

STATE OF ARIZONA  
29th LEGISLATURE  
2nd REGULAR SESSION

**SENATE**

**S.B. 16**  
**INTRODUCED**  
January 13, 1970

Referred to	Date	Reported Out
Rules		
Committee of Whole		
3rd Reading — Aye	No	Absent
House Action		
Sent to Governor		Action

Introduced by Senators Halacy, Jones, White, Jacquin, Conlan, Baldwin, Tenney, Goetze, Wilcox, Holsclaw, Knoles, Holley, Gibbings, Kret, O'Connor

**AN ACT**  
**RELATING to Motor Vehicles; Prescribing Weight of Alcohol in Blood for**  
**Presumption of Intoxication of Operators, and Amending Section 28-692,**  
**Arizona Revised Statutes.**

1. **Be it enacted by the Legislature of the State of Arizona:**
2. Section 1. **LEGISLATIVE INTENT**
3. The legislature intends by this act to assure uniformity and to
4. conform to the National Safety Council's recommendation prescribing
5. weight alcohol in blood. Discretion allowed in determining intoxication
6. by most authorities have held solely to the upper limit of 0.15 per cent
7. rather than the range from .05 per cent to 0.15 per cent as contained in
8. the law. Therefore, a limit at 0.10 per cent should be adopted.
9. Sec. 2. Sec. 28-692, Arizona Revised Statutes, is amended to read:
10. **28-692. PERSONS UNDER THE INFLUENCE OF INTOXICATING**
11. **LIQUOR OR OF DRUGS**
12. A. It is unlawful and punishable as provided in Section 28-692.01
13. for any person who is under the influence of intoxicating liquor to
14. drive or be in actual physical control of any vehicle within this state.
15. B. In the trial of any civil or criminal action or proceeding for a
16. violation of subsection A of this section relating to driving or being in
17. actual physical control of a vehicle while under the influence of
18. intoxicating liquor, the amount of alcohol in the defendant's blood at
19. the time alleged as shown by chemical analysis of the defendant's
20. blood, urine, breath or other bodily substance shall give rise to the

S.B. 16

1. following presumptions:

2. 1. If there was at that time ~~[0.05]~~ 0.10 per cent or less by weight  
3. of alcohol in the defendant's blood, it shall be presumed that the  
4. defendant was not under the influence of intoxicating liquor.

5. 2. If there was at that time in excess of ~~[0.05]~~ 0.10 per cent *[but*  
6. *less than 0.15 per cent by weight of alcohol in the defendant's blood,*  
7. *such fact shall not give rise to any presumption that the defendant was*  
8. *or was not under the influence of intoxicating liquor, but such fact may*  
9. *be considered with other competent evidence in determining the guilt or*  
10. *innocence of the defendant.*

11. 3. *If there was at that time 0.15 per cent or more* by weight of  
12. alcohol in the defendant's blood, it shall be presumed that the  
13. defendant was under the influence of intoxicating liquor.

14. ~~14/~~ 3. Paragraphs *1/*, *2* or *3/* AND 2 of this subsection shall not be  
15. construed as limiting the introduction of any other competent evidence  
16. bearing upon the question of whether or not the defendant was under  
17. the influence of intoxicating liquor.

18. C. Per cent by weight of alcohol in the blood shall be based upon  
19. milligrams of alcohol per one hundred cubic centimeters of blood.

20. D. Chemical analyses of the person's blood, urine, breath, or other  
21. bodily substance to be considered valid under the provisions of this  
22. section shall have been performed according to methods approved by  
23. the state department of health and by a person possessing a valid permit  
24. issued by the state department of health for such purpose. The state  
25. department of health is authorized to approve satisfactory techniques  
26. or methods, to ascertain the qualifications and competence of persons  
27. to conduct such analyses, and to issue permits which shall be subject to  
28. termination or revocation at the discretion of the state department of  
29. health.

30. E. When a person shall submit to a blood or urine test under the  
31. provisions of Section 28-691, only a physician or a registered nurse, or  
32. other qualified person, other than the arresting officer, may withdraw  
33. blood or take the urine specimen for the purpose of determining the  
34. alcoholic content therein. Such limitation shall not apply to the taking  
35. of breath specimens.

36. F. The person tested may have a physician or a qualified  
37. technician, chemist, registered nurse, or other qualified person of his  
38. own choosing administer a chemical test or tests in addition to any  
39. administered at the direction of a law enforcement officer. The failure  
40. or inability to obtain an additional test by a person shall not preclude  
41. the admission of evidence relating to the test or tests taken at the  
42. direction of a law enforcement officer.

43. G. Upon the request of the person who shall submit to a chemical  
44. test or tests, full information concerning the test or tests shall be made  
45. available to him or his attorney.

S.B. 16

1. H. If a person under arrest refuses to submit to a chemical test
2. under the provisions of Section 28-691, evidence of refusal shall be
3. admissible in any civil or criminal action or proceeding arising out of
4. acts alleged to have been committed while the person was driving or in
5. actual physical control of a motor vehicle upon the public highways of
6. this state while under the influence of intoxicating liquor.
7. I. It is unlawful and punishable as provided in Section 28-692.01
8. for any person who is an habitual user of or under the influence of any
9. narcotic drug or who is under the influence of any other drug to a
10. degree which renders him incapable of safely driving a vehicle to drive a
11. vehicle within this state. The fact that any person charged with a
12. violation of this subsection is or has been entitled to use such drug
13. under the laws of this state shall not constitute a defense against any
14. charge of violating this subsection.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.
- 34.
- 35.
- 36.
- 37.
- 38.
- 39.
- 40.
- 41.
- 42.
- 43.
- 44.
- 45.