

**MINUTES OF THE
SENATE TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
FRIDAY, FEBRUARY 20, 2004, 4:00 P.M.
ROOM 403, STATE CAPITOL**

Members Present: Sen. Sheldon Killpack, Chair
Sen. Dan Eastman
Sen. Karen Hale
Sen. Peter C. Knudson
Sen. Howard A. Stephenson
Sen. Carlene M. Walker

Members Excused: Sen. Bill Hickman
Sen. Ed P. Mayne

Staff Present: Stewart E Smith, Policy Analyst
Karen Allred, Secretary

Public Speakers Present: Dr. George J. Van Komen, Chairman, Alcohol Policy Coalition
Robert Brown, Vice President, Utah Hospitality Association
Paul Boyden, Executive Director, Prosecutors' Association
Art Brown, President, MADD

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

Committee Chair Killpack called the meeting to order at 4:20 p.m.

MOTION: Sen. Knudson moved to approve the minutes of February 19, 2004.

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

1. S.B. 210 Motor Vehicle Insurance Enforcement Amendments (L. Blackham)

Sen. Blackham explained the bill.

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

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

2. 2nd Sub. H.B. 128 Amendments to Operating Under the Influence (D. Love)

Rep. Love explained the bill and handouts were distributed.

Dr. George J. Van Komen, Chairman, Alcohol Policy Coalition; Paul Boyden, Exec. Dir., Prosecutors' Association; and Art Brown, Pres. MADD, spoke in support of the bill.

Robert Brown, Vice Pres., Utah Hospitality Association, spoke in opposition to the bill.

MOTION: Sen. Walker moved to amend the bill as follows:

1. *Page 24, Lines 734 through 736:*

734 The Commission on Criminal and Juvenile Justice shall study child endangerment
 for
735 driving under the influence violations and report to the Transportation Interim
 Committee **and the Utah Substance Abuse and Anti-violence DUI Subcommittee**
 on or
736 before the November 2004 interim meeting.

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

MOTION: Sen. Eastman moved to adopt the following amendments:

1. *Page 12, Line 351:*

351 or tests of [his] [~~that~~] **the** person's breath, blood, [~~or~~] urine, or oral fluids may
 not select the test or

2. *Page 21, Lines 615 through 620:*

615 (4) (a) A person is guilty of a class B misdemeanor if:
616 (i) the person's conviction under Subsection (1) is based on the person driving a
 motor
617 vehicle while the person's driving privilege is suspended, disqualified, or revoked for **;**
 (A) any
618 violations listed in Subsections (3)(a)(i) through (3)(a) [~~(viii)~~] **(vi); or**
 (B) a violation listed in Subsection (3)(a)(vii) if the original revocation or
 suspension was based on any violations listed in Subsections (3)(a)(i) through
 (3)(a)(vi) ; and
619 (ii) the person had any alcohol in the person's body at the time of the violation under
620 Subsection (1).

3. *Page 21, Lines 621 through 627:*

- 621 (b) A person is guilty of a class B misdemeanor if:
- 622 (i) the person's conviction under Subsection (1) is based on the person driving a
623 motor
624 vehicle while the person's driving privilege is suspended, disqualified, or revoked by any
625 state,
626 the United States, or any district, possession, or territory of the United States for
627 violations
corresponding to :
(A) the violations listed in [~~Subsection~~] Subsections (3)(a)(i) through
(3)(a) [~~(viii)~~] (vi); or
(B) a violation listed in Subsection (3)(a)(vii) if the original revocation or
suspension was based on any violation corresponding to the violations listed in
Subsections (3)(a)(i) through (3)(a)(vi) ; and
- 626 (ii) the person had any alcohol in the person's body at the time of the violation under
627 Subsection (1).

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

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

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

MOTION: Sen. Walker moved to adjourn.

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

Chair Killpack adjourned the meeting at 5:30 p.m.

Sen. Sheldon L. Killpack, Committee Chair