

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1219
(Representatives Gruchalla, Boucher, Schneider, Weisz)
(Senators Freborg, Lyson, Olafson)

AN ACT to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is involved in an accident resulting in the death ~~or serious bodily injury, as defined in section 12.1-01-04,~~ of another person, and there is probable cause to believe that the driver is in violation of section 39-08-01 or has committed a moving violation as defined in section 39-06.1-09, the driver ~~may~~ **must** be compelled by a police officer to submit to a test or tests of the driver's blood, breath, ~~saliva,~~ or urine to determine the alcohol concentration or the presence of other drugs or substances.
2. Notwithstanding section 39-20-01 or 39-20-04, when the driver of a vehicle is involved in an accident resulting in the serious bodily injury, as defined in section 12.1-01-04, of another person, and there is probable cause to believe that the driver is in violation of section 39-08-01, a law enforcement officer may compel the driver to submit to a test or tests of the driver's blood, breath, or urine to determine the alcohol concentration or the presence of other drugs or substances. The methods and techniques established by the director of the state crime laboratory must be followed in collecting and preserving a specimen or conducting a test.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1219.

House Vote: Yeas 64 Nays 25 Absent 5

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State