



CHAPTER 20
ARTICLE 3 - MOTOR VEHICLE ACT OF 1937

N.C.G.S. § 20-138.1.

Impaired driving.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2006-253, s. 9 — fourth act in the lineage	RETRIEVED 21 September 2026, 03:39 UTC	SOURCE FINGERPRINT f7f37bc005b7f65a86508040 - de421028d46f2547b49741a9 - 25e4f34faa8eac53
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- § 20-138.1(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.
- § 20-138.1(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.
- § 20-138.1(b)

Defense Precluded. - The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.
- § 20-138.1(b1)

Defense Allowed. - Nothing in this section shall preclude a person from asserting that a chemical analysis result is inadmissible pursuant to G.S. 20-139.1(b2).
- § 20-138.1(c)

Pleading. - In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the

defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.

§ 20-138.1(d) Sentencing Hearing and Punishment. - Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge shall hold a sentencing hearing and impose punishment in accordance with G.S. 20-179.

§ 20-138.1(e) Exception. - Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not include a horse.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1983		1995		2006
	TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER		
01	1983	c. 435, s. 24	ENACTED		
02	1989	c. 711, s. 2	AMENDED		
03	1993	c. 285, s. 1	AMENDED		
04	2006	S.L. 2006-253, s. 9	AMENDED		

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 90-89	(a)(3)	"I controlled substance, as listed in"
G.S. 20-139.1(d)	(a1)	"of a blood sample, pursuant to"
G.S. 20-139.1(b2)	(b1)	"analysis result is inadmissible pursuant to"
G.S. 20-179	(d)	"and impose punishment in accordance with"

G.S. 20-4.01(49)

(e)

"the definition of "vehicle" pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 20-138.1 (2006).

PINPOINT

N.C. Gen. Stat. § 20-138.1(a) (2006).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1983, c. 435, s. 24; 1989, c. 711, s. 2; 1993, c. 285, s. 1; 2006-253, s. 9.)

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