

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5436. Implied Consent.

(a) A person who operates a vessel on the waters of the Commonwealth is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in his or her blood if the person is arrested for violation of 3 CMC §§ 5433–40.

(b) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(c) If a person refuses to consent to chemical tests of his or her blood, breath, or urine, then the peace officer will not perform the test without a warrant, unless there are exigent circumstances that justify performing the test in the absence of a warrant.

Source: PL 19-05, § 4, modified.

Commission Comment: The Commission substituted “3 CMC §§ 5433–40” for the phrase “the Commonwealth Boating Under the Influence Act” in subsection (a) pursuant to 1 CMC § 3806(d).