

Representative Steve Eliason proposes the following substitute bill:

DRIVING UNDER THE INFLUENCE MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies penalties for driving under the influence if the individual is also convicted for driving in the wrong direction during the same occurrence.

Highlighted Provisions:

This bill:

- ▶ increases the penalty for driving under the influence to a class A misdemeanor if the individual was also driving in the wrong direction on a freeway or controlled-access highway during the same occurrence; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-503, as last amended by Laws of Utah 2009, Chapter 214

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section **41-6a-503** is amended to read:

27 **41-6a-503. Penalties for driving under the influence violations.**

28 (1) A person who violates for the first or second time Section **41-6a-502** is guilty of a:

29 (a) class B misdemeanor; or

30 (b) class A misdemeanor if the person:

31 (i) has also inflicted bodily injury upon another as a proximate result of having

32 operated the vehicle in a negligent manner;

33 (ii) had a passenger under 16 years of age in the vehicle at the time of the offense; ~~or~~

34 (iii) was 21 years of age or older and had a passenger under 18 years of age in the

35 vehicle at the time of the offense~~[-]; or~~

36 (iv) at the time of the violation of Section **41-6a-502**, also violated Section **41-6a-714**.

37 (2) A person who violates Section **41-6a-502** is guilty of a third degree felony if:

38 (a) the person has also inflicted serious bodily injury upon another as a proximate
39 result of having operated the vehicle in a negligent manner;

40 (b) the person has two or more prior convictions as defined in Subsection

41 **41-6a-501(2)**, each of which is within 10 years of:

42 (i) the current conviction under Section **41-6a-502**; or

43 (ii) the commission of the offense upon which the current conviction is based; or

44 (c) the conviction under Section **41-6a-502** is at any time after a conviction of:

45 (i) automobile homicide under Section **76-5-207** that is committed after July 1, 2001;

46 (ii) a felony violation of Section **41-6a-502** or a statute previously in effect in this state

47 that would constitute a violation of Section **41-6a-502** that is committed after July 1, 2001; or

48 (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of

49 conviction is reduced under Section **76-3-402**.

50 (3) A person is guilty of a separate offense for each victim suffering bodily injury or
51 serious bodily injury as a result of the person's violation of Section **41-6a-502** or death as a
52 result of the person's violation of Section **76-5-207** whether or not the injuries arise from the
53 same episode of driving.