

Offered: 4/8/85  
Referred: Judiciary

Original sponsors: Ray, Sturgulewski,  
Kelly and Faiks

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 20 (HESS) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to implied consent to preliminary  
7 breath test by aircraft and watercraft operators."

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

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

10 (b) A person who operates or drives a motor vehicle in this  
11 state or who operates an aircraft or watercraft shall be considered to  
12 have given consent to a preliminary breath test for the purpose of  
13 determining the alcoholic content of the person's blood or breath. A  
14 law enforcement officer may administer a preliminary breath test at  
15 the scene of the incident if the officer has reasonable grounds to  
16 believe that a person's ability to operate a motor vehicle, aircraft,  
17 or watercraft is impaired by the ingestion of alcoholic beverages and  
18 that the person

19 (1) was operating or driving a motor vehicle, aircraft, or  
20 watercraft that is involved in an accident; or

21 (2) committed a moving traffic violation or unlawfully  
22 operated an aircraft or watercraft.

23 \* Sec. 2. AS 28.35.031(d) is amended to read:

24 (d) The result of the test under (b) of this section may be used  
25 by the law enforcement officer to determine whether the driver or  
26 operator should be arrested.

27 \* Sec. 3. AS 28.35.031(f) is amended to read:

28 (f) If a driver or operator is arrested, the provisions of (a)  
29 of this section apply. The preliminary breath test authorized in this

1 section is in addition to any tests authorized under (a) of this  
2 section.

3 \* Sec. 4. AS 28.35.031 is amended by adding a new subsection to read:

4 (g) For purposes of (b) of this section, "unlawfully" means in  
5 violation of any federal, state, or municipal statute, regulation or  
6 ordinance, except for violations which do not provide reason to be-  
7 lieve that the operator's ability to operate the aircraft or water-  
8 craft was impaired by the ingestion of alcoholic beverages.