**A** **BILL**

TO AMEND SECTION 56‑5‑2948 OF THE 1976 CODE, RELATING TO FIELD SOBRIETY TESTS, TO PROVIDE NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN AN INVESTIGATING LAW ENFORCEMENT OFFICER SUSPECTS A PERSON CAUSED A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON, AND THE DRIVER IS PHYSICALLY UNABLE TO SUBMIT TO A FIELD SOBRIETY TEST ON THE SCENE OF THE INCIDENT, THE DRIVER MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-5-2948 is amended to read:

“Section 56‑5‑2948. (A) When an investigating law enforcement officer suspects a person caused ~~is suspected of causing~~ a motor vehicle incident resulting in the death of another person ~~by the investigating law enforcement officer on the scene of the incident~~, the driver must submit to field sobriety tests if he is physically able to do so.

(B) Notwithstanding any other provision of law, when an investigating law enforcement officer suspects a person caused a motor vehicle incident resulting in the death of another person, and the driver is physically unable to submit to a field sobriety test on the scene of the incident, the driver must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs.”

SECTION 2. This act takes effect upon approval by the Governor.

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