

**HOUSE BILL NO. 102**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DONLEY, Ulmer, Finkelstein, Parnell, Barnes, G.Phillips, Martin, Boyer, Leman

Introduced: 2/4/91

Referred: Transportation, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the offense of operating a motor vehicle, aircraft, or watercraft while  
2 intoxicated; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1. FINDINGS AND PURPOSE.** (a) The legislature finds that the number of persons who  
5 are drinking and driving in an impaired condition is a matter of serious concern, and that there is a  
6 rational relationship between establishing a lower limit of alcohol consumption and reducing the number  
7 of alcohol related accidents and fatalities.

8 (b) It is the purpose of this Act to promote the general welfare and public safety by imposing  
9 a more restrictive legal limit on alcohol consumption above which the person will lose the privilege to  
10 drive.

11 \* **Sec. 2.** AS 28.35.030(a) is amended to read:

12 (a) A person commits the crime of driving while intoxicated if the person operates or  
13 drives a motor vehicle or operates an aircraft or a watercraft

14 (1) while under the influence of intoxicating liquor, or any controlled substance

1 listed in AS 11.71.140 - 11.71.190;

2 (2) when, as determined by a chemical test taken within four hours after the  
3 alleged offense was committed, there is 0.08 [0.10] percent or more by weight of alcohol in the  
4 person's blood or 80 [100] milligrams or more of alcohol per 100 milliliters of blood, or when  
5 there is 0.08 [0.10] grams or more of alcohol per 210 liters of the person's breath; or

6 (3) while the person is under the combined influence of intoxicating liquor and  
7 another substance.

8 \* Sec. 3. AS 28.35.033(a) is amended to read:

9 (a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged  
10 to have been committed by a person while operating or driving a motor vehicle or operating an  
11 aircraft or a watercraft while intoxicated, the amount of alcohol in the person's blood or breath  
12 at the time alleged shall give rise to the following presumptions:

13 (1) If there was 0.05 percent or less by weight of alcohol in the person's blood,  
14 or 50 milligrams or less of alcohol per 100 milliliters of the person's blood, or 0.05 grams or less  
15 of alcohol per 210 liters of the person's breath, it shall be presumed that the person was not  
16 under the influence of intoxicating liquor.

17 (2) If there was in excess of 0.05 percent but less than 0.08 [0.10] percent by  
18 weight of alcohol in the person's blood, or in excess of 50 but less than 80 [100] milligrams of  
19 alcohol per 100 milliliters of the person's blood, or in excess of 0.05 grams but less than 0.08  
20 [0.10] grams of alcohol per 210 liters of the person's breath, that fact does not give rise to any  
21 presumption that the person was or was not under the influence of intoxicating liquor, but that  
22 fact may be considered with other competent evidence in determining whether the person was  
23 under the influence of intoxicating liquor.

24 (3) [REPEALED]

25 (4) If there was 0.08 [0.10] percent or more by weight of alcohol in the person's  
26 blood, or 80 [100] milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.08  
27 [0.10] grams or more of alcohol per 210 liters of the person's breath, it shall be presumed that  
28 the person was under the influence of intoxicating liquor.

29 \* Sec. 4. This Act takes effect January 1, 1992.