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Short Title: Governor's Task Force on DWI/AB.

(Public)

Sponsors:

Referred to:

March 6, 1995

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

The General Assembly of North Carolina enacts:

PART I.—ALLOWING JUDGES TO ORDER AN IGNITION INTERLOCK SYSTEM INSTALLED ON ANY VEHICLE DRIVEN AS A CONDITION OF A LIMITED DRIVING PRIVILEGE IN ORDER TO PREVENT DRIVING AFTER DRINKING.

Section 1. G.S. 20-179.3 is amended by adding a new subsection to read:

"(g3) Ignition Interlock Allowed. – A judge may include in a limited driving privilege order:

(1) A restriction that the applicant may operate only a particular motor vehicle;

(2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner; provided, the Commissioner shall not unreasonably withhold approval of this system and shall consult with the Division of

1 Purchase and Contract in the Department of Administration to insure
2 that potential vendors are not discriminated against; and

- 3 (3) A requirement that the applicant personally activate the ignition
4 interlock system before driving the motor vehicle.

5 This restriction shall not apply to any motor vehicle:

- 6 (1) Which is owned by the applicant's employer;

- 7 (2) Which is operated by the applicant solely for work-related purposes;
8 and

- 9 (3) For which the owner has filed with the court a written document
10 authorizing the applicant to drive, for work-related purposes, under the
11 authority of a limited driving privilege."

12 PART II.—REQUIRING ALL PERSONS TO OBTAIN A SUBSTANCE ABUSE
13 ASSESSMENT PRIOR TO BEING GRANTED A LIMITED DRIVING PRIVILEGE.

14 Sec. 2. G.S. 20-179.3(b) reads as rewritten:

15 "(b) Eligibility. —

- 16 (1) A person convicted of the offense of impaired driving under G.S. 20-
17 138.1 is eligible for a limited driving privilege if:

18 a. At the time of the offense he held either a valid driver's license or
19 a license that had been expired for less than one year;

20 b. At the time of the offense he had not within the
21 preceding seven years been convicted of an offense involving
22 impaired driving;

23 c. Punishment Level Three, Four, or Five was imposed for the
24 offense of impaired driving; ~~and~~

25 d. Subsequent to the offense he has not been convicted of, or had an
26 unresolved charge lodged against him for, an offense involving
27 impaired ~~driving~~ ~~driving~~; and

28 e. Has obtained and filed with the court a substance abuse
29 assessment of the type specified in G.S. 20-179(m).

30 A person whose North Carolina driver's license is revoked because of a
31 conviction in another jurisdiction substantially equivalent to impaired
32 driving under G.S. 20-138.1 is eligible for a limited driving privilege if
33 he would be eligible for it had the conviction occurred in North
34 Carolina. Eligibility for a limited driving privilege following a
35 revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- 36 (2) Any person whose licensing privileges are forfeited pursuant to G.S.
37 15A-1331A is eligible for a limited driving privilege if the court finds
38 that at the time of the forfeiture, the person held either a valid drivers
39 license or a drivers license that had been expired for less than one year
40 and

41 a. The person is supporting existing dependents or must have a
42 drivers license to be gainfully employed; or

1 b. The person has an existing dependent who requires serious
2 medical treatment and the defendant is the only person able to
3 provide transportation to the dependent to the health care facility
4 where the dependent can receive the needed medical treatment.

5 The limited driving privilege granted under this subdivision must
6 restrict the person to essential driving related to the purposes listed
7 above, and any driving that is not related to those purposes is unlawful
8 even though done at times and upon routes that may be authorized by
9 the privilege."

10 PART III.—RAISING TO AGE 21 THE PROHIBITION AGAINST DRIVING AFTER
11 DRINKING ANY AMOUNT OF ALCOHOL AND MAKING CORRESPONDING
12 CHANGES TO THE REVOCATION STATUTES.

13 Sec. 3. G.S. 20-13.2(b) reads as rewritten:

14 "(b) If a person is convicted of an offense involving impaired driving and the
15 offense occurs while he is a ~~provisional licensee~~, under the age of 21 years, his license
16 must be revoked under this section in addition to any other revocation required or
17 authorized by law."

18 Sec. 4. G.S. 20-13.2(c) reads as rewritten:

19 "(c) If a person willfully refuses to submit to a chemical analysis pursuant to G.S.
20 20-16.2 while he is a ~~provisional licensee~~, under the age of 21 years, his license must be
21 revoked under this section, in addition to any other revocation required or authorized by
22 law. A revocation order entered under authority of this subsection becomes effective at
23 the same time as a revocation order issued under G.S. 20-16.2 for the same willful
24 refusal."

25 Sec. 5. G.S. 20-13.2(d) reads as rewritten:

26 "(d) The length of revocation under this section shall be ~~equal to the number of~~
27 ~~days from the date of the charge to the provisional licensee's eighteenth birthday or 45~~
28 ~~days whichever is longer.~~ one year. Revocations under this section run concurrently with
29 any other revocations, but a limited driving privilege issued pursuant to law does not
30 authorize a ~~provisional licensee~~ person to drive if his license is revoked under this
31 section."

32 Sec. 6. G.S. 20-138.3 reads as rewritten:

33 **"§ 20-138.3. Driving by ~~provisional licensee~~ person under age 21 after consuming**
34 **alcohol or drugs.**

35 (a) Offense. – It is unlawful for a ~~provisional licensee~~ person under the age of 21
36 years to drive a motor vehicle on a highway or public vehicular area while consuming
37 alcohol or at any time while he has remaining in his body any alcohol or in his blood a
38 controlled substance previously consumed, but a ~~provisional licensee~~ person under the age
39 of 21 years does not violate this section if he drives with a controlled substance in his
40 blood which was lawfully obtained and taken in therapeutically appropriate amounts.

41 (b) Subject to Implied-Consent Law. – An offense under this section is an alcohol-
42 related offense subject to the implied-consent provisions of G.S. 20-16.2.

1 (c) Punishment; Effect When Impaired Driving Offense Also Charged. – The
2 offense in this section is a Class 2 misdemeanor. It is not, in any circumstances, a lesser
3 included offense of impaired driving under G.S. 20-138.1, but if a person is convicted
4 under this section and of an offense involving impaired driving arising out of the same
5 transaction, the aggregate punishment imposed by the court may not exceed the
6 maximum applicable to the offense involving impaired driving, and any minimum
7 punishment applicable must be imposed.

8 (d) Limited Driving Privilege. – A person convicted of violating subsection (a) of
9 this section and whose drivers license is revoked solely based on that conviction may
10 apply for a limited driving privilege as provided in G.S. 20-179.3. This subsection shall
11 apply only if the person:

12 (1) Is 18, 19, or 20 years of age on the date of the offense;

13 (2) Has an alcohol concentration at any relevant time after the driving of
14 less than 0.08; and

15 (3) Has not previously been convicted of a violation of this section.

16 The judge may issue the limited driving privilege only if the person meets the eligibility
17 requirements of G.S. 20-179.3, except that requirement (b)(1)c. shall only apply if the
18 driver was charged with driving while impaired arising out of the same transaction. G.S.
19 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in
20 G.S. 20-179.3 shall apply."

21 PART IV.—PROHIBITING AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE
22 IN A MOTOR VEHICLE WHEN A DRIVER HAS BEEN DRINKING.

23 Sec. 7. G.S. 20-4.01(24a) reads as rewritten:

24 "(24a) Offense Involving Impaired Driving. – Any of the following
25 offenses:

26 a. Impaired driving under G.S. 20-138.1.

27 b. Death by vehicle under G.S. 20-141.4 when conviction is based
28 upon impaired driving or a substantially equivalent offense under
29 previous law.

30 c. Second degree murder under G.S. 14-17 or involuntary
31 manslaughter under G.S. 14-18 when conviction is based upon
32 impaired driving or a substantially equivalent offense under
33 previous law.

34 d. An offense committed in another jurisdiction substantially
35 equivalent to the offenses in subparagraphs a through c.

36 e. A repealed or superseded offense substantially equivalent to
37 impaired driving, including offenses under former G.S. 20-138 or
38 G.S. 20-139.

39 f. Impaired driving in a commercial motor vehicle under G.S. 20-
40 138.2, except that convictions of impaired driving under G.S. 20-
41 138.1 and G.S. 20-138.2 arising out of the same transaction shall
42 be considered a single conviction of an offense involving
43 impaired driving for any purpose under this Chapter.

1 g. Transporting an open container under G.S. 20-138.7, except that
2 convictions of impaired driving under G.S. 20-138.1 or G.S. 20-
3 138.2 and transporting an open container under G.S. 20-138.7
4 arising out of the same transaction shall be considered a single
5 conviction of an offense involving impaired driving for any
6 purpose under this Chapter.

7 A conviction under former G.S. 20-140(c) is not an offense
8 involving impaired driving."

9 Sec. 8. G.S. 20-17 reads as rewritten:

10 **"§ 20-17. Mandatory revocation of license by Division.**

11 The Division shall forthwith revoke the license of any driver upon receiving a record
12 of the driver's conviction for any of the following offenses:

- 13 (1) Manslaughter (or negligent homicide) resulting from the operation of a
14 motor vehicle.
- 15 (2) Either of the following impaired driving offenses:
16 a. Impaired driving under G.S. 20-138.1.
17 b. Impaired driving under G.S. 20-138.2 when the person convicted
18 did not take a chemical test at the time of the offense or the
19 person took a chemical test at the time of the offense and the test
20 revealed that the person had an alcohol concentration at any
21 relevant time after driving of less than 0.04 or of 0.08 or more.
22 c. Transporting an open container of alcoholic beverage under G.S.
23 20-138.7.
- 24 (3) Any felony in the commission of which a motor vehicle is used.
- 25 (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- 26 (5) Perjury or the making of a false affidavit or statement under oath to the
27 Division under this Article or under any other law relating to the
28 ownership of motor vehicles.
- 29 (6) Conviction upon two charges of reckless driving committed within a
30 period of 12 months.
- 31 (7) Conviction upon one charge of reckless driving while engaged in the
32 illegal transportation of intoxicants for the purpose of sale.
- 33 (8) Conviction of using a false or fictitious name or giving a false or
34 fictitious address in any application for a drivers license, or learner's
35 permit, or any renewal or duplicate thereof, or knowingly making a false
36 statement or knowingly concealing a material fact or otherwise
37 committing a fraud in any such application or procuring or knowingly
38 permitting or allowing another to commit any of the foregoing acts.
- 39 (9) Death by vehicle as defined in G.S. 20-141.4.
- 40 (10) Speeding in excess of 55 miles per hour and at least 15 miles per hour
41 over the legal limit in violation of G.S. 20-141(j).
- 42 (11) Conviction of assault with a motor vehicle."

1 Sec. 9. Chapter 20 of the General Statutes is amended by adding a new section
2 to read:

3 **"§ 20-138.7. Transporting an open container of alcoholic beverage after consuming**
4 **alcohol.**

5 (a) Offense. – No person shall drive a motor vehicle:

6 (1) On a highway or public vehicular area;

7 (2) While there is an alcoholic beverage other than in the unopened
8 manufacturer's original container in the passenger area; and

9 (3) While the driver is consuming alcohol or while alcohol remains in the
10 driver's body.

11 (b) Subject to Implied-Consent Law. – An offense under this section is an alcohol-
12 related offense subject to the implied-consent provisions of G.S. 20-16.2.

13 (c) Odor Insufficient. – The odor of an alcoholic beverage on the breath of the
14 driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was
15 remaining in the driver's body in violation of this section, unless the driver was offered an
16 alcohol screening test or chemical analysis and refused to provide all required samples of
17 breath or blood for analysis.

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

26 (e) Punishment; Effect When Impaired Driving Offense Also Charged. – Violation
27 of this section is a Class 3 misdemeanor. Violation of this section is not a lesser included
28 offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this
29 section and of an offense involving impaired driving arising out of the same transaction,
30 the punishment imposed by the court shall not exceed the maximum applicable to the
31 offense involving impaired driving, and any minimum applicable punishment shall be
32 imposed.

33 (f) Definitions. – If the seal on a container of alcoholic beverages has been
34 broken, it is opened within the meaning of this section. For purposes of this section,
35 'passenger area of a motor vehicle' means the area designed to seat the driver and
36 passengers and any area within the reach of a seated driver or passenger, including the
37 glove compartment. In the case of a station wagon, hatchback, or similar vehicle, the
38 area behind the last upright back seat shall not be considered part of the passenger area.
39 The term 'alcoholic beverage' is as defined in G.S. 18B-101(4).

40 (g) Pleading. – In any prosecution for a violation of this section, the pleading is
41 sufficient if it states the time and place of the alleged offense in the usual form and
42 charges that the defendant drove a motor vehicle on a highway or public vehicular area
43 with an open container of alcoholic beverage after drinking.

1 (h) Limited Driving Privilege. – A person convicted of violating subsection (a) of
2 this section and whose drivers license is revoked solely based on that conviction may
3 apply for a limited driving privilege as provided for in G.S. 20-179.3. The judge may
4 issue the limited driving privilege only if the driver meets the eligibility requirements of
5 G.S. 20-179.3, except that requirement (b)(1)c. shall only apply if the driver was charged
6 with driving while impaired arising out of the same transaction. The same terms,
7 conditions, and restrictions provided for in G.S. 20-179.3 shall apply."

8 Sec. 10. G.S. 18B-401 reads as rewritten:

9 **"§ 18B-401. Manner of transportation.**

10 (a) ~~Opened Containers.—It shall be unlawful for a person to transport fortified~~
11 ~~wine or spirituous liquor in the passenger area of a motor vehicle in other than the~~
12 ~~manufacturer's unopened original container. It shall be unlawful for a person who is~~
13 ~~driving a motor vehicle on a highway or public vehicular area to consume in the~~
14 ~~passenger area of that vehicle any malt beverage or unfortified wine. Violation of this~~
15 ~~subsection shall constitute a Class 3 misdemeanor.~~

16 (b) Taxis. – It shall be unlawful for a person operating a for-hire passenger vehicle
17 as defined in G.S. 20-4.01(27)b, to transport fortified wine or spirituous liquor unless the
18 vehicle is transporting a paying passenger who owns the alcoholic beverage being
19 transported. Not more than eight liters of fortified wine or spirituous liquor, or
20 combination of the two, may be transported by each passenger. A violation of this
21 subsection shall not be grounds for suspension of the driver's license for illegal
22 transportation of intoxicating liquors under G.S. 20-16(a)(8).

23 (c) Definitions. – The definitions in Chapter 20 of the General Statutes apply in
24 interpreting this section. ~~If the seal on a container of alcoholic beverages has been~~
25 ~~broken, it is opened within the meaning of this section. For purposes of this section,~~
26 ~~"passenger area of a motor vehicle" means the area designed to seat the driver and~~
27 ~~passengers and any area within the reach of a seated driver or passenger, including the~~
28 ~~glove compartment. In the case of a station wagon, hatchback or similar vehicle, the area~~
29 ~~behind the last upright back seat shall not be considered part of the passenger area."~~

30 PART V.—CLARIFYING THE AUTHORITY OF LAW ENFORCEMENT
31 OFFICERS TO ARREST WITHOUT A WARRANT FOR THE OFFENSE OF
32 IMPAIRED DRIVING.

33 Sec. 11. G.S. 15A-401(b) reads as rewritten:

34 "(b) Arrest by Officer Without a Warrant. –

35 (1) Offense in Presence of Officer. – An officer may arrest without a
36 warrant any person who the officer has probable cause to believe has
37 committed a criminal offense in the officer's presence.

38 (2) Offense Out of Presence of Officer. – An officer may arrest without
39 a warrant any person who the officer has probable cause to believe:

40 a. Has committed a felony; or

41 b. Has committed a misdemeanor, and:

42 1. Will not be apprehended unless immediately
43 arrested, or

1 "(e) Mitigating Factors to Be Weighed. – The judge must also determine before
2 sentencing under subsection (f) whether any of the mitigating factors listed below apply
3 to the defendant. The judge must weigh the degree of mitigation of each factor in light of
4 the particular circumstances of the case. The factors are:

- 5 (1) Slight impairment of the defendant's faculties resulting solely from
6 alcohol, and an alcohol concentration that did not exceed ~~0.11~~0.09 at
7 any relevant time after the driving.
8 (2) Slight impairment of the defendant's faculties, resulting solely from
9 alcohol, with no chemical analysis having been available to the
10 defendant.
11 (3) Driving at the time of the offense that was safe and lawful except for
12 the impairment of the defendant's faculties.
13 (4) A safe driving record, with the defendant's having no conviction for
14 any motor vehicle offense for which at least four points are assigned
15 under G.S. 20-16 or for which the person's license is subject to
16 revocation within five years of the date of the offense for which the
17 defendant is being sentenced.
18 (5) Impairment of the defendant's faculties caused primarily by a
19 lawfully prescribed drug for an existing medical condition, and the
20 amount of the drug taken was within the prescribed dosage.
21 (6) The defendant's voluntary submission to a mental health facility for
22 assessment after he was charged with the impaired driving offense
23 for which he is being sentenced, and, if recommended by the facility,
24 his voluntary participation in the recommended treatment.
25 (7) Any other factor that mitigates the seriousness of the offense.

26 Except for the factors in subdivisions (4), (6) and (7), the conduct constituting the
27 mitigating factor must occur during the same transaction or occurrence as the impaired
28 driving offense."

29 Sec. 14. G.S. 20-179(m) reads as rewritten:

30 "(m) Assessment and Treatment Required in Certain Cases. – If a defendant being
31 sentenced under this section is placed on probation, he shall be required as a condition of
32 that probation to obtain a substance abuse assessment.

33 The judge shall require the defendant to obtain the assessment from an area mental
34 health agency, its designated agent, or a private facility licensed by the State for the
35 treatment of alcoholism and substance abuse. Unless a different time limit is specified in
36 the court's judgment, the defendant shall schedule the assessment within 30 days from the
37 date of the judgment. Any agency performing assessments shall give written notification
38 of its intention to do so to the area mental health authority in the catchment area in which
39 it is located and to the Department of Human Resources. The Secretary of the
40 Department of Human Resources may adopt rules to implement the provisions of this
41 subsection, and these rules may include provisions to allow defendant to obtain
42 assessments and treatment from agencies not located in North Carolina. The assessing
43 agency shall give the client a standardized test capable of providing uniform research

1 data, including, but not limited to, demographic information, defendant history,
2 assessment results and recommended interventions, approved by the Department of
3 Human Resources to determine chemical dependency. A clinical interview concerning
4 the general status of the defendant with respect to chemical dependency shall be
5 conducted by the assessing agency before making any recommendation for further
6 treatment. A recommendation made by the assessing agency shall be signed by a
7 'Certified Alcoholism, Drug Abuse or Substance Abuse Counselor', as defined by the
8 Department of Human Resources.

9 If the assessing agency recommends that the defendant participate in a treatment
10 program, the judge may require the defendant to do so, and he shall require the defendant
11 to execute a Release of Information authorizing the treatment agency to report his
12 progress to the court or the Department of Correction. The judge may order the
13 defendant to participate in an appropriate treatment program at the time he is ordered to
14 obtain an assessment, or he may order him to reappear in court when the assessment is
15 completed to determine if a condition of probation requiring participation in treatment
16 should be imposed. An order of the court shall not require the defendant to participate in
17 any treatment program for more than 90 days unless a longer treatment program is
18 recommended by the assessing agency and his alcohol concentration was ~~.15~~0.13 or
19 greater as indicated by a chemical analysis taken when he was charged or this was a
20 second or subsequent offense within five years. At the time of sentencing the judge shall
21 require the defendant to pay one hundred twenty-five dollars (\$125.00). The payment of
22 the fee of one hundred twenty-five dollars (\$125.00) shall be (i) fifty dollars (\$50.00) to
23 the assessing agency and (ii) seventy-five dollars (\$75.00) to either a treatment facility or
24 to an alcohol and drug education traffic school depending upon the recommendation
25 made by the assessing agency. Fees received by the Area Mental Health, Developmental
26 Disabilities, and Substance Abuse Authorities under this section shall be administered
27 pursuant to G.S. 20-179.2(e), provided, however that the provisions of G.S. 20-179.2(c)
28 shall not apply to monies received under this section. The operators of the local alcohol
29 and drug education traffic school may change the length of time required to complete the
30 school in accordance with administrative costs, provided, however that the length and the
31 curriculum of the school shall be approved by the Commission for Mental Health,
32 Developmental Disabilities, and Substance Abuse Services and in no event shall the
33 school be less than five hours in length. If the defendant is treated by an area mental
34 health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00) fee.
35 If an area mental health facility or its contractor is providing treatment or education
36 services to a defendant pursuant to this subsection, the area facility or its contractor may
37 require that the defendant pay the fees prescribed by law for the services before it
38 certifies that the defendant has completed the recommended treatment or educational
39 program. Any determinations with regard to the defendant's ability to pay the assessment
40 fee shall be made by the judge.

41 In those cases in which no substance abuse handicap is identified, that finding shall be
42 filed with the court and the defendant shall be required to attend an alcohol and drug
43 education traffic school. When treatment is required, the treatment agency's progress

1 reports shall be filed with the court or the Department of Correction at intervals of no
2 greater than six months until the termination of probation or the treatment agency
3 determines and reports that no further treatment is appropriate. If the defendant is
4 required to participate in a treatment program and he completes the recommended
5 treatment, he does not have to attend the alcohol and drug education traffic school. Upon
6 the completion of the court-ordered assessment and court-ordered treatment or school, the
7 assessing or treatment agency or school shall give the Division of Motor Vehicles the
8 original of the certificate of completion, shall provide the defendant with a copy of that
9 certificate, and shall retain a copy of the certificate on file for a period of five years. The
10 Division of Motor Vehicles shall not reissue the drivers license of a defendant ordered to
11 obtain assessment, participate in a treatment program or school unless it has received the
12 original certificate of completion from the assessing or treatment agency or school or a
13 certificate of completion sent by the agency subsequent to a court order as hereinafter
14 provided; provided, however that a defendant may be issued a limited driving privilege
15 pursuant to G.S. 20-179.3. Unless the judge has waived the fee, no certificate shall be
16 issued unless the agency or school has received the fifty dollar (\$50.00) fee and the
17 seventy-five dollar (\$75.00) fee as appropriate. A defendant may within 90 days after an
18 agency decision to decline to certify, by filing a motion in the criminal case, request that
19 a judge presiding in the court in which he was convicted review the decision of an
20 assessment or treatment agency to decline to certify that the defendant has completed the
21 assessment or treatment. The agency whose decision is being reviewed shall be notified
22 at least 10 days prior to any hearing to review its decision. If the judge determines that
23 the defendant has obtained an assessment, has completed the treatment, or has made an
24 effort to do so that is reasonable under the circumstances, as the case may be, the judge
25 shall order that the agency send a certificate of completion to the Division of Motor
26 Vehicles.

27 The Department of Human Resources may approve programs offered in another state
28 if they are substantially similar to programs approved in this State, and if that state
29 recognizes North Carolina programs for similar purposes. The defendant shall be
30 responsible for the fees at the approved program."

31 Sec. 15. G.S. 75A-10(b1) reads as rewritten:

32 "(b1) No person shall operate any motorboat or motor vessel while underway on the
33 waters of this State:

34 (1) While under the influence of an impairing substance, or

35 (2) After having consumed sufficient alcohol that he has, at any relevant
36 time after the boating, an alcohol concentration of ~~0.10~~0.08 or more.

37 The fact that a person charged with violating this subsection is or has been legally
38 entitled to use alcohol or a drug is not a defense to a charge under this subsection or
39 subsection (b) above.

40 The relevant definitions contained in G.S. 20-4.01 shall apply to this subsection and
41 subsection (b) above."

42 PART VII.—EFFECTIVE DATE.

1 Sec. 16. This act becomes effective September 15, 1995, and applies to
2 offenses committed on or after that date and to limited driving privileges issued on or
3 after that date. This act shall not be construed to abate or affect any charges or violations
4 occurring before the effective date of this act.