

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 658  
Apr 9, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH10241-ML-174 (03/28)

Short Title: Use Actual Alcohol Concentration Result. (Public)

Sponsors: Representative McNeill.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE ACTUAL CONCENTRATION RESULTS OF AN  
3 ALCOHOL SCREENING TEST MAY BE USED FOR DETERMINING IF THERE ARE  
4 REASONABLE GROUNDS FOR BELIEVING A DRIVER CONSUMED ALCOHOL  
5 OR COMMITTED AN IMPLIED CONSENT OFFENSE.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** G.S. 20-16.3(d) reads as rewritten:  
8 "(d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed~~  
9 ~~a positive or negative result on an alcohol screening test, but not the~~The actual alcohol  
10 concentration ~~result,~~result of an alcohol screening test or a driver's refusal to submit may be  
11 used by a law-enforcement officer, is admissible in a court, or may also be used by an  
12 administrative agency in determining if there are reasonable grounds for believing:  
13 (1) That the driver has committed an implied-consent offense under  
14 G.S. 20-16.2; and  
15 (2) That the driver had consumed alcohol and that the driver had in his or her  
16 body previously consumed alcohol, ~~but not to prove a particular alcohol~~  
17 ~~concentration.~~alcohol. Negative or low results on the alcohol screening test  
18 may be used in factually appropriate cases by the officer, a court, or an  
19 administrative agency in determining whether a person's alleged impairment  
20 is caused by an impairing substance other than alcohol."  
21 **SECTION 2.** This act becomes effective December 1, 2013, and applies to  
22 offenses committed on or after that date.

