

Sixty-second  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1472**

Introduced by

Representatives J. Kelsh, Weisz, Gruchalla, Guggisberg

Senators Uglem, Dotzenrod

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

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 involved  
8 in an accident resulting in the death of another person, and there is probable cause to  
9 believe that the driver is in violation of section 39-08-01 or has committed a moving  
10 violation as defined in section 39-06.1-09, the driver must be compelled by a ~~police-~~  
11 ~~officer~~law enforcement officer to submit to a test or tests of the driver's blood, breath,  
12 or urine to determine the alcohol concentration or the presence of other drugs or  
13 substances.
- 14 2. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is involved  
15 in an accident resulting in the serious bodily injury, as defined in section 12.1-01-04, of  
16 another person, and there is probable cause to believe that the driver is in violation of  
17 section 39-08-01, the driver must be compelled by a law enforcement officer ~~may-~~  
18 ~~compel the driver~~ to submit to a test or tests of the driver's blood, breath, or urine to  
19 determine 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 must  
21 be followed in collecting and preserving a specimen or conducting a test.