

DRIVING UNDER THE INFLUENCE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill amends provisions related to driving under the influence and novice drivers.

Highlighted Provisions:

This bill:

- ▶ delays the effective date of the reduction of the blood alcohol concentration limit from .08 to .05 until December 30, ~~H→~~ [2022] 2019 ~~←H~~ ;
- ▶ moves up the effective date and amends sections related to the definitions "novice driver," "novice learner driver," and "alcohol restricted driver";
- ▶ removes a novice driver and a novice learner driver;
- ▶ amends the definition of alcohol restricted driver; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

41-6a-501 (Effective 12/30/18), as last amended by Laws of Utah 2017, Chapter 283

41-6a-529 (Effective 12/30/18), as last amended by Laws of Utah 2017, Chapter 283

Utah Code Sections Affected by Revisor Instructions:

H.B. 345



152 (ii) has been convicted of a class A misdemeanor violation of Section 41-6a-502
 153 committed on or after July 1, 2008;

154 (d) within the last 10 years:

155 (i) has been convicted of an offense described in Subsection (1)(a)(i) which offense
 156 was committed within 10 years of the commission of a prior offense described in Subsection
 157 (1)(a)(i) for which the person was convicted; or

158 (ii) has had the person's driving privilege revoked for refusal to submit to a chemical
 159 test and the refusal is within 10 years after:

160 (A) a prior refusal to submit to a chemical test under Section 41-6a-520; or

161 (B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not
 162 based on the same arrest as the refusal;

163 (e) at any time has been convicted of:

164 (i) automobile homicide under Section 76-5-207 for an offense that occurred on or
 165 after July 1, 2005; or

166 (ii) a felony violation of Section 41-6a-502 for an offense that occurred on or after July
 167 1, 2005; or

168 (f) at the time of operation of a vehicle is under 21 years of age[~~;~~or].

169 [~~(g) is a novice learner driver or a novice licensed driver.~~]

170 (2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to
 171 a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77,
 172 Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if
 173 the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance
 174 agreement.

175 Section 3. **Uncodified Section 7, Laws of Utah 2017, Chapter 283**

176 is amended to read:

177 Section 7. **Effective date.**

178 This bill takes effect on December 30, [~~2018:~~] ~~H~~→ **[2022]** **2019** ←~~H~~, except that the
 178a changes to Sections
 179 41-6a-501 (Effective December 30, 2018) and 41-6a-529 (Effective December 30, 2018) take
 180 effect on May 8, 2018.

181 Section 4. **Revisor instructions.**

182 The Legislature intends that the Office of Legislative Research and General Counsel, in