

The House Committee on Judiciary Non-civil offers the following substitute to HB 182:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to
2 chemical tests, implied consent notices, rights of motorists, test results, refusal to submit to
3 testing, and suspension of licenses, so as to clarify provisions relating to acquisition of
4 evidence; to provide for a definition; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to chemical tests,
9 implied consent notices, rights of motorists, test results, refusal to submit to testing, and
10 suspension of licenses, is amended by revising subsection (d.1) and adding a new subsection
11 to read as follows:

12 "(d.1) Nothing in this Code section shall be deemed to preclude the acquisition ~~or~~
13 ~~admission~~ of evidence of a violation of Code Section 40-6-391 if such evidence is obtained
14 by voluntary consent or. Nothing in this Code section shall be deemed to preclude the
15 acquisition of evidence from a person who had been driving or was in actual physical
16 control of a moving motor vehicle upon the highways or elsewhere throughout this state
17 and was involved in a traffic accident which resulted in serious injuries or fatalities if such
18 person refused to submit to a chemical test upon the request of a law enforcement officer
19 if such evidence is obtained by a search warrant as authorized by the Constitution or laws
20 of this state or the United States."

21 "(k) As used in this Code section, the term 'serious injuries' means a broken bone, the loss
22 of a member of the body, the loss of use of a member of the body, the substantial
23 disfigurement of the body or of a member of the body, or an injury which is life
24 threatening."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.