

Enrolled Senate Bill 65

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CHAPTER

AN ACT

Relating to measuring blood alcohol content; creating new provisions; and amending ORS 813.300 and 830.510.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 813.300 is amended to read:

813.300. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person driving a motor vehicle while under the influence of intoxicants, if the amount of alcohol in the person's blood at the time alleged is less than 0.08 percent by weight of alcohol as shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be used with other evidence, if any, to determine whether or not the person was then under the influence of intoxicants.

(2) Not less than 0.08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

(3) Notwithstanding subsection (2) of this section, for purposes of the Motorist Implied Consent Law as defined in ORS 801.010, for a person who is under 21 years of age, any amount of alcohol in the blood constitutes being under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per [one hundred cubic centimeters] **100 milliliters** of blood **or based upon grams of alcohol per 210 liters of breath.**

SECTION 2. ORS 830.510 is amended to read:

830.510. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person operating a boat while under the influence of any intoxicants, if the amount of alcohol in the person's blood at the time alleged is less than 0.08 percent by weight of alcohol and shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be used with other evidence, if any, to determine whether or not the person was then under the influence of intoxicants.

(2) Not less than 0.08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

(3) Percent by weight of alcohol in the blood shall be based on grams of alcohol per 100 [cubic centimeters] **milliliters** of blood **or based on grams of alcohol per 210 liters of breath.**

(4) For purposes of ORS 830.505 to 830.545, "boat" means a motorboat or sailboat.

SECTION 3. The amendments to ORS 813.300 and 830.510 by sections 1 and 2 of this 2011 Act apply to chemical analyses performed on a person's breath or blood on or after the effective date of this 2011 Act.

Passed by Senate February 24, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 25, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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Kate Brown, Secretary of State