

1 IN THE SENATE

BY ZIEGLER

2 SENATE BILL NO. 628

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 28.35.031 is amended to read:

10 Sec. 28.35.031. IMPLIED CONSENT. A person who operates or drives  
11 a motor vehicle in this state shall be considered to have given consent  
12 to a chemical test or tests of his breath for the purpose of determining  
13 the alcoholic content of his blood if lawfully arrested for an offense  
14 arising out of acts alleged to have been committed while the person was  
15 operating or driving a motor vehicle while under the influence of in-  
16 toxicating liquor. The test or tests shall be administered at the  
17 direction of a law enforcement officer who has reasonable grounds to  
18 believe that the person was operating or driving a motor vehicle in this  
19 state while under the influence of intoxicating liquor. However, before  
20 the administration of the test, the law enforcement officer shall inform  
21 the person of his right to refuse the test and to have additional tests  
22 administered under sec. 33(e) of this chapter.

23 \* Sec. 2. AS 28.35.032(a) is amended to read:

24 (a) If a person under arrest refuses the request of a law enforce-  
25 ment officer to submit to a chemical test of his breath as provided in  
26 sec. 31 of this chapter, after being advised by the officer of his right  
27 to refuse the test and to have additional tests administered under sec.  
28 33(e) of this chapter and that his refusal will result in the suspen-  
29 sion, denial or revocation of his license, a chemical test shall not be

1 given.

2 \* Sec. 3. AS 28.35.032(b)(2) is amended to read:

3 (2) the arrested person refused to submit to the breath test  
4 upon request of the officer after being advised of his right to refuse  
5 the test and to have additional tests administered under sec. 33(e) of  
6 this chapter and that his refusal would result in the suspension,  
7 revocation, or denial of his license; and