

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 108

Short Title: The Sober Operator Act of 2025. (Public)

Sponsors: Representatives Clampitt, Ager, Kidwell, and Echevarria (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Alcoholic Beverage Control, if favorable, State and Local Government, if favorable, Judiciary 2, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House

February 13, 2025

A BILL TO BE ENTITLED

AN ACT TO ALLOW ONLY SOBER DRIVERS TO OPERATE VEHICLES AND VESSELS AND SAVE LIVES OF OPERATORS, PASSENGERS, AND PEDESTRIANS BY LOWERING THE ALCOHOL CONCENTRATION LEGAL LIMIT FOR OPERATING A VEHICLE OR VESSEL FROM 0.08 TO 0.05; TO INCREASE EFFICIENCY IN THE IMMEDIATE CIVIL PRETRIAL REVOCATION OF DRIVERS LICENSES; TO REQUIRE IMPAIRED DRIVERS TO PAY THEIR FAIR SHARE OF THE COSTS OF THEIR PROCESSING; TO REDUCE UNNECESSARY MOTIONS BY ADMITTING ALCOHOL AND DRUG SCREENING TESTS TO PROVE THE ARRESTING OFFICER HAD PROBABLE CAUSE; TO ASSURE TRANSPARENCY IN THE COURTS SO THAT ALL OPERATORS ARE TREATED EQUALLY AND ALL USERS OF THE STREETS AND WATERWAYS THROUGHOUT THE STATE HAVE EQUAL PROTECTION FROM IMPAIRED DRIVERS BY REQUIRING VIDEO RECORDING OF DISTRICT COURT PROCEEDINGS AND PUBLISHING REPORTS OF HOW IMPAIRED DRIVING CASES ARE RESOLVED; TO ALLOW REPEAT OFFENDERS A METHOD TO PROVE THEIR SOBRIETY AND OBTAIN A LEGAL METHOD TO OPERATE A VEHICLE; AND TO REVISE THE PUNISHMENT IMPOSED ON A PERSON OVER LAWFUL AGE WHO AIDS AND ABETS A PERSON UNDER LAWFUL AGE IN THE SALE OR PURCHASE OF ALCOHOLIC BEVERAGES IF SERIOUS BODILY INJURY RESULTS.

The General Assembly of North Carolina enacts:

TITLE OF ACT

SECTION 1. This act shall be known as "The Sober Operator Act of 2025."

REVISIONS RELATING TO LOWERING THE ALCOHOL CONCENTRATION LEGAL LIMIT FROM 0.08 TO 0.05 WHEN OPERATING A VEHICLE OR VESSEL AND INCREASE EFFICIENCY IN ADMINISTERING THE IMMEDIATE CIVIL PRETRIAL REVOCATION

SECTION 2.(a) G.S. 20-12.1(a)(2) reads as rewritten:

"(2) After having consumed sufficient alcohol to have, at any relevant time after the driving, an alcohol concentration of ~~0.08~~ 0.05 or more."

SECTION 2.(b) G.S. 20-16.2 reads as rewritten:



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1 **"§ 20-16.2. Implied consent to chemical analysis; mandatory revocation of license in event**
 2 **of refusal; right of driver to request analysis.**

3 (a) Basis for Officer to Require Chemical Analysis; Notification of Rights. – Any person
 4 who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical
 5 analysis if charged with an implied-consent offense. Any law enforcement officer who has
 6 reasonable grounds to believe that the person charged has committed the implied-consent offense
 7 may obtain a chemical analysis of the person.

8 Before any type of chemical analysis is administered the person charged shall be taken before
 9 a chemical analyst authorized to administer a test of a person's breath or a law enforcement officer
 10 who is authorized to administer chemical analysis of the breath, who shall inform the person
 11 orally and also give the person a notice in writing ~~that~~ of the following implied-consent advisory:

12 (1) You have been charged with an implied-consent offense. ~~Under~~ You have
 13 consented to a chemical analysis under the implied-consent law, you can law.
 14 If you choose to withdraw your consent and refuse any test, but ~~your drivers~~
 15 license will be revoked for one year and could be revoked for a longer period
 16 of time under certain circumstances, and an officer can compel you to be tested
 17 under other laws.

18 ...

19 (4) Your driving privilege will be revoked immediately for at least 30 days if ~~you~~
 20 ~~refuse any test or the test result is 0.08 or more, 0.04 or more if you were~~
 21 ~~driving a commercial vehicle, or 0.01 or more if you are under the age of 21.~~ a
 22 judicial official determines there is probable cause for the implied-consent
 23 offense charge.

24 ...

25 (a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense
 26 involving impaired driving, a violation of G.S. 20-141.4(a2), or an alcohol-related offense made
 27 subject to the procedures of this section. A person is "charged" with an offense if the person is
 28 arrested for it or if criminal process for the offense has been issued. The term "judicial official"
 29 is as defined in G.S. 15A-101.

30 ...

31 (i) Right to Chemical Analysis before Arrest or Charge. – A person stopped or
 32 questioned by a law enforcement officer who is investigating whether the person may have
 33 committed an implied consent offense may request the administration of a chemical analysis
 34 before any arrest or other charge is made for the offense. Upon this request, the officer shall
 35 afford the person the opportunity to have a chemical analysis of his or her breath, if available, in
 36 accordance with the procedures required by G.S. 20-139.1(b). The request constitutes the
 37 person's consent to be transported by the law enforcement officer to the place where the chemical
 38 analysis is to be administered. Before the chemical analysis is made, the person shall confirm the
 39 request in writing and shall be ~~notified~~ notified of all of the following:

40 (1) That the test results will be admissible in evidence and may be used against
 41 you in any implied consent offense that may ~~arise~~ arise.

42 (2) Your driving privilege will be revoked immediately for at least 30 days if ~~the~~
 43 ~~test result is 0.08 or more, 0.04 or more if you were driving a commercial~~
 44 ~~vehicle, or 0.01 or more if you are under the age of 21.~~ you are charged with
 45 an implied-consent offense and a judicial official determines there is probable
 46 cause for the charge.

47"

48 **SECTION 2.(c) G.S. 20-16.5 reads as rewritten:**

49 **"§ 20-16.5. Immediate civil license revocation for certain persons charged with**
 50 **implied-consent offenses.**

51 ...

1 (b) Revocations for Persons ~~Who Refuse Chemical Analyses or Who Are Charged With~~
 2 Certain Implied-Consent Offenses. – A person's driver's license is subject to revocation under
 3 this section ~~if~~ if all of the following criteria are met:

- 4 (1) A law enforcement officer has reasonable grounds to believe that the person
 5 has committed an offense subject to the implied-consent provisions of ~~G.S.~~
 6 ~~20-16.2;G.S. 20-16.2.~~
 7 (2) The person is charged with that offense as provided in ~~G.S.~~
 8 ~~20-16.2(a);G.S. 20-16.2(a).~~
 9 (3) The law enforcement officer and the chemical analyst comply with the
 10 procedures of G.S. 20-16.2 and G.S. 20-139.1 in requiring the person's
 11 submission to or procuring a chemical ~~analysis; and~~ analysis.
 12 (4) ~~The person;~~ A judicial official determines there is probable cause for the
 13 implied-consent offense charge.
 14 a. ~~Willfully refuses to submit to the chemical analysis;~~
 15 b. ~~Has an alcohol concentration of 0.08 or more within a relevant time~~
 16 ~~after the driving;~~
 17 c. ~~Has an alcohol concentration of 0.04 or more at any relevant time after~~
 18 ~~the driving of a commercial motor vehicle; or~~
 19 d. ~~Has any alcohol concentration at any relevant time after the driving~~
 20 ~~and the person is under 21 years of age.~~

21 (b1) Precharge Test Results as Basis for Revocation. – Notwithstanding the provisions of
 22 subsection (b), a person's driver's license is subject to revocation under this section ~~if~~ if all of the
 23 following criteria are met:

- 24 (1) The person requests a precharge chemical analysis pursuant to ~~G.S. 20-16.2(i);~~
 25 ~~and~~ G.S. 20-16.2(i).
 26 (2) ~~The person has:~~
 27 a. ~~An alcohol concentration of 0.08 or more at any relevant time after~~
 28 ~~driving;~~
 29 b. ~~An alcohol concentration of 0.04 or more at any relevant time after~~
 30 ~~driving a commercial motor vehicle; or~~
 31 c. ~~Any alcohol concentration at any relevant time after driving and the~~
 32 ~~person is under 21 years of age; and~~
 33 (3) The person is charged with an implied-consent offense.
 34 (4) A judicial official determines there is probable cause for the implied-consent
 35 offense charge.

36 ...

37 (e) Procedure if Report Filed with Judicial Official When Person Is Present. – If a
 38 properly executed revocation report concerning a person is filed with a judicial official when the
 39 person is present before that official, the judicial official shall, after completing any other
 40 proceedings involving the person, determine whether there is probable cause to believe that each
 41 of the ~~conditions~~ criteria of subsection (b) ~~has or~~ (b1) of this section has been met. If ~~he~~ the
 42 judicial official determines that there is such probable cause, ~~he~~ the judicial official shall enter
 43 an order revoking the person's driver's license for the period required in this subsection. The
 44 judicial official shall order the person to surrender his or her license and if necessary may order
 45 a law-enforcement officer to seize the license. The judicial official shall give the person a copy
 46 of the revocation order. In addition to setting it out in the order the judicial official shall
 47 personally inform the person of his or her right to a hearing as specified in subsection ~~(g);~~ (g) of
 48 this section, and that his or her license remains revoked pending the hearing. The revocation
 49 under this subsection begins at the time the revocation order is issued and continues until the
 50 person's license has been surrendered for the period specified in this subsection, and the person
 51 has paid the applicable costs. The period of revocation is 30 days, if there are no pending offenses

1 for which the person's license had been or is revoked under this section. If at the time of the
 2 current offense, the person has one or more pending offenses for which his or her license had
 3 been or is revoked under this section, the revocation shall remain in effect until a final judgment,
 4 including all appeals, has been entered for the current offense and for all pending offenses. In no
 5 event, may the period of revocation under this subsection be less than 30 days. If within five
 6 working days of the effective date of the order, the person does not surrender his or her license
 7 or demonstrate that he or she is not currently licensed, the clerk shall immediately issue a pick-up
 8 order. The pick-up order shall be issued to a member of a local law-enforcement agency if the
 9 law enforcement officer was employed by the agency at the time of the charge and the person
 10 resides in or is present in the agency's territorial jurisdiction. In all other cases, the pick-up order
 11 shall be issued to an officer or inspector of the Division. A pick-up order issued pursuant to this
 12 section is to be served in accordance with G.S. 20-29 as if the order had been issued by the
 13 Division.

14 (f) Procedure if Report Filed with Clerk of Court When Person Not Present. – When a
 15 clerk receives a properly executed report under subdivision (d)(3) of this section and the person
 16 named in the revocation report is not present before the clerk, the clerk shall determine whether
 17 there is probable cause to believe that each of the ~~conditions-criteria~~ of subsection (b) ~~has or (b1)~~
 18 of this section has been met. For purposes of this subsection, a properly executed report under
 19 subdivision (d)(3) of this section may include a sworn statement by the law enforcement officer
 20 along with an affidavit received directly by the ~~Clerk-clerk~~ from the chemical analyst. If ~~he-the~~
 21 clerk determines that there is such probable cause, ~~he-the clerk~~ shall mail to the person a
 22 revocation order by first-class mail. The order shall direct that the person on or before the
 23 effective date of the order either surrender his or her license to the clerk or appear before the
 24 clerk and demonstrate that he or she is not currently licensed, and the order shall inform the
 25 person of the time and effective date of the revocation and of its duration, of his or her right to a
 26 hearing as specified in subsection ~~(g)-(g)~~ of this section, and that the revocation remains in effect
 27 pending the hearing. Revocation orders mailed under this subsection become effective on the
 28 fourth day after the order is deposited in the United States mail. If within five working days of
 29 the effective date of the order, the person does not surrender his or her license to the clerk or
 30 appear before the clerk to demonstrate that he or she is not currently licensed, the clerk shall
 31 immediately issue a pick-up order. The pick-up order shall be issued and served in the same
 32 manner as specified in subsection (e) of this section for pick-up orders issued pursuant to that
 33 subsection. A revocation under this subsection begins at the date specified in the order and
 34 continues until the person's license has been revoked for the period specified in this subsection
 35 and the person has paid the applicable costs. If the person has no pending offenses for which his
 36 or her license had been or is revoked under this section, the period of revocation under this
 37 subsection ~~is:is~~ is for any of the following:

- 38 (1) Thirty days from the time the person surrenders his or her license to the court,
 39 if the surrender occurs within five working days of the effective date of the
 40 ~~order; or~~ order.
- 41 (2) Thirty days after the person appears before the clerk and demonstrates that he
 42 or she is not currently licensed to drive, if the appearance occurs within five
 43 working days of the effective date of the revocation ~~order; or~~ order.
- 44 (3) Forty-five days from ~~the time;~~ any of the following times:
 - 45 a. The person's drivers license is picked up by a law-enforcement officer
 46 following service of a pick-up ~~order; or~~ order.
 - 47 b. The person demonstrates to a law-enforcement officer who has a
 48 pick-up order for his or her license that he or she is not currently
 49 ~~licensed; or~~ licensed.

- 1 c. The person's drivers license is surrendered to the court if the surrender
2 occurs more than five working days after the effective date of the
3 revocation ~~order; or order.~~
4 d. The person appears before the clerk to demonstrate that he or she is
5 not currently licensed, if he or she appears more than five working
6 days after the effective date of the revocation order.

7 If at the time of the current offense, the person has one or more pending offenses for which his
8 or her license had been or is revoked under this section, the revocation shall remain in effect until
9 a final judgment, including all appeals, has been entered for the current offense and for all
10 pending offenses. In no event may the period of revocation for the current offense be less than
11 the applicable period of revocation in subdivision (1), (2), or (3) of this subsection. When a
12 pick-up order is issued, it shall inform the person of his or her right to a hearing as specified in
13 subsection ~~(g)~~ (g) of this section, and that the revocation remains in effect pending the hearing.
14 An officer serving a pick-up order under this subsection shall return the order to the court
15 indicating the date it was served or that he or she was unable to serve the order. If the license was
16 surrendered, the officer serving the order shall deposit it with the clerk within three days of the
17 surrender.

18 (g) ~~Hearing before Magistrate or Judge-Clerk of Court if Person Contests Validity of~~
19 ~~Revocation.~~ – A person whose license is revoked under this section may request in writing a
20 hearing to contest the validity of the revocation. The request may be made at the time of the
21 person's initial appearance, or within 10 days of the effective date of the revocation to the ~~clerk~~
22 ~~or a magistrate designated by the clerk, and may specifically request that the hearing be~~
23 ~~conducted by a district court judge-clerk.~~ The Administrative Office of the Courts must develop
24 a hearing request form for any person requesting a hearing. ~~Unless a district court judge is~~
25 ~~requested, the~~ The hearing must be conducted within the county by a magistrate assigned by the
26 ~~chief district court judge to conduct such hearings. If the person requests that a district court~~
27 ~~judge hold the hearing, the hearing must be conducted within the district court district as defined~~
28 ~~in G.S. 7A-133 by a district court judge assigned to conduct such hearings, where the revocation~~
29 ~~was issued. If the clerk's office issued the revocation order pursuant to subsection (f) of this~~
30 ~~section, then a member of the clerk's office other than the clerk may hold the hearing.~~ The
31 revocation remains in effect pending the hearing, but the hearing must be held within three
32 working 10 days following the request if the hearing is before a magistrate or within five working
33 days if the hearing is before a district court judge request. The request for the hearing must
34 specify the grounds upon criteria in subsection (b) or (b1) of this section which the validity of
35 the revocation is challenged person claims were not met and the hearing must be limited to the
36 grounds criteria specified in the hearing request. A witness may submit his or her evidence by
37 affidavit ~~unless he is subpoenaed to appear, or video.~~ Any person who appears and testifies in
38 person or by video is subject to questioning by the judicial official-clerk conducting the hearing,
39 and the judicial official-clerk may adjourn the hearing to seek additional evidence if he or she
40 is not satisfied with the accuracy or completeness of evidence. The person contesting the validity
41 of the revocation may, but is not required to, testify in his or her own behalf. Unless contested
42 by the person requesting the hearing, the judicial official-clerk may accept as true any matter
43 stated in the revocation report. If any relevant condition-The clerk shall consider any relevant
44 information in any files or records concerning the person from the Administrative Office of the
45 Courts or the Division of Motor Vehicles. The failure of the charging officer or chemical analyst
46 to testify in person or by video shall not be grounds to rescind the revocation. For any criteria
47 under subsection (b) is-or (b1) of this section that are contested, the judicial official-clerk must
48 find by the greater weight of the evidence that the condition was met in order to sustain the
49 revocation. At the conclusion of the hearing the judicial official-clerk must enter an order
50 sustaining or rescinding the revocation. The judicial official's-clerk's findings are without
51 prejudice to the person contesting the revocation and to any other potential party as to any other

proceedings, civil or criminal, that may involve facts bearing upon the ~~conditions~~ criteria in subsection (b) or (b1) of this section considered by the ~~judicial official clerk~~. The decision of the ~~judicial official clerk~~ is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within ~~three working~~ 10 days of the written request for a hearing before a magistrate or within ~~five working~~ 10 days of the written request for a hearing before a ~~district court judge, hearing,~~ the ~~judicial official clerk~~ must enter an order rescinding the revocation, unless the person contesting the revocation contributed to the delay in completing the hearing. If the person requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, he or she forfeits his or her right to a hearing.

...."

SECTION 2.(d) G.S. 20-17(a)(2)b. reads as rewritten:

"b. Impaired driving under ~~G.S. 20-138.2, if the driver's alcohol concentration level was .06 or higher. For the purposes of this sub-subdivision, the driver's alcohol concentration level result, obtained by chemical analysis, shall be conclusive and is not subject to modification by any party, with or without approval by the court.~~G.S. 20-138.2."

SECTION 2.(e) G.S. 20-138.1 reads as rewritten:

"§ 20-138.1. Impaired driving.

(a) Offense. – A person commits the offense of impaired driving if ~~he~~ the person drives any vehicle upon any highway, any street, or any public vehicular area within this ~~State~~ State and any of the following conditions are satisfied:

- (1) ~~While~~ The person was under the influence of an impairing ~~substance;~~ or substance.
- (2) After having consumed sufficient alcohol that ~~he~~ the person has, at any relevant time after the driving, an alcohol concentration of ~~0.08~~ 0.05 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol ~~concentration;~~ or concentration.
- (3) ~~With~~ The person had any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his or her blood or urine.

(a1) A person who has submitted to a chemical analysis of a blood sample, pursuant to G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after the driving, an alcohol concentration of ~~0.08~~ 0.05 or more.

...."

SECTION 2.(f) 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 shall be requested, at any relevant time after the driving, 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 ~~0.08~~ 0.05 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."

1 **SECTION 2.(g)** G.S. 75A-10(b1) reads as rewritten:

2 "(b1) No person shall operate any vessel while underway on the waters of this ~~State~~:State
3 if any of the following apply:

4 (1) ~~While~~The person is under the influence of an impairing ~~substance,~~
5 ~~or substance.~~

6 (2) After having consumed sufficient alcohol that the person has, at any relevant
7 time after the boating, an alcohol concentration of ~~0.08~~0.05 or more."

8 **SECTION 2.(h)** This section becomes effective December 1, 2025, and applies to
9 offenses committed on or after that date.

10
11 **PROVISIONS RELATED TO ASSURING IMPAIRED DRIVERS PAY THEIR FAIR**
12 **SHARE OF THE COSTS OF PROCESSING THEM**

13 **SECTION 3.(a)** G.S. 20-7(i1) reads as rewritten:

14 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
15 the provisions of this Chapter, other than ~~G.S. 20-17(a)(2) subdivision (2), (12), (13), or (14) of~~
16 ~~subsection (a) of G.S. 20-17,~~ shall pay a restoration fee of seventy dollars (\$70.00). A person
17 whose drivers license has been revoked under ~~G.S. 20-17(a)(2) subdivision (2), (12), (13), or (14)~~
18 ~~of subsection (a) of G.S. 20-17~~ shall pay a restoration fee of ~~one two hundred forty five~~ seventy
19 ~~and twenty five cents (\$140.25).~~ dollars (\$70.00). The fee shall be paid to the Division prior to the
20 issuance to such person of a new drivers license or the restoration of the drivers license. The
21 restoration fee shall be paid to the Division in addition to any and all fees which may be provided
22 by law. This restoration fee shall not be required from any licensee whose license was revoked
23 or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was
24 conducted pursuant to this Chapter. The seventy dollar (\$70.00) fee, and the first one hundred
25 ~~five twenty dollars (\$105.00)~~ dollars (\$70.00) of the ~~one two hundred forty five~~ seventy
26 ~~and twenty five cents (\$140.25)~~ dollars (\$70.00) fee, shall be deposited in the Highway Fund. ~~Twenty five~~ Sixty-five
27 ~~dollars (\$25.00)~~ dollars (\$65.00) of the ~~one two hundred forty five~~ seventy
28 ~~and twenty five cent (\$140.25)~~ dollars (\$70.00) fee shall be used to fund a statewide chemical alcohol testing program administered
29 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
30 Department of Health and Human Services. The remaining sixty-five dollars (\$65.00) of the two
31 hundred fifty dollar (\$250.00) fee shall be remitted to the county for the sole purpose of
32 reimbursing the county for jail expenses incurred due to enforcement of the impaired driving
33 laws. Notwithstanding any other provision of law, a restoration fee assessed pursuant to this
34 subsection may be waived by the Division when (i) the restoration fee remains unpaid for more
35 than 10 years from the date of assessment and (ii) the person responsible for payment of the
36 restoration fee has been issued a drivers license by the Division after the effective date of the
37 revocation for which the restoration fee is owed. The Office of State Budget and Management
38 shall annually report to the General Assembly the amount of fees deposited in the General Fund
39 and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury
40 Section of the Department of Health and Human Services under this subsection."

41 **SECTION 3.(b)** G.S. 20-16.5(j) reads as rewritten:

42 "(j) Costs. – Unless the ~~magistrate or judge clerk~~ orders the revocation rescinded, a person
43 whose license is revoked under this section must pay a fee of ~~one two hundred fifty~~ seventy
44 ~~(\$100.00)~~ dollars (\$70.00) as costs for the action before the person's license may be returned under
45 subsection (h) of this section. Fifty percent (50%) of the costs collected under this section shall
46 be credited to the General Fund. Twenty-five percent (25%) of the costs collected under this
47 section shall be used to fund a statewide chemical alcohol testing program administered by the
48 ~~Injury Control Section~~ Forensic Tests for Alcohol Branch of the Chronic Disease and Injury
49 Section of the Department of Health and Human Services. The remaining twenty-five percent
50 (25%) of the costs collected under this section shall be remitted to the county for the sole purpose

1 of reimbursing the county for jail expenses incurred due to enforcement of the impaired driving
2 laws."

3 **SECTION 3.(c)** G.S. 20-16.5(n) is repealed.

4 **SECTION 3.(d)** This section becomes effective December 1, 2025, and applies to
5 offenses committed on or after that date.

6
7 **PROVISIONS RELATING TO REDUCING UNNECESSARY MOTIONS IN COURT**

8 **SECTION 4.(a)** G.S. 20-16.3 reads as rewritten:

9 "**§ 20-16.3. Alcohol and drug screening tests required of certain drivers; approval of test**
10 **devices and manner of use by Department of Health and Human Services; use**
11 **of test results or refusal.**

12 (a) When Alcohol or Drug Screening Test May Be Required; Not an Arrest. – A
13 law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening test
14 within a relevant time after the driving test, drug screening test, or an alcohol screening test and
15 a drug screening test, if the officer has either of the following:

16 (1) Reasonable grounds to believe that the driver has consumed ~~alcohol~~ alcohol,
17 an impairing substance other than alcohol, or alcohol and an impairing
18 substance other than alcohol, and has done either of the following:

19 a. Committed a moving traffic ~~violation; or~~ violation.

20 b. Been involved in an accident or ~~collision; or~~ collision.

21 (2) An articulable and reasonable suspicion that the driver has committed an
22 implied-consent offense under G.S. 20-16.2, and the driver has been lawfully
23 stopped for a driver's license check or otherwise lawfully stopped or lawfully
24 encountered by the officer in the course of the performance of the officer's
25 duties.

26 Requiring a driver to submit to ~~an alcohol screening a~~ a test in accordance with this section does
27 not in itself constitute an arrest.

28 (b) Approval of Alcohol Screening Devices and Manner of Use. – The Department of
29 Health and Human Services is directed to examine and approve devices suitable for use by
30 law-enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For
31 each alcohol screening device or class of devices approved, the Department must adopt
32 regulations governing the manner of use of the device. For any alcohol screening device that tests
33 the breath of a driver, the Department is directed to specify in its regulations the shortest feasible
34 minimum waiting period that does not produce an unacceptably high number of false positive
35 test results.

36 (b1) Approval of Oral Drug Screening Devices and Manner of Use. – The Department of
37 Health and Human Services is directed to examine and approve oral fluid drug screening devices
38 suitable for use by law-enforcement officers to test drivers for the presence of impairing
39 substances other than alcohol in oral fluids. For each device or class of devices approved, the
40 Department must adopt regulations governing the manner of use of the device and the level of
41 training required for officers who are authorized to use the device. The Department is directed to
42 specify in its regulations the shortest feasible minimum waiting period that does not produce an
43 unacceptably high number of false positive test results.

44 (c) Tests Must Be Made with Approved Devices and in Approved Manner. – No
45 screening test for ~~alcohol concentration~~ is a valid one under this section unless the device used is
46 one approved by the Department and the screening test is conducted in accordance with the
47 applicable regulations of the Department as to the manner of its use.

48 (d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed~~
49 ~~a positive or negative result on an alcohol screening test, but not the actual alcohol concentration~~
50 ~~result, result of an alcohol screening test, the type of impaired substance present as shown by an~~
51 oral fluid drug screening test, or a driver's refusal to submit to a test may be used by a

1 law-enforcement officer, is admissible in a court, or may also be used by an administrative
2 agency in determining if there are reasonable grounds ~~for believing or probable cause to believe~~
3 any of the following:

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

6 (2) ~~That~~ For an alcohol screening test, that the driver had consumed alcohol and
7 that the driver had in his or her body previously consumed alcohol, but not to
8 prove a particular alcohol concentration. Negative or low results on the
9 alcohol screening test may be used in factually appropriate cases by the
10 officer, a court, or an administrative agency in determining whether a person's
11 alleged impairment is caused by an impairing substance other than alcohol.

12 (3) For an oral fluid drug screening test, that the driver had consumed one or more
13 impairing substances other than alcohol and had in his or her body one or more
14 previously consumed impairing substances other than alcohol."

15 **SECTION 4.(b)** G.S. 20-138.7(d) reads as rewritten:

16 "(d) Alcohol Screening Test. – Notwithstanding any other provision of law, an alcohol
17 screening test may be administered to a driver suspected of violating subsection (a) of this
18 section, and the results of an alcohol screening test or the driver's refusal to submit may be used
19 by a law enforcement officer, a court, or an administrative agency in determining if alcohol was
20 present in the driver's body. No alcohol screening tests are valid under this section unless the
21 device used is one approved by the ~~Commission for Public Health,~~ Department of Health and
22 Human Services, and the screening test is conducted in accordance with the applicable
23 regulations of the ~~Commission~~ Department of Health and Human Services as to the manner of
24 its use."

25 **SECTION 4.(c)** G.S. 15A-534.2(d)(2) reads as rewritten:

26 "(2) For any purpose in any proceeding if the test was not performed by a method
27 approved by the ~~Commission for Public Health~~ Department of Health and
28 Human Services under G.S. 20-139.1 and by a person licensed to administer
29 the test by the Department of Health and Human Services."

30 **SECTION 4.(d)** This section becomes effective December 1, 2025, and applies to
31 offenses committed on or after that date.

32 **PROVISIONS RELATED TO TRANSPARENCY IN COURT PROCEEDINGS** 33 **INVOLVING IMPAIRED DRIVERS**

34 **SECTION 5.(a)** G.S. 7A-191.1 reads as rewritten:

35 **"§ 7A-191.1. Recording of proceeding in which defendant pleads guilty or no contest to**
36 **felony in district court.**

37 (a) The trial judge shall require that a true, complete, and accurate record be made of the
38 ~~proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to~~
39 G.S. 7A-272.(i) any hearing on an infraction conducted pursuant to Article 66 of Chapter 15A of
40 the General Statutes and (ii) any criminal trial proceeding, including pretrial motions, pleas, plea
41 bargains, an explanation required under G.S. 20-138.4, taking of evidence, sentencing hearings,
42 posttrial motions, and requests for limited driving privileges. A proceeding described in this
43 subsection shall be recorded, both video and audio, using electronic or other mechanical devices
44 provided by the Administrative Office of the Courts.

45 (b) It is the duty of the clerk of superior court, or another person designated by the clerk,
46 to (i) operate the recording device described in subsection (a) of this section and (ii) preserve any
47 recording produced by the device. Notwithstanding any provision of law to the contrary, making
48 a recording produced in accordance with this section available online in a format that allows a
49 person to view the recording and download or save the recording to his or her device is allowed
50 and sufficient to comply with any provision of Chapter 132 of the General Statutes requiring
51

1 access to public records. A proceeding described in subsection (a) of this section may be deleted
2 in accordance with a retention schedule adopted and implemented by the Administrative Office
3 of the Courts."

4 **SECTION 5.(b)** G.S. 7A-109.2 reads as rewritten:

5 "**§ 7A-109.2. Records of dispositions in criminal cases; impaired driving integrated data**
6 **system.**

7 (a) Each clerk of superior court shall ensure that all records of dispositions in criminal
8 cases, including those records filed electronically, contain all the essential information about the
9 case, including the ~~the~~ name of the presiding judge and the attorneys representing the State and
10 the defendant.

11 (b) In addition to the information required by subsection (a) of this section for all offenses
12 involving impaired driving as defined by G.S. 20-4.01, all charges of driving while license
13 revoked for an impaired driving license revocation as defined by G.S. 20-28.2, and any other
14 violation of the motor vehicle code involving the operation of a vehicle and the possession,
15 consumption, use, or transportation of alcoholic beverages, the clerk shall include in the
16 electronic records the following information:

17 (1) The reasons for any pretrial dismissal by the court.

18 (2) The alcohol concentration reported by the charging officer or chemical
19 analyst, if any.

20 (3) The reasons for any suppression of evidence.

21 (4) The disposition of the charge.

22 (c) In addition to the information required under subsections (a) and (b) of this section,
23 for defendants sentenced pursuant to G.S. 20-179, the clerk shall include in the electronic records
24 (i) each grossly aggravating factor, aggravating factor, and mitigating factor found by the court
25 and (ii) the level of punishment imposed by the court.

26 (d) The Administrative Office of the Courts shall publish an annual report no later than
27 September 1 of each year on its website that includes the information required by this section for
28 the fiscal year immediately preceding the date of the report. The report shall include statewide
29 and countywide summaries of the number of charges, dispositions, sentencing factors, and
30 sentencing levels. Additionally, for each county, the report shall include each type of charge filed
31 and all of the information required by this section for each charge."

32 **SECTION 5.(c)** Section 33 of S.L. 2006-253, as amended by Section 5 of S.L.
33 2007-493, reads as rewritten:

34 "**SECTION 33.** Section 6 becomes effective August 21, 2006, and applies to hearings held
35 on or after that date. Sections 20.1, 20.2, and the requirement that the Administrative Office of
36 the Courts electronically record certain data contained in subsection (c) of G.S. 20-138.4, as
37 amended by Section 19 of this act, become effective ~~after the next rewrite of the superior court~~
38 ~~elersks system by the Administrative Office of the Courts. December 1, 2025.~~ Section 22.4
39 becomes effective December 1, 2006. The remainder of this act becomes effective December 1,
40 2006, and applies to offenses committed on or after that date."

41 **SECTION 5.(d)** The first report required under G.S. 7A-109.2(d), as enacted by
42 subsection (b) of this section, shall include information from December 1, 2025, through June
43 30, 2026, and shall be published no later than September 1, 2026.

44 **SECTION 5.(e)** Subsections (a) and (b) of this section become effective December
45 1, 2025, and apply to any hearing, trial, or disposition of charges occurring on or after that date.
46 The remainder of this section is effective when it becomes law.

47
48 **PROVISIONS RELATED TO ALLOWING REPEAT OFFENDERS A METHOD TO**
49 **PROVE THEIR SOBRIETY AND OBTAIN A LEGAL METHOD TO OPERATE A**
50 **VEHICLE**

51 **SECTION 6.(a)** G.S. 20-19 is amended by adding a new subsection to read:

"(d1) Notwithstanding any other provision of law, when a person's license is revoked for an impaired driving offense and the person is sentenced pursuant to G.S. 20-179, the Division may conditionally restore the person's license after it has been revoked for at least one year if the person (i) provides the Division with a certificate of graduation from a Drug Treatment or Driving While Impaired (DWI) Treatment Court Program established pursuant to Article 62 of Chapter 7A of the General Statutes, (ii) successfully completes a Division-approved driver improvement clinic described in G.S. 20-16, and (iii) pays, in addition to any other applicable fees, a fee of twenty-five dollars (\$25.00). The twenty-five dollar (\$25.00) fee shall be deposited in the Highway Fund. If the Division restores the person's license, it shall place all of the following restrictions, requirements, and conditions on the person for the duration of the original revocation period:

- (1) A requirement that all registered vehicles owned by that person be equipped with a functioning ignition interlock system in accordance with G.S. 20-17.8(c1).
- (2) A restriction that the person may operate only a motor vehicle equipped with a functioning ignition interlock system of a type approved by the Commissioner that is set to prohibit driving with an alcohol concentration of greater than 0.02.
- (3) A requirement that the person personally activate the ignition interlock system before driving the motor vehicle.

In lieu of an ignition interlock system, the Division may impose a requirement that the person prove abstention from the consumption of alcohol by use of a continuous alcohol monitoring system approved under G.S. 15A-1343.3. The provider of the continuous alcohol monitoring system shall send reports prepared in accordance with this subsection to the Division.

In addition, the Division may place other reasonable restrictions, requirements, and conditions on the person for the duration of the original revocation period."

SECTION 6.(b) This section becomes effective December 1, 2025.

REVISION RELATED TO THE OFFENSE OF AIDING OR ABETTING THE SALE TO OR PURCHASE BY UNDERAGE PERSONS OF ALCOHOLIC BEVERAGES

SECTION 7.(a) G.S. 18B-302(c)(2) reads as rewritten:

- "(2) By Person over Lawful Age. – Any-Except as otherwise provided in this subdivision, any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) of this section is guilty of a Class 1 misdemeanor. Any person who is over the lawful age to purchase and who aids or abets a person under the lawful age to purchase in violation of subsection (a), (a1), or (b) of this section is guilty of a Class F felony if the person under the lawful age to purchase consumed the alcoholic beverage involved in the violation and serious bodily injury to the person under lawful age or another results that was proximately caused by the consumption of the alcoholic beverage. For purposes of this subdivision, the term "serious bodily injury" is as defined in G.S. 14-32.4."

SECTION 7.(b) G.S. 18B-302.1(b) reads as rewritten:

"(b) A violation of G.S. 18B-302(c)(2) is either a Class 1 misdemeanor, misdemeanor or a Class F felony. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must

1 include among the conditions of probation a requirement that the person pay a fine of at least one
2 thousand dollars (\$1,000) as authorized by G.S. 15A-1343(b)(9) and a requirement that the
3 person complete at least 150 hours of community service, as authorized by
4 G.S. 15A-1343(b1)(6)."

5 **SECTION 7.(c)** This section becomes effective December 1, 2025, and applies to
6 offenses committed on or after that date.

7
8 **SEVERABILITY CLAUSE, CRIMINAL SAVINGS CLAUSE, AND EFFECTIVE DATE**

9 **SECTION 8.(a)** If any provision of this act or its application is held invalid, the
10 invalidity does not affect other provisions or applications of this act that can be given effect
11 without the invalid provisions or application and, to this end, the provisions of this act are
12 severable.

13 **SECTION 8.(b)** Prosecutions for offenses committed before the effective date of
14 this act are not abated or affected by this act, and the statutes that would be applicable but for
15 this act remain applicable to those prosecutions.

16 **SECTION 8.(c)** Except as otherwise provided in this act, this act is effective when
17 it becomes law.