

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Smith**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO REQUIRE A CHEMICAL TEST OF DRIVERS OR
9 PEDESTRIANS INVOLVED IN A SERIOUS PERSONAL INJURY ACCIDENT
10 OR A FATAL ACCIDENT; AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. (a) Notwithstanding the provisions of Arkansas Code
15 Annotated §5-65-202, when a person who operates a motor vehicle or a
16 pedestrian is involved in an accident resulting in death or serious personal
17 injury, he shall be deemed to have given consent to submit to a chemical test
18 or tests of his blood, breath or urine to determine the alcohol concentration,
19 the presence of controlled substances or the combination thereof.

20 (b) The withdrawal of blood or other bodily substance and its analysis
21 shall comply with the requirements provided under Arkansas Code Annotated §5-
22 65-203 - §5-65-207, inclusive, and shall not be in conflict with any other
23 chemical analysis provisions under the laws of the state of Arkansas.

24 (c) The withdrawal of blood or other bodily substance from a pedestrian
25 who was less than fourteen (14) years of age at the time of his death or
26 serious injury shall not be required.

27 (d) (1) The results of the analysis required by subsection (a) may be
28 used by state and local officials for statistical purposes which do not reveal
29 the identity of the deceased or seriously injured person.

30 (2) Nothing in this section shall restrict the use of test
31 results as evidence in criminal or civil proceedings.

32 (3) The result of a test taken pursuant to this act shall not be
33 admissible at trial unless the court is satisfied that probable cause exists,
34 independent of such test result, to believe the operator of a motor vehicle or
35 the pedestrian was under the influence of intoxicating liquor, a controlled

1 substance, or a combination thereof.

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3 SECTION 2. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 4. All laws or parts of laws in conflict with this act are
14 hereby repealed.

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