

Senator **Ann Millner** proposes the following amendments:

1. *Line 25 through 38:*

25 ~~have given the person's consent~~consents to a chemical test or tests of the [person's]
 26 individual's breath, blood, urine, or oral fluids [~~for the purpose of determining~~]to
 27 determine whether the [~~person~~]individual was operating or in actual physical control
 28 of a motor vehicle { ~~while~~ } :
 29 (i) having a blood or breath alcohol content statutorily prohibited under Section
 30 41-6a-502, 41-6a-530, or 53-3-231;
 31 (ii) under the influence of alcohol, [~~any~~]a drug, or combination of alcohol and [~~any~~]a
 32 drug under Section 41-6a-502; { ~~or~~ }
 33 (iii) { ~~f~~ } **having any { the individual had a } measurable controlled substance or metabolite**
 34 **of a controlled substance in the [person's]individual's body in violation of Section**
 35 **41-6a-517 {~~.~~ } ; or**
(iv) in a negligent or criminally negligent manner causing the death of an individual in
violation of Section 76-5-207.
 36 [(b) A test or tests authorized under this Subsection (1) must be administered at the
 37 direction of a peace officer having grounds to believe that person to have been
 38 operating or in actual physical control of a motor vehicle while in violation of any

2. *Line 39 through 45:*

39 ~~provision under Subsections (1)(a)(i) through (iii).]~~
 40 (b) A peace officer having reasonable suspicion to believe that an individual was
 41 operating or was in actual physical control of a motor vehicle in violation of an
 42 offense described in Subsections (1)(a)(i) through { (iii) } (iv) shall direct that a test be
 43 administered as authorized in Subsection (1).
 44 (c) (i) [~~The~~]A peace officer determines which of the tests are administered and how
 45 many [~~of them~~]tests are administered.

3. *Line 104 through 123:*

104 determining whether to submit to a chemical test or tests.
 105 (6) Notwithstanding the provisions in this section, a blood test taken under this section is
 106 subject to Section 77-23-213.

107 ~~{(7) (a) A peace officer investigating a motor vehicle accident resulting in the death of an~~
108 ~~}~~
108 ~~{individual shall seek a search warrant authorizing a chemical test described in }~~
109 ~~{Subsection (1)(a) of each driver involved in the accident. }~~
110 ~~{(b) The search warrant requirement described in Subsection (7)(a) applies to an accident~~
111 ~~}~~
111 ~~{involving one or more of the following: }~~
112 ~~{(i) a vehicle and a pedestrian; }~~
113 ~~{(ii) a vehicle and an object; or }~~
114 ~~{(iii) multiple vehicles. }~~
115 ~~{(c) A peace officer may administer a chemical test described in Subsection (7)(a) if: }~~
116 ~~{(i) a court issues a search warrant authorizing the chemical test; or }~~
117 ~~{(ii) the individual the peace officer wishes to test gives voluntary consent. }~~
118 ~~{(d) A peace officer shall ensure a chemical test administered under this Subsection (7): }~~
119 ~~{(i) is a blood test; and }~~
120 ~~{(ii) if possible, is administered within 24 hours of an accident described in Subsection }~~
121 ~~(7)(b). }~~
122 ~~{(e) The implied consent described in Subsection (1) alone does not authorize a chemical }~~
123 ~~{test described in Subsection (7)(a). }~~