CS FOR HOUSE BILL NO. 61(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/31/93
Referred: Finance

Sponsor(s): REPRESENTATIVES NORDLUND, Ulmer, Brown

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

1 substance;

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

7 (3) while the person is under the combined influence of intoxicating
8 liquor and a controlled substance.

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

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

15 (1) If there was **0.04** [0.05] percent or less by weight of alcohol in the
16 person's blood, or **40** [50] milligrams or less of alcohol per 100 milliliters of the
17 person's blood, or **0.04** [0.05] grams or less of alcohol per 210 liters of the person's
18 breath, it shall be presumed that the person was not under the influence of intoxicating
19 liquor.

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

28 (3) [REPEALED

29 (4)] If there was **0.08** [0.10] percent or more by weight of alcohol in
30 the person's blood, or **80** [100] milligrams or more of alcohol per 100 milliliters of the
31 person's blood, or **0.08** [0.10] grams or more of alcohol per 210 liters of the person's

1 breath, it shall be presumed that the person was under the influence of intoxicating
2 liquor.
3 * **Sec. 4.** This Act takes effect effect September 1, 1993.