

HOUSE RESEARCH

Bill Summary

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Subject: DWI, 0.08 per se

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Overview

Reducing from 0.10 to 0.08 the per se alcohol concentration level (i.e., the legal limit) for impairment offenses involving driving motor vehicles, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, handling explosives, or operating military vehicles while impaired.

Section

- 1-2 **Hunting with a firearm or bow.** Reduces the per se alcohol concentration limit to 0.08.
- 3 **DWI law: Definition of the crime.** Reduces the per se limit to 0.08. Since January 1, 1998, DWI law governs off-road recreational vehicles and motorboats in operation, in addition to regular motor vehicles.
- 848 **Implied consent law; alcohol concentration testing.** Reduces the per se limit to 0.08.
- 9 **DWI law: Administrative penalties following conviction; commercial driving.** Currently stipulates that the administrative penalties following conviction for DWI generally do not apply to violations involving the driving of commercial vehicles unless the person's alcohol concentration is 0.10 or more. This section reduces that criterion level to 0.08.
- 10 **Civil action; punitive damages.** Reduces the per se limit to 0.08.
- 11 **Fee raised.** Increases the driver's license reinstatement fee from \$20 to \$22.50, effective July 1, 1999, for a person whose license has been suspended for non-alcohol-related reasons, or who, for any reason, has been disqualified from holding a commercial driver's license.
- 12 **Military vehicles.** Reduces the per se limit to 0.08 for driving or flying military vehicles anywhere in the state.
- 13 **Criminal vehicular homicide and injury.** Reduces the per se limit to 0.08 for all criminal vehicular homicide and injury crimes. These crimes provide penalties for persons who cause injury or death as a result of operating a motor vehicle with an alcohol concentration over the

legal limit.

- 14 **Fiscal provisions.** Requires that any increased costs incurred by the attorney general as a result of this act must be absorbed internally within the attorney general's appropriations and must not be treated as a base adjustment for fiscal years 2004 and 2005.
- 15 **Effective date.** Sections 1 to 10, and 12 to 13, are effective August 1, 2001, and apply to offenses committed on or after that date. Section 11, the fee increase, is effective July 1, 2001, and is permanent.