

**ORDINANCE #65305**  
**Board Bill No. 156**

An ordinance pertaining to operating a motor vehicle while under the influence of intoxicating liquor, amending subsections 827.300 and 827.320 of Section One of Ordinance 57831, approved on April 19, 1979, now codified as sections 17.16.300 and 17.16.320 of the Revised Code for the City of St. Louis by reducing the blood alcohol content sufficient for prosecution for Driving While Intoxicated or Blood Alcohol Content from ten hundredths of one percent by weight of alcohol to eight hundredths of one percent by weight of alcohol and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Subsections 827.300 and 827.320 of Section One of Ordinance 57831, approved on April 19, 1979, now codified as sections 17.16.300 and 17.16.320 of the Revised Code for the City of St. Louis are hereby amended as follows:

17.16.300           Evidence to determine levels of intoxication.

A.           Upon the trial arising out of acts alleged to have been committed by any person while operating a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath is admissible into evidence. Such evidence shall be construed as follows:

1.           If there was five hundredths of one percent or less by weight in his blood, it shall be presumed that the person was not under the influence of intoxicating liquor.

2.           If there was in excess of five hundredths of one percent but less than eight hundredths of one percent by weight of alcohol in his blood, the fact shall not give rise to any presumption that the person was or was not under the influence of an intoxicating liquor, but the fact may be considered with other competent evidence in determining whether the person was or was not under the influence of an intoxicating liquor.

3.           If there was eight hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was under the influence of an intoxicating liquor. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundredth milliliters of blood.

B.           The foregoing privations of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions whether the person was under the influence of an intoxicating liquor.

17.16.320           Blood alcohol content.

A.           No person shall operate a motor vehicle within the city when the person has eight hundredths of one percent or more by weight of alcohol in his blood. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. This chemical analysis shall be admitted into evidence.

B.           For the purpose of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of Section 17.16.310.

**SECTION TWO.** Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: October 29, 2001**