



1997 ASSEMBLY BILL 678

December 23, 1997 - Introduced by Representatives REYNOLDS, BLACK, LADWIG, STASKUNAS, BOCK and OLSEN. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 346.74 (2); and **to create** 346.71 (2g) and 346.74 (2m) of the
2 statutes; **relating to:** testing of blood for alcohol content in motor vehicle
3 accidents involving a fatality or great bodily harm and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, if a person 14 years of age or older is killed in an accident involving a motor vehicle, his or her blood is tested to determine its alcohol content. The results are forwarded to state agencies to be used for statistical purposes and to the coroner or medical examiner.

This bill requires the testing of the blood of all drivers or operators of motor vehicles involved in an accident that results in a fatality or in great bodily harm at the time of the accident, if the drivers or operators are not tested for purposes of determining if they committed a violation involving intoxicated driving. The law enforcement agency requesting the test is told of the results and includes the results in the accident report. The department of transportation pays for the tests and may use the results for statistical purposes.

The bill also provides that any person who refuses to submit to the blood test may be required to forfeit not more than \$1,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 678**SECTION 1**

1 **SECTION 1.** 346.71 (2g) of the statutes is created to read:

2 346.71 **(2g)** (a) A law enforcement officer at the scene of an accident that
3 involves the operation of a motor vehicle shall require that a blood specimen of at
4 least 10 cc. be withdrawn from each driver or operator of a motor vehicle involved in
5 the accident who was not tested under s. 343.305 (5) if the law enforcement officer
6 knew any of the following:

7 1. That a person died as a result of the operation of the motor vehicle before he
8 or she was removed from the scene of the accident.

9 2. That a person suffered great bodily harm, as defined in s. 939.22 (14), as a
10 result of the operation of the motor vehicle.

11 (b) The blood specimen shall be withdrawn under par. (a) within 3 hours after
12 the accident. The coroner or medical examiner, a physician or a qualified person at
13 the direction of a physician shall withdraw the blood. The blood so drawn shall be
14 forwarded to a laboratory approved by the department of health and family services
15 for analysis of the alcohol content of the blood specimen. The laboratory shall notify
16 the law enforcement agency causing the blood to be withdrawn of the results of each
17 analysis. The law enforcement agency shall place those results in the law
18 enforcement agency's report regarding the accident. The laboratory shall send a copy
19 of the results to the department of transportation. The department of transportation
20 shall pay the cost of each analysis and keep a record of those results to be used for
21 statistical purposes only. The department of transportation may disseminate and
22 make public the cumulative results of the analyses without identifying the
23 individuals involved.

24 **SECTION 2.** 346.74 (2) of the statutes is amended to read:

