

S.B. 4

DRIVING UNDER THE INFLUENCE AMENDMENTS

Senator **Carlene M. Walker** proposes the following amendments:

1. *Page 2, Line 47:*

47 53-3-224, as last amended by Chapter 226, Laws of Utah 1999
- **53-3-227, as last amended by Chapters 2, 91, and 220, Laws of Utah 2005**

2. *Page 16, Lines 463 through 466:*

463 (7) If, after a hearing, the division determines that ~~{the person violated}~~ **a peace officer had**
reasonable grounds to believe that the person was driving a motor vehicle in violation of Section
464 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
465 notice, or if a hearing is not requested under this section, the division shall suspend the person's
466 license or permit to operate a motor vehicle for a period of:

3. *Page 16, Lines 487 through 488:*

487 (b) Persons not residing in the state shall file in Salt Lake County or the county where
488 the offense occurred, which resulted in the cancellation, suspension, or revocation.

Section 10. Section 53-3-227 is amended to read:

53-3-227. Driving a motor vehicle prohibited while driving privilege denied, suspended, disqualified, or revoked -- Penalties.

(1) A person whose driving privilege has been denied, suspended, disqualified, or revoked under this chapter or under the laws of the state in which the person's driving privilege was granted and who drives any motor vehicle upon the highways of this state while that driving privilege is denied, suspended, disqualified, or revoked shall be punished as provided in this section.

(2) A person convicted of a violation of Subsection (1), other than a violation specified in Subsection (3), is guilty of a class C misdemeanor.

(3) (a) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:

- (i) a refusal to submit to a chemical test under Section 41-6a-520;
- (ii) a violation of Section 41-6a-502;
- (iii) a violation of a local ordinance that complies with the requirements of Section 41-6a-510;
- (iv) a violation of Section 41-6a-517;
- (v) a violation of Section 76-5-207;
- (vi) a criminal action that the person plead guilty to as a result of a plea bargain after having been

originally charged with violating one or more of the sections or ordinances under this Subsection (3);

(vii) a revocation or suspension which has been extended under Subsection 53-3-220(2); ~~{or}~~

(viii) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1) ~~{or}~~ ;
or

(ix) a violation of Section 41-6a-530.

(b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsections (3)(a)(i) through (viii).

(c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

4. *Page 19, Lines 577 through 579:*

577 (8) If, after a hearing, the division determines that ~~{the person violated}~~ a peace officer had
578 reasonable grounds to believe that the person was driving a motor vehicle in violation of Subsection
579 (2)(a), if the person fails to appear before the division as required in the notice, or if the person
579 does not request a hearing under this section, the division shall:

Renumber remaining sections accordingly.