

Original sponsor: Ziegler

Offered: 5/26/76

Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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 that his refusal to take the test will subject him to the  
22 penalties of sec. 32(a) of this chapter and that his refusal may be  
23 used as evidence in a court of law.

24 \* Sec. 2. AS 28.35.032 is amended by adding a new subsection to read:

25 (e) If a person under arrest refuses to submit to a chemical test  
26 under the provisions of this chapter, evidence of refusal shall be  
27 admissible in a civil or criminal action or proceeding arising out of  
28 acts alleged to have been committed while in violation of sec. 30 of  
29 this chapter.

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