

SENATE FILE NO. SF0054

Actual physical control-DUI.

Sponsored by: Senator(s) Hanes

A BILL

for

1 AN ACT relating to motor vehicle offenses; defining "actual
2 physical control" for purposes of specified alcohol related
3 offenses; and providing for an effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 31-5-233(a) by creating a new
8 paragraph (ii) and by renumbering (ii) through (v) as (iii)
9 through (vi) is amended to read:

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11 **31-5-233. Driving or having control of vehicle while**
12 **under influence of intoxicating liquor or controlled**
13 **substances; penalties.**

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15 (a) As used in this section:

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1 (ii) "Actual physical control" means being in
2 the driver's position of a motor vehicle with the motor
3 running or with the vehicle moving;

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5 ~~(ii)~~ (iii) "Controlled substance" includes:

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7 (A) Any drug or substance defined by W.S.
8 35-7-1002(a)(iv);

9
10 (B) Any glue, aerosol or other toxic vapor
11 which when intentionally inhaled or sniffed results in
12 impairment of an individual's ability to drive safely.

13
14 ~~(iii)~~ (iv) "Conviction" means as defined in W.S.
15 31-7-102(a)(xi);

16
17 ~~(iv)~~ (v) "Driver's license" means as defined in
18 W.S. 31-7-102(a)(xxv) and includes nonresident operating
19 privileges as defined in W.S. 31-7-102(a)(xxx);

20
21 ~~(v)~~ (vi) "Other law prohibiting driving while
22 under the influence" means a statute of another state, the
23 United States or a territory or district of the United
24 States or an ordinance of a governmental entity of this or

1 another state or of an Indian tribe which prohibits driving
2 while under the influence of intoxicating liquor, alcohol,
3 controlled substances or drugs.

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5 **Section 2.** This act is effective July 1, 2005.

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7

(END)