

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 652

Short Title: Ignition Interlock Hearing Evidence.

(Public)

Sponsors: Senator Vaughan.

Referred to: Judiciary II.

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE INTRODUCTION OF CHEMICAL ANALYSIS TEST RESULTS IN AN ADMINISTRATIVE HEARING PROCEDURE BEFORE THE DIVISION OF MOTOR VEHICLES FOR THE RESTORATION OF A DRIVERS LICENSE AFTER A REVOCATION FOR CERTAIN IMPAIRED DRIVING OFFENSES REQUIRING AN IGNITION INTERLOCK, UNLESS THE CHEMICAL ANALYSIS TEST RESULTS WERE ADMITTED INTO EVIDENCE BY A COURT OF COMPETENT JURISDICTION PURSUANT TO THE RULES OF EVIDENCE IN CHAPTER 1A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-17.8(a) reads as rewritten:

"(a) Scope. – This section applies to a person whose license was revoked as a result of a conviction of driving while impaired, G.S. 20-138.1, and:

(1) The person had an alcohol concentration of 0.15 or more; or

(2) The person has been convicted of another offense involving impaired driving, which offense occurred within seven years immediately preceding the date of the offense for which the person's license has been revoked.

For purposes of subdivision (1) of this subsection, the results of a chemical analysis, analysis admitted into evidence by a court of competent jurisdiction, and as shown by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the Division to determine that person's alcohol concentration."

SECTION 2. This act becomes effective December 1, 2011, and applies to restoration hearings occurring on or after that date.

