



DUI LEGISLATIVE UPDATE  
(5/4/2022)

# H.B. 29 DRIVING OFFENSES AMENDMENTS

- ALIGNS PENALTIES FOR DUI OR DUI METABOLITE THAT RESULTS IN DEATH OR SERIOUS BODILY INJURY INTO ONE PART -- UCA §76-5-102.1 (INJURY), 76-5-207 (DEATH)
- IF NEGLIGENT OP.- & DUI -&INJURY/DEATH ,
- OR-OPERATES VEH. WITH CRIM. NEG. & MEASURABLE AMOUNT OF CONTROLLED SUBSTANCE, THEN:
  - INJURY-CLASS A
  - SERIOUS BODILY INJURY-F3
  - DEATH-F2

\*EXCEPTION – MED. MARIJUANA OR A VALID PRESCRIPTION\*

# H.B. 137 DUI AMENDMENTS

- SPECIFIED THAT BOTH BREATH AND BLOOD ALCOHOL LEVELS ARE RELEVANT FOR ENHANCED (AGGRAVATED) DUI OFFENSES AND PENALTIES.
- HIGHER PENALTIES FOR REFUSALS – SPECIFIED CLASS A'S INCLUDED
- CLARIFIED ON AGGRAVATED DUI OFFENSES-PRISON CAN BE SUSPENDED BUT NOT MANDATORY FINES OR TREATMENT
- DUI'S CAN BE CHARGED IF A PERSON IS
  - UNDER THE INFLUENCE
  - IN THE DRIVER'S SEAT
  - VEHICLE HAS AUTONOMOUS DRIVING SYSTEM (ADS)

# H.B. 143 DUI PENALTY AMENDMENTS

- RAISED THE LEVEL OF OFFENSE FOR SECOND DUI WITHIN 10 YEARS TO A CLASS A MISDEMEANOR

§41 – 6a – 502.5 (*Impaired not available on agg. dui's – blood & breath*)  
§41 – 6a – 503 (*Penalties, –Class A 2nd*)

- IF AN AGGRAVATED DUI:  
(ALCOHOL OVER .16, COMBO DRUGS AND ALCOHOL .05 OR GREATER (BY BLOOD OR BREATH), TWO OR MORE CONTROLLED SUBSTANCES (NOT SUBSCRIBED)  
THEN-IMPAIRED NOT AVAILABLE
- CLASS A MISDEANOR DUI  
DUI AND..  
PASSENGER YOUNGER THAN 16,  
21 YRS OR OLDER AND PASSENGER YOUNGER THAN 18,  
AT TIME OF DUI WAS ALSO DRIVING THE WRONG WAY ON HWY OR ENTERING HWY FROM  
NON-DESIGNATED AREA,  
HAD ONE PRIOR CONVICTION WITHIN 10 YEARS)

*§41-6a-528 (Reckless Driving 105 +)*  
*§41-6a-529 (Alc. Rest. Driv.-includes 512 convictions)*

- **RECKLESS DRIVING**

- WILLFUL OR WANTON DISREGARD FOR PERSONS OR PROPERTY
  - SPEEDING 105 OR GREATER
  - 3 OR MORE MOVING VIOLATIONS/CONTINUOUS DRIVING/ 3 MILES OR LESS

- **ALCOHOL RESTRICTED DRIVERS**

- CONVICTED OF 41-6a-512 (2 YEARS)
- 41-6a-512 DESCRIBES RECKLESS DRIVING PLUS UNDERLYING ALC/DRUGS  
(EG: DUI CHARGED, DEFENDANT OFFERED RECKLESS DRIVING -EVIDENTIARY ISSUES  
IN CASE ETC-BAC OF .12---UNDER 512 DUTY OF PROSECUTOR TO ALERT COURT AND  
COURT TO REPORT TO DLD  
\*\*GET AN AMENDED INFO IN ADVANCE??\*\*

## **\*\*FAILED\*\* H.B. 421**

STEVE BURTON ET. AL. WORKED TIRELESSLY ON THIS

-SOUGHT TO INCREASE INTERLOCK IN LIEU OF SUSPENSION OPTIONS BY:

- REMOVING RISK ASSESSMENT REQUIREMENT
- ALLOWING INTERLOCK IN LIEU OF SUSPENSIONS FOR REFUSALS
- CREDIT FOR EARLY INSTALLATION OF INTERLOCK IF COURT SUSPENSION OCCURS LATER
- JUDGE CANNOT HANDPICK INTERLOCK COMPANY

**\*\*THEY WILL CONTINUE TO WORK AND COME BACK WITH THE BILL NEXT SESSION\*\***



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