

Representative Lee B. Perry proposes the following substitute bill:

DRIVING UNDER THE INFLUENCE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending driving under the influence provisions.

Highlighted Provisions:

This bill:

- changes one of the standards for a driving under the influence violation from "being under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle," to "being impaired to the slightest degree by alcohol, any drug, any substance, or any combination thereof;" and

- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-502, as last amended by Laws of Utah 2010, Chapter 109



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

27 Section 1. Section **41-6a-502** is amended to read:

28 **41-6a-502. Driving under the influence of alcohol, drugs, or a combination of**
29 **both or with specified or unsafe blood alcohol concentration -- Reporting of convictions.**

30 (1) A person may not operate or be in actual physical control of a vehicle within this
31 state if the person:

32 (a) has sufficient alcohol in the person's body that a subsequent chemical test shows
33 that the person has a blood or breath alcohol concentration of .08 grams or greater at the time
34 of the test;

35 (b) is ~~[under the influence of]~~ impaired to the slightest degree by alcohol, any drug, [or
36 ~~the combined influence of alcohol and any drug to a degree that renders the person incapable of~~
37 ~~safely operating a vehicle]~~ any substance, or any combination thereof; or

38 (c) has a blood or breath alcohol concentration of .08 grams or greater at the time of
39 operation or actual physical control.

40 (2) As used in Subsection (1)(b), "substance" means any substance, preparation, or a
41 combination of substances and preparations, other than alcohol or a drug, that is taken into a
42 person's body, including vapors or fumes, that may result in a condition of impairment or
43 intoxication.

44 (3) Subsection (1)(b) does not prohibit a person from operating or being in actual
45 physical control of a vehicle in this state with any measurable or detectable amount of alcohol
46 in the person's body.

47 ~~[(2)]~~ (4) Alcohol concentration in the blood shall be based upon grams of alcohol per
48 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of
49 alcohol per 210 liters of breath.

50 ~~[(3)]~~ (5) A violation of this section includes a violation under a local ordinance similar
51 to this section adopted in compliance with Section **41-6a-510**.

52 ~~[(4)]~~ (6) Beginning on July 1, 2012, a court shall, monthly, send to the Division of
53 Occupational and Professional Licensing, created in Section **58-1-103**, a report containing the
54 name, case number, and, if known, the date of birth of each person convicted during the
55 preceding month of a violation of this section for whom there is evidence that the person was
56 driving under the influence, in whole or in part, of a prescribed controlled substance.