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H.24

Introduced by Representatives Grad of Moretown, Conquest of Newbury,
LaLonde of South Burlington, and Viens of Newport City

Referred to Committee on

Date:

Subject: Crimes; DUI

Statement of purpose of bill as introduced: This bill proposes to prohibit the
operation of a motor vehicle by a person who has a 0.05 blood alcohol level
and any detectable amount of the psychoactive constituent of cannabis in his or
her body.

An act relating to drugged driving

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

Sec. 1. 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:

(A) 0.08 or more; or

1 (B) 0.02 or more if the person is operating a school bus as defined in
2 subdivision 4(34) of this title; or

3 (C) 0.04 or more if the person is operating a commercial motor
4 vehicle as defined in subdivision 4103(4) of this title; or

5 (D) 0.05 or more and the person has any detectable amount of
6 delta-9 tetrahydrocannabinol in his or her blood; or

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

8 (3) when the person is under the influence of any other drug or under the
9 combined influence of alcohol and any other drug; ~~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 (b) A person who has previously been convicted of a violation of this
14 section shall not operate, attempt to operate, or be in actual physical control of
15 any vehicle on a highway and refuse a law enforcement officer's reasonable
16 request under the circumstances for an evidentiary test ~~where~~ if the officer had
17 reasonable grounds to believe the person was in violation of subsection (a) of
18 this section.

19 (c) A person shall not operate, attempt to operate, or be in actual physical
20 control of any vehicle on a highway and be involved in an accident or collision
21 resulting in serious bodily injury or death to another and refuse a law

1 enforcement officer's reasonable request under the circumstances for an
2 evidentiary test ~~where~~ if the officer has reasonable grounds to believe the
3 person has any amount of alcohol or drugs in the system.

4 * * *

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on July 1, 2017.