



LAWS OF ALASKA

1985

Source

CSSB 20 (HESS) am

Chapter No.

76

AN ACT

Relating to implied consent to preliminary breath test by aircraft and watercraft operators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 2, 1985
Actual Effective Date: August 31, 1985

AN ACT

Relating to implied consent to preliminary breath test
by aircraft and watercraft operators.

* Section 1. AS 28.35.031(b) is amended to read:

(b) A person who operates or drives a motor vehicle in this state or who operates an aircraft or watercraft shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of the incident if the officer has reasonable grounds to believe that a person's ability to operate a motor vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and that the person

(1) was operating or driving a motor vehicle, aircraft, or watercraft that is involved in an accident; or

(2) committed a moving traffic violation or unlawfully operated an aircraft or watercraft.

* Sec. 2. AS 28.35.031(d) is amended to read:

(d) The result of the test under (b) of this section may be used by the law enforcement officer to determine whether the driver or operator should be arrested.

* Sec. 3. AS 28.35.031(f) is amended to read:

(f) If a driver or operator is arrested, the provisions of (a) of this section apply. The preliminary breath test authorized in this

Chapter 76

1 section is in addition to any tests authorized under (a) of this
2 section.

3 * Sec. 4. AS 28.35.031 is amended by adding a new subsection to read:

4 (g) For purposes of (b) of this section, "unlawfully" means in
5 violation of any federal, state, or municipal statute, regulation or
6 ordinance, except for violations which do not provide reason to be-
7 lieve that the operator's ability to operate the aircraft or water-
8 craft was impaired by the ingestion of alcoholic beverages.
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