

**Enrolled**  
**House Bill 3051**

Sponsored by COMMITTEE ON JUDICIARY (at the request of Mothers Against Drunk Driving)

CHAPTER .....

AN ACT

Relating to driving while under the influence of intoxicants; amending ORS 813.131.

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

**SECTION 1.** ORS 813.131 is amended to read:

813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the highways of this state shall be deemed to have given consent, subject to the Motorist Implied Consent Law, to a chemical test of the person's urine for the purpose of determining the presence of a controlled substance or an inhalant in the person's body if the person is arrested for driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and either:

(a) The person takes the breath test described in ORS 813.100 and the test discloses a blood alcohol content of less than 0.08 percent; or

(b) The person is involved in an accident resulting in injury or property damage. A urine test may be requested under this paragraph regardless of whether a breath test has been requested and regardless of the results of a breath test, if one is taken.

(2) A police officer may not request a urine test unless the officer is certified by the Board on Public Safety Standards and Training as having completed at least eight hours of training in recognition of drug impaired driving and the officer has a reasonable suspicion that the person arrested has been driving while under the influence of a controlled substance, an inhalant or any combination of an inhalant, a controlled substance and intoxicating liquor.

(3) A person asked to give a urine sample shall be given privacy and may not be observed by a police officer when producing the sample.

**(4)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person driving a motor vehicle while under the influence of intoxicants, a valid chemical analysis of a person's urine is admissible as evidence and may be used with other evidence, if any, to determine whether the person was driving while under the influence of intoxicants.**

**(b) A chemical analysis of a person's urine is valid under this [section shall be] subsection if analysis is performed in an accredited or licensed toxicology laboratory.**

**Passed by House May 1, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate May 22, 2009**

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President of Senate

**Received by Governor:**

.....M,....., 2009

**Approved:**

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State