS FOR  
3 ALL DRIVERS INVOLVED IN CRASHES THAT RESULT IN DEATH.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-16.3(a) reads as rewritten:

6 "(a) When Alcohol Screening Test May Be Required; Not an Arrest. – A  
7 law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening  
8 test within a relevant time after the driving if the officer has:

9 (1) Reasonable grounds to believe that the driver has consumed alcohol and has:

10 a. Committed a moving traffic violation; or

11 b. Been involved in ~~an accident or collision; or a crash; or~~

12 (2) An articulable and reasonable suspicion that the driver has committed an  
13 implied-consent offense under G.S. 20-16.2, and the driver has been lawfully  
14 stopped for a driver's license check or otherwise lawfully stopped or lawfully  
15 encountered by the officer in the course of the performance of the officer's  
16 duties.

17 Requiring a driver to submit to an alcohol screening test in accordance with this ~~section~~  
18 subsection does not in itself constitute an arrest."

19 **SECTION 2.** G.S. 20-16.3 is amended by adding a new subsection to read:

20 "(a1) When Alcohol Screening Test Shall Be Required; Not an Arrest. – A law  
21 enforcement officer shall require the driver of a vehicle to submit to an alcohol screening test  
22 within a relevant time after the driving if the officer has reasonable grounds to believe that the  
23 driver has consumed alcohol and has been involved in a crash that resulted in a death.  
24 Requiring a driver to submit to an alcohol screening test in accordance with this subsection  
25 does not in itself constitute an arrest."

26 **SECTION 3.** This act becomes effective December 1, 2009, and applies to  
27 offenses committed on or after that date.

