

LEGISLATIVE BILL 66

Approved by the Governor January 30, 1974

Introduced by Earnett, 26

AN ACI relating to fatal motor vehicle accidents; to provide for reports; to provide for body fluid tests as prescribed; to restrict use of reports and statements; to provide for costs; and to provide for rules and regulations.
Be it enacted by the people of the State of Nebraska,

Section 1. Any coroner or other official performing the duties of coroner shall report in writing to the Department of Motor Vehicles the death of any person within his jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident. Such report by the coroner shall be made within ten days after such death.

Sec. 2. In the case of a driver who dies within four hours after being in a motor vehicle accident, and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and cause such tests to be made as are necessary to determine the presence and percentage concentration of alcohol or drugs therein. Such information shall be included in each report submitted pursuant to the provisions of this act and shall be tabulated on a monthly basis by the Department of Motor Vehicles. Such information shall be used only for statistical purposes which do not reveal the identity of the deceased.

Sec. 3. Any surviving driver or pedestrian sixteen years of age or older who is involved in a motor vehicle accident in which a person is killed shall be requested, if he has not otherwise been directed by a law enforcement officer to submit to a chemical test under section 39-727.03, Revised Statutes Supplement, 1972, to submit to a chemical test of his blood, urine, or breath as the law enforcement officer shall direct for the purpose of determining the amount of alcohol or drugs in his body fluid. The results of such test shall be reported in writing to the Director of Motor Vehicles who shall tabulate such results on a monthly basis. Such information shall be used only for statistical purposes which do not reveal the identity of the surviving drivers or surviving pedestrians. The provisions of sections 39-727.04, 39-727.05, and 39-727.07, Reissue Revised

Statutes of Nebraska, 1943, and amendments thereto, shall, when applicable, apply to the tests provided for in this section.

Sec. 4. All samples and tests of body fluids under the provisions of this act shall be submitted to and performed by an individual possessing a valid permit issued by the Department of Health for such purpose. Such tests shall be performed according to methods approved by the Department of Health. Such individual shall promptly perform such analysis and report the results thereof to the official submitting the sample.

Sec. 5. No report or any statement contained therein submitted pursuant to this act or any part thereof shall be made available for any purpose in any trial arising out of the accident involved unless necessary solely to prove compliance with this act.

Sec. 6. The Department of Motor Vehicles shall reimburse any county for expenses and costs incurred by the county pursuant to this act. The Department of Motor Vehicles shall provide the official in each county with the appropriate reporting form.

Sec. 7. The Department of Health shall adopt necessary rules and regulations for the administration of the provisions of this act.