

# Senate Bill 65

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that measurement of alcohol content in breath may be used to determine percent by weight of alcohol in blood.

## A BILL FOR AN ACT

1  
2 Relating to measuring blood alcohol content; creating new provisions; and amending ORS 813.300  
3 and 830.510.

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

5 **SECTION 1.** ORS 813.300 is amended to read:

6 813.300. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts  
7 committed by a person driving a motor vehicle while under the influence of intoxicants, if the  
8 amount of alcohol in the person's blood at the time alleged is less than 0.08 percent by weight of  
9 alcohol as shown by chemical analysis of the person's breath or blood, it is indirect evidence that  
10 may be used with other evidence, if any, to determine whether or not the person was then under the  
11 influence of intoxicants.

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

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

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

20 **SECTION 2.** ORS 830.510 is amended to read:

21 830.510. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts  
22 committed by a person operating a boat while under the influence of any intoxicants, if the amount  
23 of alcohol in the person's blood at the time alleged is less than 0.08 percent by weight of alcohol  
24 and shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be  
25 used with other evidence, if any, to determine whether or not the person was then under the influ-  
26 ence of intoxicants.

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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