

admissible in evidence and has the effect set forth in subsections (b) through (e) of this section.

(b) If there was in the person's blood at the time of testing ~~0.05~~ ~~0.04~~ 0.05 percent or less by weight of alcohol, as determined by an analysis of the person's blood or breath, it shall be presumed that the defendant was not intoxicated and that the defendant was not driving while under the influence of alcohol.

(c) If at the time of testing there was in the person's blood more than ~~0.05~~ ~~0.04~~ 0.05 percent but less than [0.08] 0.07 percent by weight of alcohol, as determined by an analysis of the person's blood or breath, this fact may not give rise to any presumption that the defendant was or was not intoxicated or that the defendant was or was not driving while under the influence of alcohol, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(d) If at the time of testing there was in the person's blood [0.08] 0.07 percent or more by weight of alcohol, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving while under the influence of alcohol.

(e) If at the time of testing there was in the person's blood [0.13] 0.10 percent or more by weight of alcohol, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was intoxicated.

(f) If at the time of testing there was in the person's blood ~~0.01~~ 0.02 percent or more by weight of alcohol, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving with alcohol in the defendant's blood.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.

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