

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1219

Introduced by

Representatives Gruchalla, Boucher, Schneider, Weisz

Senators Freborg, Lyson, Olafson

1 A BILL for an Act to amend and reenact section 39-20-01.1 of the North Dakota Century Code,
2 relating to the chemical test of a driver in an accident.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-20-01.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-20-01.1. Chemical test of driver in serious bodily injury or fatal crashes.**

- 7 1. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is
8 involved in an accident resulting in the death ~~or serious bodily injury, as defined in~~
9 ~~section 12.1-01-04,~~ of another person, and there is probable cause to believe that
10 the driver is in violation of ~~section 39-08-01~~ title 39, the driver ~~may be compelled~~
11 ~~by a police officer to~~ must submit to a test or tests of the driver's blood, breath,
12 ~~saliva,~~ or urine to determine the alcohol concentration or the presence of other
13 drugs or substances.
- 14 2. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is
15 involved in an accident resulting in the serious bodily injury, as defined in section
16 12.1-01-04, of another person, and there is probable cause to believe that the
17 driver is in violation of section 39-08-01, a law enforcement officer may compel the
18 driver to submit to a test or tests of the driver's blood, breath, or urine to determine
19 the alcohol concentration or the presence of other drugs or substances. The
20 methods and techniques established by the director of the state crime laboratory
21 must be followed in collecting and preserving a specimen or conducting a test. A
22 specimen must be sent to the director of the state crime laboratory for examination
23 for alcohol, carbon monoxide, and other drug content.

- 1 3. The director of the state crime laboratory shall keep a record of these
2 examinations to be used for statistical purposes. A record of each examination
3 must be made available by the director for use by the national highway traffic
4 safety administration in analyzing fatal accidents. The results of the examinations
5 referred to in this subsection may be used only for statistical purposes, except that
6 the results must be released upon the issuance of a subpoena by a court of
7 competent jurisdiction in any civil action or criminal proceeding. The cumulative
8 results of the examinations, without identifying the individuals involved, must be
9 disseminated to interested state and local officials and made public by the director
10 of the state crime laboratory.
11 4. Any person drawing the specimens or making any examination under this section
12 is immune from all civil and criminal liability for that act.