
SENATE BILL No. 1

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31-8-4; IC 9-13-2; IC 9-24-6-15; IC 9-30; IC 14-15-8; IC 35-33-1-6.

Synopsis: Blood and breath alcohol concentration tests. Changes references in provisions concerning blood alcohol content from a percentage of alcohol by weight in grams in a person's blood or breath to grams of alcohol in a person's blood or breath.

Effective: Upon passage.

Bray, Wyss

November 16, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

C
O
P
Y



Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

C
O
P
Y

SENATE BILL No. 1



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-31-8-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A permit holder shall
3 provide an alcohol breath-testing device that is approved by the
4 commission and operated by a person certified to use such a device. All
5 drivers, jockeys, judges, starters, assistant starters, and drivers of
6 starting gates shall submit to a breath test at each racing program in
7 which they participate. In addition, the secretary of the commission, a
8 member of the commission, a commission investigator, the stewards,
9 or the track chief of security may order a licensee to submit to a breath
10 test at any time there is reason to believe the licensee may have
11 consumed sufficient alcohol to cause the licensee to fail a breath test.
12 (b) A person whose breath test shows a reading of **an alcohol**
13 **concentration equivalent (as defined in IC 9-13-2-2.4) to more than**
14 **five-hundredths of one percent (0.05%) (0.05) gram** of alcohol **by**
15 **weight in grams in one hundred (100) milliliters of the person's blood;**
16 **or in per** two hundred ten (210) liters of the person's breath, is subject
17 to the following sanctions:



1 (1) A driver or jockey may not be permitted to drive or ride and
2 shall be suspended under the rules of the commission.

3 (2) A judge, a starter, an assistant starter, or a driver of the
4 starting gate shall be relieved of all duties for that program, and
5 a report shall be made to the commission for appropriate action.

6 (3) Any other licensee shall be suspended, beginning that day,
7 under the rules of the commission.

8 (c) The stewards and judges shall, on behalf of the commission,
9 impose the following sanctions against a licensee who refuses to
10 submit to a breath test:

11 (1) For the first refusal, a civil penalty of one hundred dollars
12 (\$100) and a seven (7) day suspension.

13 (2) For a second refusal, a civil penalty of two hundred fifty
14 dollars (\$250) and a thirty (30) day suspension.

15 (3) For any additional refusals to submit to a breath test, a civil
16 penalty of two hundred fifty dollars (\$250), a sixty (60) day
17 suspension, and referral of the case to the commission for any
18 further action that the commission considers necessary.

19 (d) A sanction under subsection (c) may be appealed to the
20 commission. An appeal stays the sanction until further action by the
21 commission. The appeal must be heard by the commission within thirty
22 (30) days after the date of the appeal.

23 SECTION 2. IC 9-13-2-2.4 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
25 **UPON PASSAGE]: Sec. 2.4. "Alcohol concentration equivalent"**
26 **means the alcohol concentration in a person's blood or breath**
27 **determined from a test of a sample of the person's blood or breath.**

28 SECTION 3. IC 9-13-2-131 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 131. "Prima facie
30 evidence of intoxication" includes evidence that at the time of an
31 alleged violation ~~there was the person had an alcohol concentration~~
32 **equivalent to** at least ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of
33 alcohol ~~by weight in grams in per:~~

34 (1) one hundred (100) milliliters of the person's blood; or

35 (2) two hundred ten (210) liters of the person's breath.

36 SECTION 4. IC 9-13-2-151 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151. "Relevant
38 evidence of intoxication" includes evidence that at the time of an
39 alleged violation ~~there was a person had an alcohol concentration~~
40 **equivalent to** at least five-hundredths ~~percent (0.05%)~~ **(0.05) gram**,
41 but less than ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of alcohol
42 ~~by weight in grams in per:~~



C
O
P
Y

1 (1) one hundred (100) milliliters of the person's blood; or

2 (2) two hundred ten (210) liters of the person's breath.

3 SECTION 5. IC 9-24-6-15 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A person who
5 operates a commercial motor vehicle with **an alcohol concentration**
6 **equivalent to** at least four-hundredths percent (~~0.04%~~) **(0.04) gram**
7 but less than ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol
8 **by weight in grams in per:**

9 (1) one hundred (100) milliliters of the person's blood; or

10 (2) two hundred ten (210) liters of the person's breath;

11 commits a Class C infraction.

12 SECTION 6. IC 9-30-5-1, AS AMENDED BY P.L.266-1999,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 1. (a) A person who operates a vehicle with
15 **an alcohol concentration equivalent to** at least ten-hundredths
16 percent (~~0.10%~~) **(0.10) gram** of alcohol **by weight in grams** but less
17 than fifteen-hundredths percent (~~0.15%~~) **(0.15) gram** of alcohol **by**
18 **weight in grams in per:**

19 (1) one hundred (100) milliliters of the person's blood; or

20 (2) two hundred ten (210) liters of the person's breath;

21 commits a Class C misdemeanor.

22 (b) A person who operates a vehicle with **an alcohol concentration**
23 **equivalent to** at least fifteen-hundredths percent (~~0.15%~~) **(0.15) gram**
24 of alcohol **by weight in grams in per:**

25 (1) one hundred (100) milliliters of the person's blood; or

26 (2) two hundred ten (210) liters of the person's breath;

27 commits a Class A misdemeanor.

28 (c) A person who operates a vehicle with a controlled substance
29 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
30 body commits a Class C misdemeanor.

31 (d) It is a defense to subsection (c) that the accused person
32 consumed the controlled substance under a valid prescription or order
33 of a practitioner (as defined in IC 35-48-1) who acted in the course of
34 the practitioner's professional practice.

35 SECTION 7. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who causes
37 serious bodily injury to another person when operating a motor vehicle:

38 (1) with **an alcohol concentration equivalent to** at least
39 ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol **by weight**
40 **in grams in per:**

41 (A) one hundred (100) milliliters of the person's blood; or

42 (B) two hundred ten (210) liters of the person's breath;



C
O
P
Y

1 (2) with a controlled substance listed in schedule I or II of IC
2 35-48-2 or its metabolite in the person's body; or

3 (3) while intoxicated;
4 commits a Class D felony. However, the offense is a Class C felony if,
5 within the five (5) years preceding the commission of the offense, the
6 person had a prior unrelated conviction under this chapter.

7 (b) A person who violates subsection (a) commits a separate offense
8 for each person whose serious bodily injury is caused by the violation
9 of subsection (a).

10 (c) It is a defense under subsection (a)(2) that the accused person
11 consumed the controlled substance under a valid prescription or order
12 of a practitioner (as defined in IC 35-48-1) who acted in the course of
13 the practitioner's professional practice.

14 SECTION 8. IC 9-30-5-5 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person who causes the
16 death of another person when operating a motor vehicle:

17 (1) with **an alcohol concentration equivalent to** at least
18 ten-hundredths ~~percent (0.10%)~~ **(0.10) gram of alcohol by weight**
19 **in grams in per:**

20 (A) one hundred (100) milliliters of the person's blood; or

21 (B) two hundred ten (210) liters of the person's breath;

22 (2) with a controlled substance listed in schedule I or II of IC
23 35-48-2 or its metabolite in the person's blood; or

24 (3) while intoxicated;
25 commits a Class C felony. However, the offense is a Class B felony if,
26 within the five (5) years preceding the commission of the offense, the
27 person had a prior unrelated conviction under this chapter.

28 (b) A person who violates subsection (a) commits a separate offense
29 for each person whose death is caused by the violation of subsection
30 (a).

31 (c) It is a defense under subsection (a)(2) that the accused person
32 consumed the controlled substance under a valid prescription or order
33 of a practitioner (as defined in IC 35-48-1) who acted in the course of
34 the practitioner's professional practice.

35 SECTION 9. IC 9-30-5-8.5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A person
37 who:

38 (1) is less than twenty-one (21) years of age; and

39 (2) operates a vehicle with **an alcohol concentration equivalent**
40 **to** at least two-hundredths ~~percent (0.02%)~~ **(0.02) gram** but less
41 than ten-hundredths ~~percent (0.10%)~~ **(0.10) gram of alcohol by**
42 **weight in grams in per:**



C
O
P
Y

1 (A) one hundred (100) milliliters of the person's blood; or
 2 (B) two hundred ten (210) liters of the person's breath;
 3 commits a Class C infraction.

4 (b) In addition to the penalty imposed under this section, the court
 5 may recommend the suspension of the driving privileges of the
 6 operator of the vehicle for not more than one (1) year.

7 SECTION 10. IC 9-30-6-15 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) At any
 9 proceeding concerning an offense under IC 9-30-5 or a violation under
 10 IC 9-30-15, evidence of the ~~amount by weight of~~ alcohol
 11 **concentration** that was in the blood of the person charged with the
 12 offense:

13 (1) at the time of the alleged violation; or
 14 (2) within the time allowed for testing under section 2 of this
 15 chapter;
 16 as shown by an analysis of the person's breath, blood, urine, or other
 17 bodily substance is admissible.

18 (b) If, in a prosecution for an offense under IC 9-30-5, evidence
 19 establishes that:

20 (1) a chemical test was performed on a test sample taken from the
 21 person charged with the offense within the period of time allowed
 22 for testing under section 2 of this chapter; and
 23 (2) the person charged with the offense had **an alcohol**
 24 **concentration equivalent to** at least ten-hundredths percent
 25 ~~(0.10%)~~ **(0.10) gram** of alcohol ~~by weight in grams in per:~~

26 (A) one hundred (100) milliliters of the person's blood at the
 27 time the test sample was taken; or

28 (B) two hundred ten (210) liters of the person's breath;
 29 the trier of fact shall presume that the person charged with the offense
 30 had **an alcohol concentration equivalent to** at least ten-hundredths
 31 **percent** ~~(0.10%)~~ **(0.10) gram** of alcohol ~~by weight in grams in per~~ one
 32 hundred (100) milliliters of the person's blood or ~~in per~~ two hundred
 33 ten (210) liters of the person's breath at the time the person operated
 34 the vehicle. However, this presumption is rebuttable.

35 (c) If evidence in an action for a violation under IC 9-30-5-8.5
 36 establishes that:

37 (1) a chemical test was performed on a test sample taken from the
 38 person charged with the violation within the time allowed for
 39 testing under section 2 of this chapter; and

40 (2) the person charged with the violation:
 41 (A) was less than twenty-one (21) years of age at the time of
 42 the alleged violation; and

C
O
P
Y



1 (B) had **an alcohol concentration equivalent to** at least
 2 two-hundredths percent ~~(0.02%)~~ **(0.02) gram** of alcohol by
 3 **weight in grams in per:**

4 (i) one hundred (100) milliliters of the person's blood; or
 5 (ii) two hundred ten (210) liters of the person's breath;
 6 at the time the test sample was taken;

7 the trier of fact shall presume that the person charged with the violation
 8 had **an alcohol concentration equivalent to** at least two-hundredths
 9 **percent** ~~(0.02%)~~ **(0.02) gram** of alcohol by **weight in grams in per** one
 10 hundred (100) milliliters of the person's blood or **in per** two hundred
 11 ten (210) liters of the person's breath at the time the person operated
 12 the vehicle. However, the presumption is rebuttable.

13 (d) If, in an action for a violation under IC 9-30-15, evidence
 14 establishes that:

15 (1) a chemical test was performed on a test sample taken from the
 16 person charged with the offense within the time allowed for
 17 testing under section 2 of this chapter; and

18 (2) the person charged with the offense had **an alcohol**
 19 **concentration equivalent to** at least four-hundredths percent
 20 ~~(0.04%)~~ **(0.04) gram** of alcohol by **weight in grams in per:**

21 (A) one hundred (100) milliliters of the person's blood; or
 22 (B) two hundred ten (210) liters of the person's breath;
 23 at the time the test sample was taken;

24 the trier of fact shall presume that the person charged with the offense
 25 had **an alcohol concentration equivalent to** at least four-hundredths
 26 **percent** ~~(0.04%)~~ **(0.04) gram** of alcohol by **weight in grams in per** one
 27 hundred (100) milliliters of the person's blood or **in per** two hundred
 28 ten (210) liters of the person's breath at the time the person operated
 29 the vehicle. However, this presumption is rebuttable.

30 SECTION 11. IC 9-30-8-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An ignition
 32 interlock device shall be set to render a motor vehicle inoperable if the
 33 ignition interlock device detects **an alcohol concentration equivalent**
 34 **to** at least two-hundredths percent ~~(0.02%)~~ **(0.02) gram** of alcohol by
 35 **weight in grams in per:**

36 (1) one hundred (100) milliliters of the blood of the person; or
 37 (2) two hundred ten (210) liters of the breath of the person;
 38 who offers a breath sample.

39 SECTION 12. IC 9-30-10-4 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person
 41 who has accumulated at least two (2) judgments within a ten (10) year
 42 period for any of the following violations, singularly or in combination,



C
O
P
Y

1 not arising out of the same incident, and with at least one (1) violation
 2 occurring after March 31, 1984, is a habitual violator:

3 (1) Reckless homicide resulting from the operation of a motor
 4 vehicle.

5 (2) Voluntary or involuntary manslaughter resulting from the
 6 operation of a motor vehicle.

7 (3) Failure of the driver of a motor vehicle involved in an accident
 8 resulting in death or injury to any person to stop at the scene of
 9 the accident and give the required information and assistance.

10 (4) Operation of a vehicle while intoxicated resulting in death.

11 (5) Before July 1, 1997, operation of a vehicle with at least
 12 ten-hundredths percent (0.10%) alcohol in the blood resulting in
 13 death.

14 (6) After June 30, 1997, operation of a vehicle with **an alcohol**
 15 **concentration equivalent to** at least ten-hundredths percent
 16 ~~(0.10%)~~ **(0.10) gram** of alcohol **by weight in grams in per:**

17 (A) one hundred (100) milliliters of the blood; or

18 (B) two hundred ten (210) liters of the breath;

19 resulting in death.

20 (b) A person who has accumulated at least three (3) judgments
 21 within a ten (10) year period for any of the following violations,
 22 singularly or in combination, not arising out of the same incident, and
 23 with at least one (1) violation occurring after March 31, 1984, is a
 24 habitual violator:

25 (1) Operation of a vehicle while intoxicated.

26 (2) Before July 1, 1997, operation of a vehicle with at least
 27 ten-hundredths percent (0.10%) alcohol in the blood.

28 (3) After June 30, 1997, operation of a vehicle with **an alcohol**
 29 **concentration equivalent to** at least ten-hundredths percent
 30 ~~(0.10%)~~ **(0.10) gram** of alcohol **by weight in grams in per:**

31 (A) one hundred (100) milliliters of the blood; or

32 (B) two hundred ten (210) liters of the breath.

33 (4) Operating a motor vehicle while the person's license to do so
 34 has been suspended or revoked as a result of the person's
 35 conviction of an offense under IC 9-1-4-52 (repealed July 1,
 36 1991) or IC 9-24-18-5(b).

37 (5) Operating a motor vehicle without ever having obtained a
 38 license to do so.

39 (6) Reckless driving.

40 (7) Criminal recklessness involving the operation of a motor
 41 vehicle.

42 (8) Drag racing or engaging in a speed contest in violation of law.



C
O
P
Y

1 (9) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
 2 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
 3 IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or
 4 IC 9-26-1-4.

5 (10) Any felony under an Indiana motor vehicle statute or any
 6 felony in the commission of which a motor vehicle is used.

7 A judgment for a violation enumerated in subsection (a) shall be added
 8 to the violations described in this subsection for the purposes of this
 9 subsection.

10 (c) A person who has accumulated at least ten (10) judgments
 11 within a ten (10) year period for any traffic violation, except a parking
 12 or an equipment violation, of the type required to be reported to the
 13 bureau, singularly or in combination, not arising out of the same
 14 incident, and with at least one (1) violation occurring after March 31,
 15 1984, is a habitual violator. However, at least one (1) of the judgments
 16 must be for a violation enumerated in subsection (a) or (b). A judgment
 17 for a violation enumerated in subsection (a) or (b) shall be added to the
 18 judgments described in this subsection for the purposes of this
 19 subsection.

20 SECTION 13. IC 9-30-15-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The operator of
 22 a motor vehicle who has **an alcohol concentration equivalent to**
 23 **at least four-hundredths percent (~~0.04%~~) (0.04) gram** of alcohol **by**
 24 **weight in grams in per** one hundred (100) milliliters of the blood, or
 25 **per** two hundred ten (210) liters of the breath, and who, while the
 26 motor vehicle is in operation, knowingly allows a container:

- 27 (1) that has been opened;
 28 (2) that has a broken seal; or
 29 (3) from which some of the contents have been removed;

30 to be in the passenger compartment of the motor vehicle commits a
 31 Class B infraction. If a person is found to have a previous unrelated
 32 judgment under this section or a previous unrelated conviction or
 33 judgment under IC 9-30-5 within twelve (12) months before a violation
 34 that results in a judgment under this chapter, the court may recommend
 35 the person's driving privileges be suspended for not more than one (1)
 36 year.

37 SECTION 14. IC 14-15-8-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this
 39 chapter, "prima facie evidence of intoxication" includes evidence that
 40 at the time of an alleged violation there was **an alcohol concentration**
 41 **equivalent (as defined in IC 9-13-2-2.4) to** at least ten-hundredths
 42 **percent (~~0.10%~~) (0.10) gram** of alcohol **by weight in grams in per:**



C
O
P
Y

1 (1) one hundred (100) milliliters of the person's blood; or
 2 (2) two hundred ten (210) liters of the person's breath.
 3 SECTION 15. IC 14-15-8-6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this
 5 chapter, "relevant evidence" includes evidence that at the time of the
 6 alleged violation there was ~~(1)~~ **an alcohol concentration equivalent**
 7 **(as defined in IC 9-13-2-2.4) to** at least five-hundredths percent
 8 ~~(0.05%)~~; **(0.05) gram** and ~~(2)~~ less than ten-hundredths percent
 9 ~~(0.10%)~~; **(0.10) gram of alcohol by weight in grams in per:**
 10 (1) one hundred (100) milliliters of the person's blood; or
 11 (2) two hundred ten (210) liters of the person's breath.
 12 SECTION 16. IC 14-15-8-8 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as
 14 provided in subsections (b) and (c), a person who operates a motorboat:
 15 (1) with **an alcohol concentration equivalent (as defined in**
 16 **IC 9-13-2-2.4) to** at least ten-hundredths percent ~~(0.10%)~~ **(0.10)**
 17 **gram of alcohol by weight in grams in per:**
 18 (A) one hundred (100) milliliters of the person's blood; or
 19 (B) two hundred ten (210) liters of the person's breath; or
 20 (2) while intoxicated;
 21 commits a Class C misdemeanor.
 22 (b) The offense is a Class D felony if:
 23 (1) the person has a previous conviction under:
 24 (A) IC 14-1-5 (repealed); or
 25 (B) this chapter; or
 26 (2) the offense results in serious bodily injury to another person.
 27 (c) The offense is a Class C felony if the offense results in the death
 28 of another person.
 29 SECTION 17. IC 35-33-1-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A law
 31 enforcement agency may use the following chart to determine the
 32 minimum number of hours that a person arrested for an alcohol-related
 33 offense should be detained before his release pending trial:
 34 **PERCENTAGE**
 35 **BLOOD OR HOURS AFTER INITIAL READING**
 36 **BREATH IS TAKEN**
 37 **ALCOHOL**
 38 **LEVEL IN**
 39 **GRAMS** 1 2 3 4 5 6 7 8 9 10 11 12 13 14
 40 .11 .095 .08 .065 .05 .035 .02 .005 .00 .000 .00 .000 .00 .000 .00
 41 .12 .105 .09 .075 .06 .045 .03 .015 .00 .000 .00 .000 .00 .000 .00
 42 .13 .115 .10 .085 .07 .055 .04 .025 .01 .000 .00 .000 .00 .000 .00

COPY



1	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00	.000	.00
2	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00
3	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00
4	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00
5	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00
6	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00
7	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00
8	.21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00
9	.22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01
10	.23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02
11	.24	.225	.21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03
12	.25	.235	.22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04
13	.26	.245	.23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05

14 Note: In order to find when a person will reach the legal blood or
 15 breath alcohol level, find the blood or breath alcohol level reading in
 16 the left hand column, go across and find where the blood or breath
 17 alcohol level reading is **an alcohol concentration equivalent (as**
 18 **defined in IC 9-13-2-2.4) to below ~~10%~~, ten-hundredths (0.10)**
 19 **gram of alcohol per one hundred (100) milliliters of the person's**
 20 **blood or per two hundred ten (210) liters of the person's breath,**
 21 then read up that column to find the minimum number of hours before
 22 the person can be released.

23 SECTION 18. [EFFECTIVE UPON PASSAGE] (a)
 24 Notwithstanding IC 4-22-2, to implement this act, the director of
 25 the department of toxicology of the Indiana University school of
 26 medicine may adopt a rule required under IC 9-30-6-5 or
 27 IC 9-30-6-6, or both, in the manner provided for emergency rules
 28 under IC 4-22-2-37.1.

29 (b) A rule adopted under this SECTION is effective when it is
 30 filed with the secretary of state and expires on the latest of the
 31 following:

- 32 (1) The date that the director adopts another emergency rule
- 33 under this SECTION to amend, repeal, or otherwise
- 34 supersede the previously adopted emergency rule.
- 35 (2) The date that the director adopts a permanent rule under
- 36 IC 4-22-2 to amend, repeal, or otherwise supersede the
- 37 previously adopted emergency rule.
- 38 (3) July 1, 2001.

39 (c) For the purposes of IC 9-30-7-4, IC 14-15-8-14, and other
 40 statutes, the provisions of a rule adopted under this SECTION
 41 shall be treated as a requirement under IC 9-30-6-5 or IC 9-30-6-6,
 42 or both, as appropriate.

C
O
P
Y



1 **SECTION 19. An emergency is declared for this act.**

C
o
p
y

