**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4059**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Stringer, Nanney, Bedingfield, Hamilton and G.R. Smith

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Introduced in the House on May 14, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Testing for alcohol or drugs

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/14/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-14-09.docx)‑59

5/14/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\05-14-09.docx)‑59

**VERSIONS OF THIS BILL**

[5/14/2009](file:///p:\pprever\2009-10\4059_20090514.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑2950, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE IMPLYING CONSENT TO SUBMIT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO PROVIDE THAT A DRIVER ALSO IMPLIES CONSENT TO BE TESTED FOR ALCOHOL OR DRUGS WHEN HE IS INVOLVED IN AN ACCIDENT THAT RESULTS IN THE DEATH OF A PERSON.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑5‑2950(A) of the 1976 Code, as last amended by Act 201 of 2008 is further amended to read:

“(A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol or drugs or the combination of alcohol and drugs if arrested for: (1) an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs~~.~~; or (2) driving a motor vehicle that is involved in an accident that results in the death of a person. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for: (1) driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs~~.~~; or (2) driving a motor vehicle involved in an accident that results in the death of a person. At the direction of the arresting officer, the person first must be offered a breath test to determine the person’s alcohol concentration. If the person is physically unable to provide an acceptable breath sample because he has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one‑hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.”

SECTION 2. This act takes effect upon approval by the Governor.

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