

CHAPTER 297—H. F. No. 38

[Coded]

An act relating to persons driving, operating or in actual physical control of vehicles while under the influence of drugs or alcoholic beverages; repealing Minnesota Statutes 1953, Section 169.12, as amended.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [169.121] **Motor vehicle drivers under influence of drugs or alcoholic liquors.** Subdivision 1. It shall be unlawful and punishable as provided in this section for any of the following persons to drive, operate or be in actual physical control of any vehicle within this state:

- (a) A person who is under the influence of an alcoholic beverage or narcotic drug;
- (b) A person who is an habitual user of narcotic drugs;
- (c) A person who is under the influence of a combination of any two or more of the elements named in subsections (a) and (b) hereof.

Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or in actual physical control of a motor vehicle while under the influence of an alcoholic beverage, the court may admit evidence of the amount of alcohol in the person's blood taken voluntarily within two hours of the time of the offense as shown by a medical or chemical analysis of his breath, blood, urine or saliva.

For the purposes of this subdivision:

- (a) evidence that there was at the time 0.05 percent or less by weight of alcohol in the person's blood is prima facie evidence that such person was not under the influence of an alcoholic beverage;
- (b) evidence that there was at the time more than 0.05 percent and less than 0.15 percent by weight of alcohol in the person's blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the person was under the influence of an alcoholic beverage;
- (c) evidence that there was at the time 0.15 percent or more by weight of alcohol in the person's blood may be admitted as prima facie evidence that the person was under the influence of an alcoholic beverage.

The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not such person was under the influence of an alcoholic beverage.

For the purposes of this section, an "alcoholic beverage" means any liquid containing more than one-half of one percent of alcohol by volume.

Subd. 3. Every person who is convicted of a violation of this section shall be punished by imprisonment of not less than ten days nor more than 90 days, or by a fine of not less than \$10 nor more than \$100, and his driver's license shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when such violation is found to be the proximate cause of grievous bodily injury or death to another person, shall be punished by imprisonment for not less than 60 days nor more than 90 days, and his driver's license shall be revoked for not less than 90 days.

Subd. 4. Every person who is convicted of a violation of this section within three years of any previous conviction under this section shall be punished by imprisonment for not less than ten days nor more than 90 days, and his driver's license shall be revoked for not less than 90 days.

Subd. 5. Whenever a person is charged with a violation of this section within three years of a previous conviction hereunder, and he shall forfeit his bail, it shall be the duty of the prosecuting officer to immediately apply to the court for a bench warrant, and thereupon the court shall forthwith issue a warrant for the arrest of the accused.

Sec. 2. Minnesota Statutes 1953, Section 169.12, as amended by Laws 1955, Chapter 487, is hereby repealed.

Approved April 3, 1957.

CHAPTER 298—H. F. No. 147

[Coded]

An act relating to gift taxes, amending Minnesota Statutes 1953, Section 292.01.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 292.01, is amended by adding the following subdivision:

[Subd. 7] (1) *The creation of a Joint Tenancy with*