

SECOND REGULAR SESSION

HOUSE BILL NO. 2917

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

5903H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 577.041, RSMo, and to enact in lieu thereof one new section relating to the refusal to submit to a chemical test.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 577.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.041, to read as follows:

577.041. 1. If a person under arrest, or who has been detained pursuant to subdivision (2) of subsection 1 of section 577.020, or stopped pursuant to subdivision (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in any proceeding related to the acts resulting in such detention, stop, or arrest.

2. The request of the officer to submit to any chemical test shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person. If such person was operating a vehicle **or vessel** prior to such detention, stop, or arrest, he or she shall further be informed that his or her **driver's** license shall be immediately revoked upon refusal to take the test.

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal.

✓

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.