

HOUSE AMENDMENTS TO HOUSE BILL 3051

By COMMITTEE ON JUDICIARY

April 29

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and
2 delete lines 3 through 5 and insert “amending ORS 813.131.”.

3 Delete lines 7 through 25 and delete pages 2 through 20 and insert:

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

5 “813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the
6 highways of this state shall be deemed to have given consent, subject to the Motorist Implied Con-
7 sent Law, to a chemical test of the person’s urine for the purpose of determining the presence of a
8 controlled substance or an inhalant in the person’s body if the person is arrested for driving while
9 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and ei-
10 ther:

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

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

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

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

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

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

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