

CS FOR HOUSE BILL NO. 102 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/91
Referred: Finance

Sponsor(s): REPRESENTATIVES DONLEY, Ulmer, Finkelstein, Parnell, Barnes, G.Phillips, Martin, Boyer, Leman, C.Davis, M.A.Miller, B.Davis, M.W.Miller

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 a controlled [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 0.04 [0.05] percent or less by weight of alcohol in the person's
14 blood, or 40 [50] milligrams or less of alcohol per 100 milliliters of the person's blood, or 0.04
15 [0.05] grams or less of alcohol per 210 liters of the person's breath, it shall be presumed that the
16 person was not under the influence of intoxicating liquor.

17 (2) If there was in excess of 0.04 [0.05] percent but less than 0.08 [0.10] percent
18 by weight of alcohol in the person's blood, or in excess of 40 [50] but less than 80 [100]
19 milligrams of alcohol per 100 milliliters of the person's blood, or in excess of 0.04 [0.05] grams
20 but less than 0.08 [0.10] grams of alcohol per 210 liters of the person's breath, that fact does not
21 give rise to any presumption that the person was or was not under the influence of intoxicating
22 liquor, but that fact may be considered with other competent evidence in determining whether
23 the person was 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.