

Comparison of OUIL Law and New .08 Law – Attachment

1. The new bill deleted the word intoxicating and replaced it with alcoholic throughout.
2. The presumptions in sub-section 9 of 257.625c have been deleted and the following language has been placed in sub-section 6(a) of 257.625c:

“The amount of alcohol or presence of a controlled substance or both in a person’s breath at the time alleged as shown by chemical analysis of the person’s blood, urine, or breath is admissible into evidence in any civil or criminal proceeding **and is presumed to be the same as at the time the person operated the vehicle.**”

3. Under 257.625f, the penalty for refusing to take a chemical test was increased.
 - A. For a first time refusal from 6 month license suspension to a 1 year license suspension.
 - B. For a second time refusal (within 7 years) from a 1 year license suspension to a 2 year license suspension.
4. There is a sunset provision that states that we go back to the .10 law that is currently in existence on October 1, 2013.
5. The new language in section 257.625(8) is essentially a zero tolerance to schedule one drugs and cocaine. That section does not require that we prove the person is under the influence or impaired from the drug. There are just two factors:
 1. Is it in their system?
 2. Are they driving?

However, if it is any other controlled substance besides Schedule One Drugs and Cocaine, then we have to prove that the person was under the influence. That is under 257.625(1).