

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**S**

**1**

**SENATE BILL 104**

Short Title: DWI-Zero Alcohol When Transporting Child. (Public)

---

Sponsors: Senator Brock.

---

Referred to: Judiciary II.

---

February 10, 2005

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT A PERSON COMMITS THE OFFENSE OF  
3 IMPAIRED DRIVING WHEN OPERATING A MOTOR VEHICLE WHILE  
4 TRANSPORTING A PERSON SEVENTEEN YEARS OF AGE OR UNDER  
5 WITH ANY ALCOHOL IN HIS BLOOD.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-138.1(a) reads as rewritten:

8 "(a) Offense. – A person commits the offense of impaired driving if he drives any  
9 vehicle upon any highway, any street, or any public vehicular area within this State:

10 (1) While under the influence of an impairing substance; ~~or~~

11 (2) After having consumed sufficient alcohol that he has, at any relevant  
12 time after the driving, an alcohol concentration of 0.08 or ~~more~~ more;  
13 or

14 (3) While transporting a person 17 years of age or less after having  
15 consumed sufficient alcohol that he has, at any relevant time after  
16 driving, any alcohol in his blood."

17 **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
18 offenses committed on or after that date.