

**SENATE CS FOR CS FOR HOUSE BILL NO. 101(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/15/08

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) **When** [IF] a person is convicted under (a) of this section, **the court shall**  
14 **determine by a preponderance of the evidence if** [AND IT IS DETERMINED BY

1 THE TRIER OF FACT THAT], as determined by a chemical test taken within four  
2 hours 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 **for each** [PER] 100 milliliters of blood, but less than 240  
6 milligrams of alcohol **for each** [PER] 100 milliliters of blood, or [WHEN] there was  
7 at least 0.16 grams of alcohol **for each** [PER] 210 liters of the person's breath, but less  
8 than 0.24 grams of alcohol **for each** [PER] 210 liters of the person's breath, **and,**  
9 **having made that determination,** the court shall require the person to use an ignition  
10 interlock device as provided in AS 12.55.102 for a minimum of six months after the  
11 person regains the privilege, including any limited privilege, to operate a motor  
12 vehicle;

13 (2) there was 0.24 percent or more by weight of alcohol in the person's  
14 blood or 240 milligrams or more of alcohol **for each** [PER] 100 milliliters of blood, or  
15 [WHEN] there was 0.24 grams or more of alcohol **for each** [PER] 210 liters of the  
16 person's breath, **and, having made that determination,** the court shall require the  
17 person to use an ignition interlock device as provided in AS 12.55.102 for a minimum  
18 of one year after the person regains the privilege, including any limited privilege, to  
19 operate a motor vehicle.