

HOUSE BILL NO. HB0251

DUI tests.

Sponsored by: Representative(s) White, Esquibel, K. and  
Gingery and Senator(s) Fecht

A BILL

for

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

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

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10 **Section 1.** W.S. 31-6-102(a)(i)(intro) and (C) is  
11 amended to read:

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13 **31-6-102. Test to determine alcoholic or controlled**  
14 **substance content of blood; suspension of license.**

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1 (a) If arrested for an offense as defined by W.S.  
2 31-5-233:

3  
4 (i) Any person who drives or is in actual  
5 physical control of a motor vehicle ~~upon a public street or~~  
6 ~~highway in~~ within this state is deemed to have given  
7 consent, subject to the provisions of this act, to a  
8 chemical test or tests of his blood, breath or urine for  
9 the purpose of determining the alcohol concentration or  
10 controlled substance content of his blood. The test or  
11 tests shall be:

12  
13 (C) Administered at the direction of a  
14 peace officer who has probable cause to believe the person  
15 was driving or in actual physical control of a motor  
16 vehicle ~~upon a public street or highway in~~ within this  
17 state in violation of W.S. 31-5-233(b) or any other law  
18 prohibiting driving under the influence as defined by W.S.  
19 31-5-233(a)(v). The peace officer who requires a test for  
20 alcohol concentration pursuant to this section may direct  
21 that the test shall be of blood, breath or urine. However,  
22 if the officer directs that the test be of the person's  
23 blood or urine, the person may choose whether the test  
24 shall be of blood or urine. The person ~~has this~~ shall not

1 have the option ~~unless-if~~ the peace officer has probable  
2 cause to believe there is impairment by a controlled  
3 substance which is not subject to testing by a ~~blood-or~~  
4 breath test in which case a blood or urine test may be  
5 required, as directed by the peace officer.

6

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

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9

(END)