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.

- 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.
- 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.

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This certifies th Assembly of No	at the with	nin bill o a and is	riginated i known on	n the Ho the reco	ouse of Reports of that b	resentatives c ody as House	of the Sixty-first Le e Bill No. 1219.	egislative	
House Vote:	Yeas	64	Nays	25	Absent	5			
Senate Vote:	Yeas	47	Nays	0	Absent	0			
					Chief	Clerk of the H	 House		
Received by the Governor at M. on							, 2009.		
Approved at	N	l. on					, 2009.		
					Gove	rnor			
Filed in this office this day of							, 2009,		
at o'	clock	M.							
					Secre	tary of State			