

# House Bill 2865

Sponsored by Representative CAMERON; Representatives BARKER, BERGER, BOQUIST, CANNON, CLEM, D EDWARDS, GILLIAM, NELSON, OLSON (at the request of Gary Will)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits police officer to take breath test of person operating motor vehicle when officer has reasonable suspicion person is driving while under influence of intoxicants.

## A BILL FOR AN ACT

1  
2 Relating to driving while under the influence of intoxicants.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle**  
5 **Code.**

6 **SECTION 2. (1) When a police officer has reasonable suspicion to believe that a person**  
7 **is driving while under the influence of intoxicants due to the manner in which a person is**  
8 **operating a motor vehicle, the officer may require the person to provide a sample of the**  
9 **person's breath for a preliminary screening test.**

10 **(2) The results of a preliminary screening test may be used for the purpose of deter-**  
11 **mining whether there is probable cause to make an arrest of the person for violation of ORS**  
12 **813.010, driving while under the influence of intoxicants.**

13 **(3) The results of a preliminary screening test, described in this section, may not be used**  
14 **as evidence in any court proceeding.**

15 **(4) A refusal to take the preliminary screening test, described in this section, may not**  
16 **be used as evidence of violation of ORS 813.095, refusal to take a breath test.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.