

107TH CONGRESS
2D SESSION

H. R. 2155

AN ACT

To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.

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To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MAKING IT ILLEGAL TO OPERATE A MOTOR VE-**
2 **HICLE WITH A DRUG OR ALCOHOL IN THE**
3 **BODY OF THE DRIVER AT LAND BORDER**
4 **PORTS OF ENTRY.**

5 Section 13(a) of title 18, United States Code, is
6 amended—

7 (1) by inserting “(1)” after “(a)”; and

8 (2) by adding at the end the following:

9 “(2) Whoever with a drug or alcohol in his or her
10 body operates a motor vehicle at a land border port of
11 entry in a manner that is punishable, because of the pres-
12 ence of the drug or alcohol, if committed within the juris-
13 diction of the State in which that land border port of entry
14 is located (under the laws of that State in force at the
15 time of the act) shall be guilty of a like offense and subject
16 to a like punishment.

17 “(3) Any individual who operates a motor vehicle at
18 a land border port of entry is deemed to have given con-
19 sent to submit to a chemical or other test of the blood,
20 breath, or urine of the driver by an officer or employee
21 of the Immigration and Naturalization Service authorized
22 under section 287(h) of the Immigration and Nationality
23 Act (8 U.S.C. 1357(h)) for the purpose of determining
24 the presence or concentration of a drug or alcohol in such
25 blood, breath, or urine.

1 “(4) If an individual refuses to submit to such a test
2 after being advised by the officer or employee that the re-
3 fusal will result in notification under this paragraph, the
4 Attorney General shall give notice of the refusal to—

5 “(A) the State or foreign state that issued the
6 license permitting the individual to operate a motor
7 vehicle; or

8 “(B) if the individual has no such license, the
9 State or foreign state in which the individual is a
10 resident.

11 “(5) The Attorney General shall give notice of a con-
12 viction of an individual under this section for operation
13 of a motor vehicle at a land border port of entry with a
14 drug or alcohol in the body of the individual, to—

15 “(A) the State or foreign state that issued the
16 license permitting the individual to operate a motor
17 vehicle; or

18 “(B) if the individual has no such license, the
19 State or foreign state in which the individual is a
20 resident.

21 “(6) For purposes of this subsection, the term ‘land
22 border port of entry’ means any land border port of entry
23 (as defined in section 287(h)(3) of the Immigration and
24 Nationality Act (8 U.S.C. 1357(h)(3))) that was not re-
25 served or acquired as provided in section 7 of this title.”.

1 **SEC. 2. AUTHORIZING OFFICERS AND EMPLOYEES OF THE**
2 **IMMIGRATION AND NATURALIZATION SERV-**
3 **ICE TO CONDUCT TESTS FOR A DRUG OR AL-**
4 **COHOL.**

5 Section 287 of the Immigration and Nationality Act
6 (8 U.S.C. 1357) is amended by adding at the end the fol-
7 lowing:

8 “(h)(1) If an officer or employee of the Service au-
9 thorized under regulations prescribed by the Attorney
10 General is inspecting a driver at a land border port of
11 entry and has reasonable grounds to believe that, because
12 of alcohol in the body of the driver, operation of a motor
13 vehicle by the driver is an offense under section 13 of title
14 18, United States Code, the officer or employee may re-
15 quire the driver to submit to a test of the breath of the
16 driver to determine the presence or concentration of the
17 alcohol.

18 “(2) If an officer or employee of the Service author-
19 ized under regulations prescribed by the Attorney General
20 arrests a driver under this section for operation of a motor
21 vehicle in violation of section 13 of title 18, United States
22 Code, because of a drug or alcohol in the body of the driv-
23 er, the officer or employee may require the driver to sub-
24 mit to a chemical or other test to determine the presence
25 or concentration of the drug or alcohol in the blood,
26 breath, or urine of the driver.

1 “(3) For purposes of this subsection:

2 “(A) The term ‘driver’ means an individual who
3 is operating a motor vehicle at a land border port
4 of entry.

5 “(B) The term ‘land border port of entry’
6 means any immigration checkpoint operated by the
7 Immigration and Naturalization Service at a land
8 border between a State (as that term is used in sec-
9 tion 13 of title 18, United States Code) and a for-
10 eign state.”.

11 **SEC. 3. REQUIRING NOTICE AT LAND BORDER PORTS OF**
12 **ENTRY REGARDING OPERATION OF A MOTOR**
13 **VEHICLE AND DRUGS AND ALCOHOL.**

14 (a) IN GENERAL.—The Immigration and Nationality
15 Act is amended by inserting after section 294 (8 U.S.C.
16 1363a) the following:

17 “NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING
18 OPERATION OF A MOTOR VEHICLE AND DRUGS AND
19 ALCOHOL

20 “SEC. 295. At each point where motor vehicles regu-
21 larly enter a land border port of entry (as defined in sec-
22 tion 287(h)(3)), the Attorney General shall post a notice
23 that operation of a motor vehicle with a drug or alcohol
24 in the body of the driver at a land border port of entry
25 is an offense under Federal law.”.

1 (b) CLERICAL AMENDMENT.—The first section of the
2 Immigration and Nationality Act is amended in the table
3 of contents by inserting after the item relating to section
4 294 the following:

“Sec. 295. Notice at land border ports of entry regarding operation of a motor
vehicle and drugs and alcohol.”.

5 **SEC. 4. IMPOUNDMENT OF VEHICLE FOR REFUSAL TO SUB-**
6 **MIT TO TEST FOR DRUG OR ALCOHOL.**

7 Not more than 180 days after the date of the enact-
8 ment of this Act, the Attorney General shall issue regula-
9 tions authorizing an officer or employee of the Immigra-
10 tion and Naturalization Service to impound a vehicle oper-
11 ated at a land border port of entry, if—

12 (1) the individual who operates the vehicle re-
13 fuses to submit to a chemical or other test under
14 section 13(a)(3) of title 18, United States Code; and

15 (2) the impoundment is not inconsistent with
16 the laws of the State in which the port of entry is
17 located.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act shall take effect 180 days after the date of
3 the enactment of this Act.

 Passed the House of Representatives October 16,
2002.

Attest:

Clerk.