**A** **BILL**

TO AMEND SECTION 56‑5‑2946, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING A PERSON TO SUBMIT TO TESTING TO DETERMINE WHETHER HE IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS WHILE OPERATING A MOTOR VEHICLE, SO AS TO PROVIDE THAT WHEN A PERSON IS INVOLVED IN AN ACCIDENT THAT RESULTS IN A FATALITY, HE MUST BE TESTED TO DETERMINE WHETHER HE IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

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

SECTION 1. Section 56‑5‑2946 of the 1976 Code is a mended to read:

“Section 56‑5‑2946. Notwithstanding any other provision of law, a person 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 if there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945, or if the person was involved in an accident that resulted in a fatality.

The tests must be administered at the direction of a law enforcement officer who has probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945, or was involved in an accident that resulted in a fatality. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

The provisions of Section 56‑5‑2950, relating to the administration of tests to determine a person’s alcohol concentration, additional tests at the person’s expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and persons administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of state law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 56‑5‑2945.”

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

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