

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE DRH30328-MLa-192A (3/18)

Short Title: Highway Safety/Salary Changes.

(Public)

Sponsors: Representative Burr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY HOW THE NUMERIC RESULT OF AN ALCOHOL SCREENING TEST MAY BE USED, TO CLARIFY WHEN A LAW ENFORCEMENT OFFICER IS REQUIRED TO REQUEST A BLOOD SAMPLE WHEN CHARGING THE OFFENSE OF MISDEMEANOR DEATH BY VEHICLE, TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST ONE WORKING STOP LAMP ON EACH SIDE OF THE REAR OF THE VEHICLE, TO CLARIFY THE MEANING OF THE TERM "SALARY" FOR CERTAIN STATE LAW ENFORCEMENT OFFICERS, TO FUND SALARY INCREASES FOR MEMBERS OF THE STATE HIGHWAY PATROL FOR THE 2015-2016 FISCAL YEAR, AND TO MAKE OTHER CLARIFYING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.3(d) reads as rewritten:

"(d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed a positive or negative numeric result on an alcohol screening test, but not the actual alcohol concentration result, test~~ or a driver's refusal to submit may be used by a law-enforcement officer, is admissible in a court, or may also be used by an administrative agency in determining if there are reasonable grounds ~~for believing; or probable cause to believe either of the following:~~

(1) ~~That the~~The driver has committed an implied-consent offense under ~~G.S. 20-16.2; and G.S. 20-16.2.~~

(2) ~~That the~~The driver had consumed alcohol ~~and that the driver had in his or her body previously consumed alcohol, or the driver had an alcohol concentration above 0.00,~~ but not to prove a particular alcohol concentration.

Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol."

SECTION 2. G.S. 20-139.1(b5) reads as rewritten:

"(b5) Subsequent Tests Allowed. – A person may be requested, pursuant to G.S. 20-16.2, to submit to a chemical analysis of the person's 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; except that a person charged with a violation of ~~G.S. 20-141.4~~G.S. 20-141.4, at any relevant time after the driving, shall be requested to provide a blood sample in addition to or in lieu of a chemical analysis of the breath. However, if a breath sample shows an alcohol concentration of .08 or more, then requesting a blood sample shall be in the discretion of a law enforcement officer. If a subsequent chemical analysis is requested pursuant to this subsection, the person shall again be advised of the implied consent rights in accordance with



1 G.S. 20-16.2(a). A person's willful refusal to submit to a chemical analysis of the blood or other
2 bodily fluid or substance is a willful refusal under G.S. 20-16.2. If a person willfully refuses to
3 provide a blood sample under this subsection, and the person is charged with a violation of
4 G.S. 20-141.4, then a law enforcement officer with probable cause to believe that the offense
5 involved impaired driving or was an alcohol-related offense made subject to the procedures of
6 G.S. 20-16.2 shall seek a warrant to obtain a blood sample. The failure to obtain a blood sample
7 pursuant to this subsection shall not be grounds for the dismissal of a charge and is not an
8 appealable issue."

9 **SECTION 3.** G.S. 20-129(g) reads as rewritten:

10 "(g) No person shall sell or operate on the highways of the State any motor vehicle,
11 ~~motorcycle or motor-driven cycle, manufactured after December 31, 1955, 1970,~~ unless it shall
12 be equipped with a ~~stop lamp on the rear of the vehicle.~~ stop lamps, one on each side of the rear
13 of the vehicle. No person shall sell or operate on the highways of the State any motorcycle,
14 moped, or other motor-driven cycle, manufactured after December 31, 1970, unless it shall be
15 equipped with a stop lamp on the rear of the motorcycle, moped, or other motor-driven cycle.
16 The stop ~~lamp~~ lamps shall display, emit, reflect, or display a red or amber light visible from a
17 distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon
18 application of the ~~service (foot)-brake.~~ The stop ~~lamp~~ lamps may be incorporated into a unit
19 with one or more other rear lamps."

20 **SECTION 4.** G.S. 20-129.1 reads as rewritten:

21 "**§ 20-129.1. Additional lighting equipment required on certain vehicles.**

22 In addition to other equipment required by this Chapter, the following vehicles shall be
23 equipped as follows:

24 (1) On every bus or truck, whatever its size, there shall be the following:

25 On the rear, two reflectors, one at each side, and one ~~stoplight.~~ stop lamp on each
26 side of the vertical centerline at the same height and as far apart as
27 practicable.

28 (2) On every bus or truck 80 inches or more in overall width, in addition to the
29 requirements in subdivision (1):

30 On the front, two clearance lamps, one ~~at~~ on each side. side of the vertical
31 centerline to indicate overall width.

32 On the rear, two clearance lamps, one ~~at~~ on each side. side of the vertical
33 centerline to indicate overall width.

34 On ~~each side, two side marker lamps, one at or near the front and one at or near~~
35 ~~the rear.~~ the front, two side marker lamps, as far to the front as practicable.

36 On the rear, two side marker lamps, as far to the rear as practicable.

37 On ~~each side, two reflectors, one at or near the front and one at or near the~~
38 ~~rear.~~ the front, two reflectors, as far to the front as practicable.

39 On the rear, two reflectors, as far to the rear as practicable.

40 (3) On every truck tractor:

41 On the front, two clearance lamps, one ~~at~~ on each side. side of the vertical
42 centerline to indicate overall width.

43 On the rear, one ~~stoplight.~~ stop lamp on each side of the vertical centerline at the
44 same height and as far apart as practicable.

45 (4) On every trailer or semitrailer having a gross weight of 4,000 pounds or
46 more:

47 On the front, two clearance lamps, one at each side.

48 On each side, two side marker lamps, one at or near the front and one at or near
49 the rear.

50 On each side, two reflectors, one at or near the front and one at or near the rear.

1 On the rear, two clearance lamps, one at each side, also two reflectors, one at
 2 each side, and one ~~stoplight~~stop lamp on each side of the vertical centerline
 3 at the same height and as far apart as practicable.

4 (5) On every pole trailer having a gross weight of 4,000 pounds or more:

5 On each side, one side marker lamp and one clearance lamp which may be in
 6 combination, to show to the front, side and rear.

7 On the rear of the pole trailer or load, two reflectors, one at each side.

8 (6) On every trailer, semitrailer or pole trailer having a gross weight of less than
 9 4,000 pounds:

10 On the rear, two reflectors, one on each side. If any trailer or semitrailer is so
 11 loaded or is of such dimensions as to obscure the stoplight on the towing
 12 vehicle, then such vehicle shall also be equipped with one ~~stoplight~~stop
 13 lamp on each side of the vertical centerline at the same height and as far
 14 apart as practicable.

15 (7) Front clearance lamps and those marker lamps and reflectors mounted on the
 16 front or on the side near the front of a vehicle shall display or reflect an
 17 amber color.

18 (8) Rear clearance lamps and those marker lamps and reflectors mounted on the
 19 rear or on the sides near the rear of a vehicle shall display or reflect a red
 20 color.

21 (9) ~~Brake lights~~Stop lamps (and/or brake reflectors) on the rear of a motor
 22 vehicle shall ~~have red lenses~~be constructed so that the light
 23 ~~displayed~~emitted, reflected, or displayed is ~~red~~red, except that a motor
 24 vehicle originally manufactured with amber stop lamps may emit, reflect, or
 25 display an amber light. The light illuminating the license plate shall be
 26 white. All other lights shall be white, amber, yellow, clear or red.

27 (10) On every trailer and semitrailer which is 30 feet or more in length and has a
 28 gross weight of 4,000 pounds or more, one combination marker lamp
 29 showing amber and mounted on the bottom side rail at or near the center of
 30 each side of the trailer."

31 **SECTION 5.** G.S. 20-130.1 reads as rewritten:

32 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

33 (a) It is unlawful for any person to install or activate or operate a red light in or on any
 34 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
 35 light" means an operable red light not sealed in the manufacturer's original package which: (i)
 36 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
 37 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
 38 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
 39 shall also mean any ~~forward-facing~~ red light installed on a vehicle after initial manufacture of
 40 the vehicle.

41 ...

42 (c) It is unlawful for any person to possess a blue light or to install, activate, or operate
 43 a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law
 44 enforcement purposes or any other vehicle when used by law enforcement officers in the
 45 performance of their official duties. As used in this subsection, unless the context requires
 46 otherwise, "blue light" means any ~~forward-facing~~ blue light installed on a vehicle after initial
 47 manufacture of the vehicle; or an operable blue light which:

48 (1) Is not (i) being installed on, held in inventory for the purpose of being
 49 installed on, or held in inventory for the purpose of sale for installation on a
 50 vehicle on which it may be lawfully operated or (ii) installed on a vehicle

1 which is used solely for the purpose of demonstrating the blue light for sale
 2 to law enforcement personnel;
 3 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a
 4 blue light designed for use by an emergency vehicle; and
 5 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical
 6 system, or a dry cell battery.

7"

8 **SECTION 6.** G.S. 143-166.14 reads as rewritten:

9 **"§ 143-166.14. Payment of salary notwithstanding incapacity; Workers' Compensation**
 10 **Act applicable after two years; duration of payment.**

11 The salary of any eligible person shall be paid as long as the person's employment in that
 12 position continues, notwithstanding the person's total or partial incapacity to perform any duties
 13 to which the person may be lawfully assigned, if that incapacity is the result of an injury or
 14 injuries proximately caused by the heightened risk and special hazards directly related to the
 15 violent nature of the eligible person's official duties, except if that incapacity continues for
 16 more than two years from its inception, the person shall, during the further continuance of that
 17 incapacity, be subject to the provisions of Chapter 97 of the General Statutes pertaining to
 18 workers' compensation. Salary paid to an eligible person pursuant to this Article shall cease
 19 upon the resumption of the person's regularly assigned duties, retirement, resignation, or death,
 20 whichever first occurs, except that temporary return to duty shall not prohibit payment of salary
 21 for a subsequent period of incapacity which can be shown to be directly related to the original
 22 injury. For purposes of this section, the term "salary" means the total base pay of a person as
 23 reflected on the person's salary statement."

24 **SECTION 7.** G.S. 143-166.15 reads as rewritten:

25 **"§ 143-166.15. Application of § 97-27; how payments made.**

26 Notwithstanding the provisions of G.S. 143-166.14 of this Article, the persons entitled to
 27 benefits shall be subject to the provisions of G.S. 97-27 during the two-year period of payment
 28 of ~~full salary~~total base pay. All payments of ~~salary~~payments made shall be made at the same time and in the
 29 same manner as other ~~salaries are paid~~payments made to other persons in the same
 30 department."

31 **SECTION 8.** For the 2015-2016 fiscal year, there is appropriated from the General
 32 Fund to the Department of Public Safety an amount sufficient to fund salary increases under
 33 G.S. 20-187.3 for members of the State Highway Patrol.

34 **SECTION 9.** Section 1 of this act becomes effective December 1, 2015, and
 35 applies to hearings held, and administrative determinations made, on or after that date. Section
 36 2 of this act becomes effective December 1, 2015, and applies to offenses committed on or after
 37 that date. Section 8 of this act becomes effective July 1, 2015. The remainder of this act is
 38 effective when it becomes law and applies to offenses committed on or after that date.
 39 Prosecutions for offenses committed before the effective date of this act are not abated or
 40 affected by this act, and the statutes that would be applicable but for this act remain applicable
 41 to those prosecutions.