

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, the driver may be compelled by a~~
11 ~~police officer to~~ must submit to a test or tests of the driver's blood, breath, saliva, or
12 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
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 shall compel the
18 driver to submit to a test or tests of the driver's blood, breath, saliva, or urine to
19 determine the alcohol concentration or the presence of other drugs or substances.
- 20 3. A specimen must be collect and preserved by methods and techniques established
21 by the director of the state crime laboratory. A specimen must be sent to the
22 director of the state crime laboratory for examination for alcohol, carbon monoxide,
23 and other drug content.

- 1 4. If the law enforcement officer does not have probable cause to arrest the driver but
2 obtains a test under subsection 1, the director of the state crime laboratory shall
3 keep a record of these examinations to be used for statistical purposes. A record
4 of each examination must be made available by the director for use by the national
5 highway traffic safety administration in analyzing fatal accidents. The results of the
6 examinations referred to in this subsection may be used only for statistical
7 purposes, except that the results must be released upon the issuance of a
8 subpoena by a court of competent jurisdiction in any civil action or criminal
9 proceeding. The cumulative results of the examinations, without identifying the
10 individuals involved, must be disseminated to interested state and local officials
11 and made public by the director of the state crime laboratory.
- 12 5. Any person drawing the specimens or making any examination under this section
13 is immune from all civil and criminal liability for that act.