

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 501 entitled  
3 “An act relating to operating a motor vehicle under the influence of alcohol or  
4 drugs” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. INTENT

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

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

19 § 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF

20 INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL

21 REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

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

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

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

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

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

13 \* \* \*

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on passage.

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18 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE