

Senate Study Bill 1045

Bill Text

PAG LIN

1 1 Section 1. Section [321J.2](#), subsection 1, paragraph b, Code
1 2 1999, is amended to read as follows:
1 3 b. While having an alcohol concentration of

~~.10~~

- ~~.08~~ or

1 4 more.

1 5 Sec. 2. Section [321J.6](#), subsection 1, paragraph g, Code
1 6 1999, is amended to read as follows:

1 7 g. The preliminary breath screening test was administered
1 8 and it indicated an alcohol concentration of .02 or more but
1 9 less than

~~.10~~

- ~~.08~~ and the person is under the age of twenty-

1 10 one.

1 11 Sec. 3. Section [321J.12](#), subsection 5, Code 1999, is
1 12 amended to read as follows:

1 13 5. Upon certification, subject to penalty of perjury, by
1 14 the peace officer that there existed reasonable grounds to
1 15 believe that the person had been operating a motor vehicle in
1 16 violation of section 321J.2A, that there existed one or more
1 17 of the necessary conditions for chemical testing described in
1 18 section 321J.6, subsection 1, and that the person submitted to
1 19 chemical testing and the test results indicated an alcohol
1 20 concentration

~~as defined in section 321J.1~~

- of .02 or more but

1 21 less than

~~.10~~

- ~~.08~~, the department shall revoke the person's

1 22 driver's license or operating privilege for a period of sixty
1 23 days if the person has had no previous revocation under this
1 24 chapter, and for a period of ninety days if the person has had
1 25 a previous revocation under this chapter.

1 26 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 27 3, shall not apply to this Act.

1 28 EXPLANATION

1 29 This bill changes the limit for blood alcohol concentration
1 30 (BAC) while driving from .10 BAC to .08 BAC. Under this bill,
1 31 a person who drives with .08 BAC or higher would violate Code
1 32 section 321J.2, the operating while intoxicated statute.

1 33 This bill may include a state mandate as defined in Code
1 34 section 25B.3. This bill makes inapplicable Code section
1 35 25B.2, subsection 3, which would relieve a political
2 1 subdivision from complying with a state mandate if funding for
2 2 the cost of the state mandate is not provided or specified.
2 3 Therefore, political subdivisions are required to comply with
2 4 any state mandate included in this bill.

2 5 LSB 1937XC 78

2 6 jj/gg/8