

1 **DRIVING UNDER THE INFLUENCE PENALTIES**

2 **REVISIONS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike K. McKell**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Traffic Code by amending provisions relating to driving under the
11 influence penalties.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that a person who commits a driving under the influence violation is guilty
15 of a felony if the person, as a proximate result of having operated the vehicle in a
16 negligent manner, has inflicted bodily injury upon another person and the injured
17 person has incurred more than \$30,000 in medical expenses within 30 days of
18 sustaining the bodily injury; and

19 ▶ makes technical corrections.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-6a-503**, as last amended by Laws of Utah 2009, Chapter 214



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-6a-503** is amended to read:

30 **41-6a-503. Penalties for driving under the influence violations.**

31 (1) A person who violates for the first or second time Section 41-6a-502 is guilty of a:

32 (a) class B misdemeanor; or

33 (b) class A misdemeanor if the person:

34 (i) has also inflicted bodily injury upon another as a proximate result of having
35 operated the vehicle in a negligent manner;

36 (ii) had a passenger under 16 years of age in the vehicle at the time of the offense; or

37 (iii) was 21 years of age or older and had a passenger under 18 years of age in the
38 vehicle at the time of the offense.

39 (2) A person who violates Section 41-6a-502 is guilty of a third degree felony if:

40 (a) ~~[the person has also inflicted serious bodily injury upon another]~~ as a proximate
41 result of having operated the vehicle in a negligent manner[;]:

42 (i) the person has also inflicted serious bodily injury upon another; or

43 (ii) (A) the person has inflicted bodily injury upon another person; and

44 (B) the injured person described in Subsection (2)(a)(ii)(A) has incurred more than
45 \$30,000 in medical expenses within 30 days of sustaining the bodily injury;

46 (b) the person has two or more prior convictions as defined in Subsection
47 41-6a-501(2), each of which is within 10 years of:

48 (i) the current conviction under Section 41-6a-502; or

49 (ii) the commission of the offense upon which the current conviction is based; or

50 (c) the conviction under Section 41-6a-502 is at any time after a conviction of:

51 (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;

52 (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state
53 that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or

54 (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of
55 conviction is reduced under Section 76-3-402.

56 (3) A person is guilty of a separate offense for each victim suffering bodily injury or
57 serious bodily injury as a result of the person's violation of Section 41-6a-502 or death as a
58 result of the person's violation of Section 76-5-207 whether or not the injuries arise from the

59 same episode of driving.

Legislative Review Note
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Office of Legislative Research and General Counsel