

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~~ title 39, the driver may be compelled  
11 by a police officer to 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 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.