

72-10-504 Admissibility of chemical test results in actions for flying under the influence --

Weight of evidence.

- (1)
 - (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol, drugs, or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 72-10-502 are admissible as evidence.
 - (b)
 - (i) In a criminal proceeding, noncompliance with Section 72-10-502 does not render the results of the chemical test inadmissible.
 - (ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.
- (2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Amended by Chapter 106, 2002 General Session