

Introduced: 2/18/69
Referred: Health, Welfare
and Education and Judiciary

1 IN THE HOUSE

BY DEVEAU AND HILLSTRAND

2 HOUSE BILL NO. 169

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to driving while under the influence
7 of intoxicating liquor."

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

9 * Section 1. AS 28.35.030 is amended to read:

10 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXI-
11 CATING LIQUOR OR DRUGS. (a) A person, who, while under the influence
12 of intoxicating liquor or narcotic drugs, operates or drives an
13 automobile, motorcycle or other motor vehicle in the state upon con-
14 viction is punishable by a fine of not more than \$1,000, and [OR] by
15 imprisonment for not less than seven days nor for [NOT] more than
16 one year [OR BY BOTH]. If an accident occurs as a result of the
17 intoxication of a person operating or driving a motor vehicle, he is
18 punishable by a fine of not more than \$1,000, and by imprisonment for
19 not less than 14 days nor for more than one year. Upon conviction for
20 a second or subsequent offense in violation of this section, the
21 offender's license, and his right to obtain a license, to operate a
22 motor vehicle shall be suspended for a period of three years, and this
23 suspension is in addition to any other punishment fixed by the court.

24 (b) In this section, the amount of alcohol in the person's blood
25 as shown by chemical analysis of the person's blood, urine, breath or
26 other bodily substance shall give rise to the following presumptions:

27 (1) If there was at the time 0.05 per cent or less weight
28 of alcohol in the person's blood, it shall be presumed that the person
29 was not under the influence of intoxicating liquor.

1 (2) If there was at the time in excess of 0.05 per cent
2 but less than 0.10 per cent by weight of alcohol in the person's blood,
3 such fact shall not give rise to any presumption that the person was
4 or was not under the influence of intoxicating liquor, but such fact
5 may be considered with other competent evidence in determining whether
6 the person was under the influence of intoxicating liquor.

7 (3) If there was at the time 0.10 per cent or more by
8 weight of alcohol in the person's blood, it shall be presumed that the
9 person was under the influence of intoxicating liquor.

10 (4) Per cent by weight of alcohol in the blood shall be
11 based upon milligrams of alcohol per 100 cubic centimeters of blood.