

**SECOND ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED 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 or has committed a moving violation as
11 defined in section 39-06.1-09, the driver ~~may~~ must be compelled by a police officer
12 to submit to a test or tests of the driver's blood, breath, ~~saliva~~, or urine to
13 determine the alcohol concentration or the presence of other 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.