

Session 115 - (2003-2004)

H 3059 General Bill, By Kirsh

Summary: Breath tests for DUI, simulator test performed according to SLED procedures prior to administering; videotaping of incident site not required to conclude after arrest

A BILL TO AMEND SECTION 56-5-2950, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER'S IMPLIED CONSENT TO BE SUBJECTED TO ALCOHOL AND DRUG TESTS IF HE IS ARRESTED FOR CERTAIN MOTOR VEHICLE DRIVING VIOLATIONS, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT BEFORE A BREATH TEST IS ADMINISTERED, A TEN ONE-HUNDREDTHS OF ONE PERCENT SIMULATOR TEST MUST BE PERFORMED AND THE RESULT MUST REFLECT A CERTAIN READING, AND PROVIDE THAT BEFORE THE BREATH TEST IS ADMINISTERED, A SIMULATOR TEST MUST BE PERFORMED ACCORDING TO SLED'S PROCEDURES AND STANDARDS; AND TO AMEND SECTION 56-5-2953, AS AMENDED, RELATING TO THE VIDEOTAPING OF THE INCIDENT SITE AND BREATH SITE WHEN A PERSON IS SUSPECTED OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS, ALCOHOL, OR A COMBINATION OF BOTH, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE VIDEOTAPING OF AN INCIDENT SITE MUST CONCLUDE AFTER THE ARREST OF THE PERSON.

12/04/02 House Prefiled

12/04/02 House Referred to Committee on Judiciary

01/14/03 House Introduced and read first time HJ-30

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