

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 924  
Committee Substitute Favorable 4/29/15

Short Title: Highway Safety/Salary Changes.

(Public)

Sponsors:

Referred to:

April 20, 2015

A BILL TO BE ENTITLED

AN ACT 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, AND TO MAKE OTHER CLARIFYING CHANGES.

The General Assembly of North Carolina enacts:

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

**SECTION 2.** G.S. 20-129(g) reads as rewritten:

"(g) No person shall sell or operate on the highways of the State any motor vehicle, ~~motorcycle or motor-driven cycle~~, manufactured after December 31, ~~1955, 1970~~, unless it shall be equipped with a stop lamp on the rear of the vehicle. ~~stop lamps, one on each side of the rear of the vehicle.~~ No person shall sell or operate on the highways of the State any motorcycle, moped, or other motor-driven cycle, manufactured after December 31, 1970, unless it shall be equipped with a stop lamp on the rear of the motorcycle, moped, or other motor-driven cycle. The stop ~~lamp~~ lamps shall ~~display~~ emit, reflect, or display a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon



1 application of the ~~service (foot)-brake~~. The stop ~~lamp~~lamps may be incorporated into a unit  
2 with one or more other rear lamps."

3 **SECTION 3.** G.S. 20-129.1 reads as rewritten:

4 **"§ 20-129.1. Additional lighting equipment required on certain vehicles.**

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

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

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

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

13 On the front, two clearance lamps, one ~~at~~on each sideside of the vertical  
14 centerline to indicate overall width.

15 On the rear, two clearance lamps, one ~~at~~on each sideside of the vertical  
16 centerline to indicate overall width.

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

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

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

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

23 (3) On every truck tractor:

24 On the front, two clearance lamps, one ~~at~~on each sideside of the vertical  
25 centerline to indicate overall width.

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

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

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

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

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

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

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

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

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

41 (6) On every trailer, semitrailer or pole trailer having a gross weight of less than  
42 4,000 pounds:

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

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

- 1 (8) Rear clearance lamps and those marker lamps and reflectors mounted on the  
 2 rear or on the sides near the rear of a vehicle shall display or reflect a red  
 3 color.
- 4 (9) ~~Brake lights~~Stop lamps (and/or brake reflectors) on the rear of a motor  
 5 vehicle shall ~~have red lenses~~be constructed so that the light  
 6 ~~displayed~~emitted, reflected, or displayed is ~~red-red~~, except that a motor  
 7 vehicle originally manufactured with amber stop lamps may emit, reflect, or  
 8 display an amber light. The light illuminating the license plate shall be  
 9 white. All other lights shall be white, amber, yellow, clear or red.
- 10 (10) On every trailer and semitrailer which is 30 feet or more in length and has a  
 11 gross weight of 4,000 pounds or more, one combination marker lamp  
 12 showing amber and mounted on the bottom side rail at or near the center of  
 13 each side of the trailer."

14 **SECTION 4.** G.S. 20-130.1 reads as rewritten:

15 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

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

24 ...

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

- 31 (1) Is not (i) being installed on, held in inventory for the purpose of being  
 32 installed on, or held in inventory for the purpose of sale for installation on a  
 33 vehicle on which it may be lawfully operated or (ii) installed on a vehicle  
 34 which is used solely for the purpose of demonstrating the blue light for sale  
 35 to law enforcement personnel;
- 36 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a  
 37 blue light designed for use by an emergency vehicle; and
- 38 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical  
 39 system, or a dry cell battery.

40 ...."

41 **SECTION 5.** G.S. 143-166.14 reads as rewritten:

42 **"§ 143-166.14. Payment of salary notwithstanding incapacity; Workers' Compensation  
 43 Act applicable after two years; duration of payment.**

44 The salary of any eligible person shall be paid as long as the person's employment in that  
 45 position continues, notwithstanding the person's total or partial incapacity to perform any duties  
 46 to which the person may be lawfully assigned, if that incapacity is the result of an injury or  
 47 injuries proximately caused by the heightened risk and special hazards directly related to the  
 48 violent nature of the eligible person's official duties, except if that incapacity continues for  
 49 more than two years from its inception, the person shall, during the further continuance of that  
 50 incapacity, be subject to the provisions of Chapter 97 of the General Statutes pertaining to  
 51 workers' compensation. Salary paid to an eligible person pursuant to this Article shall cease

1 upon the resumption of the person's regularly assigned duties, retirement, resignation, or death,  
2 whichever first occurs, except that temporary return to duty shall not prohibit payment of salary  
3 for a subsequent period of incapacity which can be shown to be directly related to the original  
4 injury. For purposes of this section, the term "salary" means the total base pay of a person as  
5 reflected on the person's salary statement."

6 **SECTION 6.** G.S. 143-166.15 reads as rewritten:

7 "**§ 143-166.15. Application of § 97-27; how payments made.**

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

13 **SECTION 7.** G.S. 143B-927 reads as rewritten:

14 "**§ 143B-927. Personnel of the State Bureau of Investigation.**

15 The Director of the State Bureau of Investigation may appoint a sufficient number of  
16 assistants who shall be competent and qualified to do the work of the Bureau. The Director  
17 shall be responsible for making all hiring and personnel decisions of the Bureau.  
18 Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B of the  
19 General Statutes, the Director may hire or fire personnel and transfer personnel within the  
20 Bureau. If the Director deems it appropriate to hire reserve agents, those reserve agents shall be  
21 considered employees of the State Bureau of Investigation for purposes of any workers'  
22 compensation claim arising from acts occurring while the reserve agent is performing assigned  
23 duties."

24 **SECTION 8.** G.S. 106-145.13 is repealed.

25 **SECTION 9.** Section 1 of this act becomes effective December 1, 2015, and  
26 applies to offenses committed on or after that date. The remainder of this act is effective when  
27 it becomes law and applies to offenses committed on or after that date. Prosecutions for  
28 offenses committed before the effective date of this act are not abated or affected by this act,  
29 and the statutes that would be applicable but for this act remain applicable to those  
30 prosecutions.