

CR1016: Drinking an Alcoholic Beverage in a Motor Vehicle

(DEFENDANT'S NAME) is charged [in Count ____] with committing Drinking an Alcoholic Beverage in a Motor Vehicle [on or about (DATE)]. You cannot convict [him] [her] of this offense unless, based on the evidence, you find beyond a reasonable doubt each of the following elements:

1. (DEFENDANT'S NAME);
2. Drank an alcoholic beverage while:
 - a. Operating a [golf cart], [a motor vehicle], [a motor assisted scooter], [or a class 2 electric assisted bicycle]; or
 - b. They were a passenger in a motor vehicle; and
3. The vehicle is moving, stopped, or parked on [any highway] [or waters of the state].

After you carefully consider all the evidence in this case, if you are convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant GUILTY. On the other hand, if you are not convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY.

References

- Utah Code sect. 41-6a-526(2)

Committee Notes

This instruction contains bracketed language, which suggests optional language. Please review and edit before finalizing this instruction.

Please note that this offense has several exceptions as outlined in 41-6a-526(4). The offense does not apply to passengers in the living quarters of a motor home or camper; who have carried an alcoholic beverage onto a limousine or chartered bus (in compliance with Subsections 32B-4-415(4)(b) and (c)); or in a motorboat on the waters of the state.

Practitioners may also find value in using additional instructions to define pertinent statutory terms, such as "Alcoholic Beverage," "Chartered Bus," "Limousine," or "Waters of the State."