



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • WEST OFFICE BUILDING, SUITE W115
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January 25, 2005

Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 42, ALCOHOL RESTRICTED DRIVERS**, by Senator C. Walker, with the following amendments:

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

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364 detectable amount of
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).

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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.

Respectfully,

Sheldon L Killpack
Committee Chair

Voting: 5-0-1

3 SB0042.SC1.WPD north/RCN SCH/BNC 1/25/05 8:26 am

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