**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3176**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Moore and S. Williams

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Introduced in the House on January 8, 2019

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

Summary: Implied consent to DUI testing

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 117](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 117](file:///h:\hj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3176&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3176_20181218.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑2950, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON’S IMPLIED CONSENT TO SUBMIT TO CHEMICAL TESTS TO DETERMINE WHETHER THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, AND THE SUSPENSION OF A PERSON’S PRIVILEGE TO OPERATE A VEHICLE WHEN HIS ALCOHOL CONCENTRATION REGISTERS A CERTAIN LEVEL, SO AS TO PROVIDE THAT A PERSON WHO IS OPERATING A VEHICLE WHICH IS INVOLVED IN AN ACCIDENT IN WHICH A PERSON SUFFERED GREAT BODILY INJURY OR DEATH MUST SUBMIT TO TESTS TO DETERMINE WHETHER HE IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

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

SECTION 1. Section 56‑5‑2950(A) of the 1976 Code is amended to read:

“(A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs, if arrested for 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 arrested for driving a vehicle which was involved in an accident, in which a person suffered great bodily injury or death. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs or for driving a vehicle which was involved in an accident in which a person suffered great bodily injury or death. 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 the person 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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