

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1679

93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety March 15, 2006 with recommendation that House Committee Substitute for House Bill No. 1679 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 27, 2006 with recommendation that House Committee Substitute for House Bill No. 1679 Do Pass by Consent.

Perfectured by Consent April 3, 2006.

STEPHEN S. DAVIS, Chief Clerk

4961L.02P

AN ACT

To repeal sections 577.020 and 577.021, RSMo, and to enact in lieu thereof two new sections relating to chemical testing for intoxication of drivers involved in vehicle accidents resulting in death or serious physical injury.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 577.020 and 577.021, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 577.020 and 577.021, to read as follows:

577.020. 1. **Sections 577.020 and 577.021 shall be known as the Alan Woods Law.**

2 **2.** Any person who operates a motor vehicle upon the public highways of this state shall
3 be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041,
4 a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of
5 determining the alcohol or drug content of the person's blood pursuant to the following
6 circumstances:

7 (1) If the person is arrested for any offense arising out of acts which the arresting officer
8 had reasonable grounds to believe were committed while the person was driving a motor vehicle
9 while in an intoxicated or drugged condition; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement
11 officer, and the law enforcement officer has reasonable grounds to believe that such person was
12 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more
13 by weight; or

14 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
15 officer, and the law enforcement officer has reasonable grounds to believe that such person has
16 committed a violation of the traffic laws of the state, or any political subdivision of the state, and
17 such officer has reasonable grounds to believe, after making such stop, that such person has a
18 blood alcohol content of two-hundredths of one percent or greater;

19 (4) If the person is under the age of twenty-one, has been stopped at a sobriety
20 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
21 such person has a blood alcohol content of two-hundredths of one percent or greater;

22 (5) If the person, while operating a motor vehicle, has been involved in a motor vehicle
23 collision which resulted in a fatality or a readily apparent serious physical injury as defined in
24 section 565.002, RSMo, and has been arrested as evidenced by the issuance of a uniform traffic
25 ticket for the violation of any state law or county or municipal ordinance with the exception of
26 equipment violations contained in chapter 306, RSMo, or similar provisions contained in county
27 or municipal ordinances; or

28 (6) If the person, while operating a motor vehicle, has been involved in a motor vehicle
29 collision which resulted in a fatality **or serious physical injury as defined in section 565.002,**
30 **RSMo.**

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32 The test shall be administered at the direction of the law enforcement officer whenever the
33 person has been arrested or stopped for any reason.

34 [2.] **3.** The implied consent to submit to the chemical tests listed in subsection [1] **2** of
35 this section shall be limited to not more than two such tests arising from the same arrest, incident
36 or charge.

37 [3.] **4.** Chemical analysis of the person's breath, blood, saliva, or urine to be considered
38 valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to
39 methods approved by the state department of health and senior services by licensed medical
40 personnel or by a person possessing a valid permit issued by the state department of health and
41 senior services for this purpose.

42 [4.] **5.** The state department of health and senior services shall approve satisfactory
43 techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of
44 sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and

45 competence of individuals to conduct analyses and to issue permits which shall be subject to
46 termination or revocation by the state department of health and senior services.

47 [5.] 6. The person tested may have a physician, or a qualified technician, chemist,
48 registered nurse, or other qualified person at the choosing and expense of the person to be tested,
49 administer a test in addition to any administered at the direction of a law enforcement officer.
50 The failure or inability to obtain an additional test by a person shall not preclude the admission
51 of evidence relating to the test taken at the direction of a law enforcement officer.

52 [6.] 7. Upon the request of the person who is tested, full information concerning the test
53 shall be made available to such person.

54 [7.] 8. Any person given a chemical test of the person's breath pursuant to subsection [1]
55 2 of this section or a field sobriety test may be videotaped during any such test at the direction
56 of the law enforcement officer. Any such video recording made during the chemical test
57 pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any
58 trial of such person for either a violation of any state law or county or municipal ordinance, or
59 any license revocation or suspension proceeding pursuant to the provisions of chapter 302,
60 RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who has the power
2 of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter
3 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating
4 a motor vehicle in violation of section 577.010 or 577.012.

5 2. Any state, county, or municipal law enforcement officer who has the power of
6 arrest for violations of section 577.010 or 577.012 and who is certified under chapter 590,
7 RSMo, shall administer a chemical test to any person suspected of driving a motor vehicle
8 involved in a collision which resulted in a fatality or serious physical injury as defined in
9 section 565.002, RSMo.

10 3. A test administered pursuant to this section shall be admissible as evidence of
11 probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of
12 blood alcohol content. The provisions of section 577.020 shall not apply to a test administered
13 prior to arrest pursuant to this section.

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