

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:

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

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

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

(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.