

CS FOR HOUSE BILL NO. 101(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/16/07

Referred: Rules

Sponsor(s): REPRESENTATIVES GATTO, Lynn, Fairclough, LeDoux, Kohring, Ramras, Dahlstrom, Johnson, Gruenberg, Gardner

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to uniform traffic laws and to operating a vehicle while under the
2 influence of an alcoholic beverage, inhalant, or controlled substance."

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

4 * **Section 1.** AS 28.01.010(a) is amended to read:

5 (a) The provisions of this title and the regulations adopted under this title are
6 applicable within all municipalities of the state. A municipality may not enact **or**
7 **enforce** an ordinance that is inconsistent with the provisions of this title or the
8 regulations adopted under this title. A municipality may not incorporate into a
9 publication of traffic ordinances a provision of this title or the regulations adopted
10 under this title without specifically identifying the provision or regulation as a state
11 statute or regulation.

12 * **Sec. 2.** AS 28.35.030(r) is amended to read:

13 (r) If a person is convicted under (a) of this section and **at sentencing the**
14 **court determines by a preponderance of the evidence** [IT IS DETERMINED BY

1 THE TRIER OF FACT] that, as determined by a chemical test taken within four hours
2 after the offense was committed,

3 (1) there was at least 0.16 percent by weight of alcohol in the person's
4 blood but less than 0.24 percent by weight of alcohol in the person's blood or at least
5 160 milligrams of alcohol per 100 milliliters of blood, but less than 240 milligrams of
6 alcohol per 100 milliliters of blood, or when there was at least 0.16 grams of alcohol
7 per 210 liters of the person's breath, but less than 0.24 grams of alcohol per 210 liters
8 of the person's breath, the court shall require the person to use an ignition interlock
9 device as provided in AS 12.55.102 for a minimum of six months after the person
10 regains the privilege, including any limited privilege, to operate a motor vehicle;

11 (2) there was 0.24 percent or more by weight of alcohol in the person's
12 blood or 240 milligrams or more of alcohol per 100 milliliters of blood, or when there
13 was 0.24 grams or more of alcohol per 210 liters of the person's breath, the court shall
14 require the person to use an ignition interlock device as provided in AS 12.55.102 for
15 a minimum of one year after the person regains the privilege, including any limited
16 privilege, to operate a motor vehicle.