

ORIGINAL HOUSE
BILL NO. 0251

ENROLLED ACT NO. 99, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to driving while under the influence; amending the type of test that may be required by a peace officer to determine the controlled substance content in the vehicle operator's blood; clarifying circumstances under which a driver may choose the test to take; conforming language; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 31-6-102(a)(i)(C) is amended to read:

31-6-102. Test to determine alcoholic or controlled substance content of blood; suspension of license.

(a) If arrested for an offense as defined by W.S. 31-5-233:

(i) Any person who drives or is in actual physical control of a motor vehicle upon a public street or highway in this state is deemed to have given consent, subject to the provisions of this act, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcohol concentration or controlled substance content of his blood. The test or tests shall be:

(C) Administered at the direction of a peace officer who has probable cause to believe the person was driving or in actual physical control of a motor vehicle upon a public street or highway in this state in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v). The peace officer who requires a test for alcohol concentration pursuant to this section may direct that the test shall be of blood, breath or urine. However, if the officer directs that the test be of the person's

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blood or urine, the person may choose whether the test shall be of blood or urine. The person ~~has this shall not have the~~ option ~~unless-if~~ the peace officer has probable cause to believe there is impairment by a controlled substance which is not subject to testing by a ~~blood-or~~ breath test in which case a blood or urine test may be required, as directed by the peace officer.

Section 2. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk