

INTOXICATED DRIVING LIMIT CHANGES

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Dabakis

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the effective date on a statutory change of the blood alcohol limit for driving under the influence.

Highlighted Provisions:

This bill:

- ▶ modifies the uncodified effective date of a change in the blood alcohol level for driving under the influence, making it contingent on three other states passing laws with the same blood alcohol level; and

- ▶ if three other states have not passed laws with the same blood alcohol level, provides for the repeal of Laws of Utah 2017, Chapter 283.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

REPEALS:

Laws of Utah 2017, Chapter 283, if the contingency described in this bill is not met

Uncodified Material Affected:

AMENDS UNCODIFIED MATERIAL:

Uncodified Section 7, Laws of Utah 2017, Chapter 283

This uncodified section affects Sections [34A-3-112](#), [41-6a-501](#), [41-6a-502](#),



28 41-6a-515.6, 41-6a-529, and 76-5-207.

29

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

31 Section 1. **Uncodified Section 7, Laws of Utah 2017, Chapter 283** is amended to
32 read:

33 Section 7. **Effective date.**

34 (1) This bill takes effect on December 30, 2018[-], if on December 29, 2018, the Office
35 of Legislative Research and General Counsel certifies that three other states have laws in effect
36 that set the blood or breath alcohol concentration of .05 grams as an element of an offense of
37 driving under the influence, provided that the offense is based on alcohol and not on another
38 drug.

39 (2) In determining whether the standard established in Subsection (1) is met, the Office
40 of Legislative Research and General Counsel shall interpret "driving under the influence" to
41 mean an offense in another state, regardless of the name of the offense, that is substantively the
42 same as the definition of driving under the influence in Utah.

43 (3) To determine whether an offense of driving under the influence in another state is
44 substantively the same as an offense in Utah, the Office of Legislative Research and General
45 Counsel shall consider:

46 (a) whether the base offense for driving under the influence in the other state is
47 classified as a class B misdemeanor or a similar level of offense;

48 (b) the penalty imposed for a violation of the other state's similar statute;

49 (c) how the National Highway Traffic Safety Administration perceives the other state's
50 offense relative to federal standards for driving under the influence penalties; and

51 (d) the blood or breath alcohol concentration amount contained in the other state's
52 offense that was in effect before January 1, 2018.

53 Section 2. **Repealer.**

54 If Laws of Utah 2017, Chapter 283, Driving Under the Influence and Public Safety
55 Revisions, is not in effect on December 30, 2018, Laws of Utah 2017, Chapter 283, Driving
56 Under the Influence and Public Safety Revisions, is repealed.

57 Section 3. **Revisor instructions.**

58 If Section 2, Repealer, takes effect, the Legislature intends that the Office of Legislative

59 Research and General Counsel, in preparing the Utah Code database for publication, reverse
60 the changes made by Laws of Utah 2017, Chapter 283, Driving Under the Influence and Public
61 Safety Revisions, to the following sections:

- 62 (1) Section [34A-3-112](#) (Effective 12/30/2018);
- 63 (2) Section [41-6a-501](#) (Effective 12/30/2018);
- 64 (3) Section [41-6a-502](#) (Effective 12/30/2018);
- 65 (4) Section [41-6a-515.6](#) (Effective 12/30/2018);
- 66 (5) Section [41-6a-529](#) (Effective 12/30/2018); and
- 67 (6) Section [76-5-207](#) (Effective 12/30/2018).

Legislative Review Note
Office of Legislative Research and General Counsel