

**MINUTES OF THE SENATE
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
TUESDAY, JANUARY 17, 2006, 2:00 P.M.
ROOM W020, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Sheldon Killpack, Chair
Sen. Curtis Bramble
Sen. Karen Hale
Sen. Scott Jenkins
Sen. Ed Mayne
Sen. Carlene Walker

Staff Present: Mark Steinagel, Policy Analyst
Karen Allred, Secretary

Public Speakers Present: Kim Gibb, Department of Public Safety
Art Brown, President, MADD
Dan Fallows, Department of Public Safety
David Creer, Utah Trucking Association
Rolayne Fairclough, AAA Utah

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

Committee Chair Killpack called the meeting to order at 2:20 p.m.

Sen. Jenkins assumed the chair.

1. S.B. 13 Commercial Driver License Amendments (S. Killpack)

Sen. Killpack introduced the bill and distributed **1st Sub. S.B. 13**.

MOTION: Sen. Hale moved to adopt **1st Sub. S.B. 13**.

The motion passed unanimously with Sen. Bramble and Sen. Mayne absent for the vote.

Kim Gibb, Department of Public Safety, spoke in support of the bill.

MOTION: Sen. Walker moved to pass **1st Sub. S.B. 13** out favorably.

The motion passed unanimously with Sen. Bramble and Sen. Mayne absent for the vote.

Chair Killpack resumed the chair.

2. S.B. 18 Driving Under the Influence Amendments (C. Walker)

The following amendments were distributed:

1. *Page 1, Lines 10 through 12:*

10 This bill modifies the Motor Vehicles Code, the State Affairs in General Code, **the**
Criminal Code, and the
11 Code of Criminal Procedure by amending provisions related to driving under the
12 influence violations.

2. *Page 2, Lines 47 through 48:*

47 63-55b-177, as enacted by Chapter 228, Laws of Utah 2004
76-5-207, as last amended by Chapter 2, Laws of Utah 2005
48 77-2a-3 (Effective 07/01/06), as last amended by Chapters 203 and 228, Laws of
Utah

3. *Page 14, Line 422:*

422 Section 77-2a-3.1 is repealed June 30, [~~2006~~] 2008.

Section 8. Section 76-5-207 is amended to read:

76-5-207. Automobile homicide.

(1) As used in this section, "motor vehicle" means any self-propelled vehicle and includes any automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.

(2) (a) Criminal homicide is automobile homicide, a third degree felony, if the person operates a motor vehicle in a negligent manner causing the death of another and:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) is 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; or

(iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) A conviction for a violation of this Subsection (2) is a second degree felony if it is subsequent to a conviction as defined in Subsection

~~{ 41-6a-502 }~~ 41-6a-501 (2).

(c) As used in this Subsection (2), "negligent" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(3) (a) Criminal homicide is automobile homicide, a second degree felony, if the person operates a motor vehicle in a criminally negligent manner causing the death of another and:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) is 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; or

(iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) As used in this Subsection (3), "criminally negligent" means criminal negligence as defined by Subsection 76-2-103(4).

(4) The standards for chemical breath analysis as provided by Section 41-6a-515 and the provisions for the admissibility of chemical test results as provided by Section 41-6a- 516 apply to determination and proof of blood alcohol content under this section.

(5) Calculations of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(1).

(6) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.

(7) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

MOTION: Sen. Walker moved to adopt the amendments.

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

Sen. Walker explained the bill.

Art Brown, President, MADD, spoke in support of the bill.

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

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

3. S.B. 63 Issuance and Display of License Plates (D. Eastman)

Sen. Eastman introduced the bill and answered questions from the committee.

Dan Fallows, Department of Public Safety, spoke in opposition to the bill.

Sen. Jenkins assumed the chair.

David Creer, Utah Trucking Association, spoke to the bill.

MOTION: Sen. Walker moved to go to the next item on the agenda.

The motion passed with Sens. Bramble, Walker, Hale and Mayne voting in favor, Sen. Jenkins voting in opposition and Sen. Killpack absent for the vote.

4. S.B. 118 Driving by Minors Amendments (K. Hale)

Sen. Hale explained the bill

Rolayne Fairclough, AAA Utah, spoke in support of the bill.

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

The motion passed with Sens. Bramble, Walker, Hale and Mayne voting in favor, Sen. Jenkins voting in opposition and Sen. Killpack absent for the vote.

MOTION: Sen. Bramble moved to adjourn.

The motion passed at 3:08 p.m. with Sens. Bramble, Walker, Jenkins, Hale, Mayne voting in favor and Sen. Killpack absent for the vote.

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Sen. Sheldon L. Killpack, Committee Chair