

## **CR1002 Actual Physical Control**

"Actual physical control" is determined by a consideration of the totality of the circumstances, but does not include a circumstance in which:

- (a) the person is asleep inside the vehicle;
- (b) the person is not in the driver's seat of the vehicle;
- (c) the engine of the vehicle is not running;
- (d) the vehicle is lawfully parked; and
- (e) under the facts presented, it is evident that the person did not drive the vehicle to the location while under the influence of alcohol, a drug, or the combined influence of alcohol and any drug.

## **References:**

- Utah Code Ann. § 41-6a-501(1)(a)