

FIRST REGULAR SESSION

SENATE BILL NO. 91

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

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TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 577.021, RSMo, relating to blood alcohol content testing, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 577.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.021, to read as follows:

577.021. 1. Any state, county or municipal law enforcement officer who has the power of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating a motor vehicle in violation of section 577.010 or 577.012. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 577.020 shall not apply to a test administered prior to arrest pursuant to this section.

2. Prior to administering any test authorized by this section, the state, county or municipal law enforcement officer shall:

(1) Inform the person why the law enforcement officer is requesting the person to submit to the test;

(2) Inform the person that the test is admissible to establish probable cause to arrest and as exculpatory evidence, but that the test is not admissible as evidence of blood alcohol content; and

(3) Inform the person that if test establishes probable cause for an arrest, the person shall be required to submit to another test authorized by section 577.020 or the

person's license will be revoked for refusing to submit to such test pursuant to section 577.041.

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