

**MINUTES OF THE SENATE
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
TUESDAY, JANUARY 25, 2005, 8:00 A.M.
ROOM W020, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Sheldon Killpack, Chair
Sen. Scott Jenkins
Sen. Carlene Walker
Sen. Karen Hale
Sen. Ed Mayne

Members Absent: Sen. Curtis Bramble

Staff Present: Rich North, Policy Analyst
Karen Allred, Secretary

Public Speakers Present: Paul Boyden, Executive Director, Prosecutors Association
Fred Swain, Lieutenant, Utah Highway Patrol, Driving Under The
Influence Enforcement
Art Brown, President, Mothers Against Drunk Drivers
A. K. Waddoups, Chairman, Driving Under The Influence
Committee
Todd Kiser, Insurance Agent
Mike Sonntag, Bear River Insurance
Pat Vanderhoof, Citizen
Linda Hull, Utah Department of Transportation
Rolayne Fairclough, Automobile Association of America

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Killpack called the meeting to order at 8:10 a.m.

MOTION: Sen. Walker moved to approve the minutes of January 21, 2005.

The motion passed unanimously with Sen. Jenkins absent for the vote.

1. S.B. 42 Alcohol Restricted Drivers (C. Walker)

Sen. Walker explained the bill assisted by Paul Boyden, Executive Director, Prosecutors Association.

Fred Swain, Lieutenant, Utah Highway Patrol, Driving Under the Influence Enforcement, Art Brown, President, Mothers Against Drunk Drivers and A.K. Waddoups, Chairman, Driving Under the Influence Committee, spoke in support of the bill.

The following amendment was distributed:

1. Page 1, Lines 9 through 10:

9 provisions relating to certain persons operating a vehicle with any measurable or
detectable amount
10 of alcohol in the person's body.

2. Page 1, Line 18:

18 vehicle with any measurable or detectable amount of alcohol in the person's body;

3. Page 1, Line 22:

22 person driving with any measurable or detectable amount of alcohol in the person's
body;
► provides that a peace officer may impound a vehicle for certain violations;

4. Page 12, Lines 363 through 364:

363 (ii) a five or ten-year prohibition of the person driving with any measurable or
detectable amount of
364 alcohol in the person's body depending on the person's prior driving history.

5. Page 16, Lines 476 through 479:

476 (c) having any measurable or detectable amount of alcohol in the person's body
if the person is an
477 alcohol restricted driver as defined under Section 41-6-44.40; or
478 (d) having any measurable or detectable amount of alcohol in the person's body
if the person has
479 been issued a conditional driver license under Section 53-3-232.

6. Page 16, Lines 483 through 487:

483 (1) If a peace officer arrests or cites the operator of a vehicle for violating Section
484 41-6-44, 41-6-44.6, [or] 41-6-44.10, 41-6-44.41, 53-3-231, or 53-3-232,

Subsection 41-6-44.7(10), or a local ordinance similar to
485 Section 41-6-44 which complies with Subsection 41-6-43(1), the peace officer shall seize
and
486 impound the vehicle in accordance with Section 41-6-102.5, except as provided under
487 Subsection (2).

7. Page 18, Lines 548 through 554:

548 (1) An alcohol restricted driver who operates or is in actual physical control of a
549 vehicle in this state with any measurable or detectable amount of alcohol in the
person's body is guilty of a
550 class B misdemeanor.
551 (2) A "measurable or detectable amount" of alcohol in the person's body may be
established by:
552 (a) a chemical test;
553 (b) evidence other than a chemical test; or
554 (c) a combination of Subsections (2)(a) and (b).

8. Page 20, Lines 596 through 597:

596 (xv) operating or being in actual physical control of a motor vehicle while having
any measurable or detectable amount of
597 alcohol in the person's body in violation of Section 41-6-44.41.

1. Page 1, Lines 9 through 10:

9 provisions relating to certain persons operating a vehicle with any measurable or
detectable amount
10 of alcohol in the person's body.

2. Page 1, Line 18:

18 vehicle with any measurable or detectable amount of alcohol in the person's body;

3. Page 1, Line 22:

22 person driving with any measurable or detectable amount of alcohol in the person's
body;
► provides that a peace officer may impound a vehicle for certain violations;

4. Page 12, Lines 363 through 364:

363 (ii) a five or ten-year prohibition of the person driving with any measurable or
detectable amount of
364 alcohol in the person's body depending on the person's prior driving history.

5. Page 16, Lines 476 through 479:

476 (c) having any measurable or detectable amount of alcohol in the person's body
if the person is an
477 alcohol restricted driver as defined under Section 41-6-44.40; or
478 (d) having any measurable or detectable amount of alcohol in the person's body
if the person has
479 been issued a conditional driver license under Section 53-3-232.

6. Page 16, Lines 483 through 487:

483 (1) If a peace officer arrests or cites the operator of a vehicle for violating Section
484 41-6-44, 41-6-44.6, [or] 41-6-44.10, 41-6-44.41, 53-3-231, or 53-3-232,
Subsection 41-6-44.7(10), or a local ordinance similar to
485 Section 41-6-44 which complies with Subsection 41-6-43(1), the peace officer shall seize
and
486 impound the vehicle in accordance with Section 41-6-102.5, except as provided under
487 Subsection (2).

7. Page 18, Lines 548 through 554:

548 (1) An alcohol restricted driver who operates or is in actual physical control of a
549 vehicle in this state with any measurable or detectable amount of alcohol in the
person's body is guilty of a
550 class B misdemeanor.
551 (2) A "measurable or detectable amount" of alcohol in the person's body may be
established by:
552 (a) a chemical test;
553 (b) evidence other than a chemical test; or
554 (c) a combination of Subsections (2)(a) and (b).

8. Page 20, Lines 596 through 597:

- 596 *(xv) operating or being in actual physical control of a motor vehicle while having*
 any measurable or detectable amount of
597 *alcohol in the person's body in violation of Section 41-6-44.41.*

Paul Boyden, Executive Director, Prosecutors Association, explained the amendment.

MOTION: Sen. Walker moved to adopt the amendment.

The motion passed unanimously.

MOTION: Sen. Hale moved to pass the bill out favorably as amended.

The motion passed unanimously.

2. S.B. 124 Motor Vehicle Insurance - Property Damage Limits (S. Jenkins)

Sen. Jenkins explained the bill.

Todd Kiser, Insurance Agent, and Mike Sonntag, Bear River Insurance, spoke to the bill.

MOTION: Sen. Jenkins moved to pass the bill out favorably.

The motion passed unanimously with Sen. Walker absent for the vote.

3. H.B. 5 Person with a Disability Motorcycle Parking (T. Kiser)

Rep. Kiser explained the bill.

Pat Vanderhoof, citizen, spoke in support of the bill.

MOTION: Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously with Sen. Walker absent for the vote.

4. H.B. 6 Master Highway Designation Amendments (J. Murray)

Rep. Murray explained the bill.

Linda Hull, Utah Department of Transportation, clarified the bill.

MOTION: Sen. Mayne moved to pass the bill out favorably.

The motion passed with Sen. Walker absent for the vote.

5. S.B. 109 Safety Belt Enforcement (K. Hale)

Sen. Hale explained the bill.

Rolayne Fairclough, Automobile Association of America, spoke in support of the bill.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed with Sen. Killpack, Sen. Walker, Sen. Hale and Sen. Mayne voting in favor of the bill and Sen. Jenkins voting in opposition.

MOTION: Sen. Jenkins moved to adjourn.

The motion passed unanimously at 8:50 a.m.

Sen. Sheldon L. Killpack, Committee Chair