



**State:**

North Carolina

**Statute/Law:**

§ 20–138.1. *Impaired driving.*

**Per Se Law?:**

Yes

**Statute/Law Language:**

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

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

(2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or

(3) With any amount of a Schedule I controlled substance, as listed in G.S. 90–89, or its metabolites in his 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 driving, an alcohol concentration of 0.08 or more

**Penalties Following Conviction:**

Level One Punishment: Fine of up to \$4,000 and 30 days-24 months imprisonment. Level Two Punishment: Fine of up to \$2,000 and 7 days -12 months imprisonment. Level Three Punishment: Fine of up to \$1,000 and 72 hours a-6 months imprisonment. Level Four Punishment: Fine of up to \$500.00 and 48 hours -120 days imprisonment. Level Five Punishment: Fine of up to \$200.00 and 24 hours-60 days imprisonment.

**Discretionary Court-Ordered Penalties:**

Defendant may be placed on special probation or required to obtain a substance abuse assessment and the education or treatment. If the court determines that the person has successfully completed a court-ordered treatment program, the court may suspend part of the sentence.





**For more information:**

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_20/GS\\_20-138.1.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-138.1.html)

AND [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_20/GS\\_20-179.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-179.html)

*Current as of August 2016*