

Introduced by

Senator Armstrong

1 A BILL for an Act to amend and reenact subsection 2 of section 39-08-01 of the North Dakota
2 Century Code, relating to refusal to comply with onsite screening for estimating alcohol
3 concentration.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-08-01 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 2. a. An individual who operates a motor vehicle on a highway or on public or private
8 areas to which the public has a right of access for vehicular use in this state who
9 refuses to submit to a chemical test, or tests, required under section
10 39-06.2-10.2, 39-20-01, or 39-20-14, is guilty of an offense under this section.
- 11 b. An individual is not subject to an offense under this section for refusal to provide
12 an onsite screening test under section 39-20-14 if the person provides a chemical
13 test under section 39-20-01 or 39-06.2-10.2 for the same incident. Upon the
14 individual's refusal to provide an onsite screening test, the police officer shall
15 inform the individual that the individual may remedy the refusal if the individual
16 takes a chemical test under section 39-20-01 or 39-06.2-10.2 for the same
17 incident.