



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 14, 2020

Mr. Speaker,

The Judiciary Committee recommends **H.B. 139**, DUI LIABILITY AMENDMENTS, by Representative S. Eliason, be replaced and reports a favorable recommendation on **1st Sub. H.B. 139**, DUI LIABILITY AMENDMENTS with the following amendments:

1. *Page 1, Lines 18 through 20:*

- 18 ▶ clarifies provisions related to driving in the wrong direction while driving under
the
19 influence; ~~{and}~~ =
 ▶ clarifies that the determination whether an individual is in actual physical
control of a vehicle includes consideration of the totality of the circumstances, and
creates a safe harbor provision related to that determination; and
20 ▶ makes technical changes.

2. *Page 2, Lines 44 through 52:*

- 44 (1) As used in this part:
45 (a) "Actual physical control" is determined by a consideration of the totality of
the circumstances, but does not include a circumstance in which:
46 (i) the person is asleep inside the vehicle;
47 (ii) the person is not in the driver's seat of the vehicle;
48 (iii) the engine of the vehicle is not running;
49 (iv) the vehicle is lawfully parked; and
50 (v) under the facts presented, it is evident that the person ~~{could not have
driven}~~ did not drive the
51 vehicle to the location while under the influence of alcohol, a drug, or the combined
influence
52 of alcohol and any drug.

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3. Page 16, Lines 470 through 472:

470 (7) A person is guilty of refusing a chemical test if a peace officer has issued
471 the warning required in Subsection (2)(a) and the person refuses to submit to a test
471 of the person's blood under Subsection (1) after a court has issued a warrant to draw and
472 test
472 the blood.

Respectfully,

Karianne Lisonbee
Chair

Voting: 9-1-2

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