

H.501

An act relating to operating a motor vehicle under the influence of alcohol or drugs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. INTENT

It is the intent of the General Assembly that 23 V.S.A. § 1201(a)(3) as amended by this act be construed in the same manner that the Vermont Supreme Court has construed 23 V.S.A. § 1201(a)(2). In cases such as State v. Schmitt, 150 Vt. 503, 508 (1988) and State v. Storrs, 105 Vt. 180, 185 (1933), the Court has said that “under the influence of intoxicating liquor” means that a person’s full mental or physical abilities are diminished, impaired, or affected in the slightest degree by intoxicating liquor. It is the intent of the General Assembly that the words “under the influence of any other drug or under the combined influence of alcohol and any other drug” in 23 V.S.A. § 1201(a)(3) be interpreted in the same manner.

Sec. 2. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF

INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL

REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(2) when the person is under the influence of intoxicating liquor; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug ~~to a degree which renders the person incapable of driving safely~~; or

(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.