

Introduced by Senator Gaines

February 21, 2014

An act to amend Section 23152 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, as introduced, Gaines. Vehicles: driving under the influence.

Existing law prohibits a person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug, to drive a vehicle. Existing law prohibits a person who has 0.04% or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23152 of the Vehicle Code is amended
2 to read:
3 23152. (a) It is unlawful for a person who is under the
4 influence of any alcoholic beverage to drive a vehicle.
5 (b) It is unlawful for a person who has 0.08 percent or more, by
6 weight, of alcohol in his or her blood to drive a vehicle.
7 For purposes of this article and Section 34501.16, percent, by
8 weight, of alcohol in a person's blood is based upon grams of

1 alcohol per 100 milliliters of blood or grams of alcohol per 210
2 liters of breath.

3 In any prosecution ~~under~~ *pursuant to* this subdivision, it is a
4 ~~rebuttable~~ *rebuttal* presumption that the person had 0.08 percent
5 or more, by weight, of alcohol in his or her blood at the time of
6 driving the vehicle if the person had 0.08 percent or more, by
7 weight, of alcohol in his or her blood at the time of the performance
8 of a chemical test within three hours after the driving.

9 (c) It is unlawful for a person who is addicted to the use of any
10 drug to drive a vehicle. This subdivision shall not apply to a person
11 who is participating in a narcotic treatment program approved
12 pursuant to Article 3 (commencing with Section 11875) of Chapter
13 1 of Part 3 of Division 10.5 of the Health and Safety Code.

14 (d) It is unlawful for a person who has 0.04 percent or more, by
15 weight, of alcohol in his or her blood to drive a commercial motor
16 vehicle, as defined in Section 15210.

17 In any prosecution ~~under~~ *pursuant to* this subdivision, it is a
18 ~~rebuttable~~ *rebuttal* presumption that the person had 0.04 percent
19 or more, by weight, of alcohol in his or her blood at the time of
20 driving the vehicle if the person had 0.04 percent or more, by
21 weight, of alcohol in his or her blood at the time of the performance
22 of a chemical test within three hours after the driving.

23 (e) It is unlawful for a person who is under the influence of any
24 drug to drive a vehicle.

25 (f) It is unlawful for a person who is under the combined
26 influence of any alcoholic beverage and drug to drive a vehicle.

27 (g) This section shall become operative on January 1, 2014.