

SENATE FILE NO. SF0049

Ignition interlock devices.

Sponsored by: Joint Transportation, Highways and Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicle licenses; authorizing a  
2 restricted license for specified drivers whose vehicles  
3 have ignition interlock devices installed; establishing  
4 criteria for issuing, suspending and revoking ignition  
5 interlock restricted licenses; providing a definition;  
6 granting rulemaking authority; providing penalties; and  
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 31-7-401 through 31-7-405 are created  
12 to read:

13

14

ARTICLE 4

15

IGNITION INTERLOCK LICENSES

16

1           **31-7-401. Ignition interlock licenses; definition;**  
2 **administration and enforcement.**

3

4           (a) For purposes of this article, "ignition interlock  
5 device" means an alcohol breath screening device, located  
6 inside the vehicle near the driver's seat and connected to  
7 the engine's ignition system, that prevents the vehicle  
8 from starting when it detects a blood alcohol concentration  
9 over an established limit.

10

11           (b) The department shall prescribe reasonable rules  
12 and regulations for the certification of ignition interlock  
13 devices and ignition interlock installers.

14

15           (c) The department shall prescribe reasonable rules  
16 and regulations and prescribe forms related to the issuance  
17 of ignition interlock restricted licenses as provided in  
18 this article.

19

20           **31-7-402. Issuance of ignition interlock restricted**  
21 **license; eligibility.**

22

23           (a) A person whose driver's license has been  
24 suspended pursuant to W.S. 31-6-107(a)(i) or

1 31-7-128(a)(ii) and who has served at least forty-five (45)  
2 days of the suspension period may apply to the department  
3 for an ignition interlock restricted license for the  
4 balance of the suspension period or one (1) year, whichever  
5 is greater.

6

7 (b) A person whose driver's license has been  
8 suspended pursuant to W.S. 31-6-107(a)(ii) or revoked  
9 pursuant to W.S. 31-7-127(a)(ii) and who has served at  
10 least forty-five (45) days of the suspension or revocation  
11 period may apply to the department for an ignition  
12 interlock restricted license for the balance of the  
13 suspension or revocation period.

14

15 (c) An ignition interlock restricted license issued  
16 pursuant to subsection (a) or (b) of this section shall  
17 entitle the licensee to drive upon the highways of this  
18 state during the period his previously issued license is  
19 otherwise suspended or revoked, subject to the following  
20 conditions:

21

22 (i) The licensee agrees in writing to the terms  
23 and conditions of this article;

24

1           (ii) Ignition interlock devices shall be  
2 installed, at the applicant's expense, by a certified  
3 ignition interlock installer on all personal motor vehicles  
4 driven by the applicant;

5

6           (iii) The applicant shall produce written  
7 verification from a certified ignition interlock installer  
8 that an ignition interlock device has been installed on a  
9 vehicle owned or operated by the applicant;

10

11           (iv) A department official shall verify the  
12 installation of the ignition interlock device on the  
13 applicant's vehicle;

14

15           (v) The driver's license and driving record of  
16 any person issued an ignition interlock license shall  
17 clearly indicate that the licensee may only operate a motor  
18 vehicle equipped with a functioning ignition interlock  
19 device, or as authorized under paragraph (vii) of this  
20 subsection;

21

22           (vi) An applicant for an ignition interlock  
23 restricted license shall file and maintain proof of

1 financial responsibility as required by W.S. 31-9-401  
2 through 31-9-414 for the period of the restricted license;

3

4 (vii) An ignition interlock device shall not be  
5 required on vehicles owned by the licensee's employer and  
6 driven by the licensee as a requirement of employment  
7 during working hours.

8

9 **31-7-403. Suspension or revocation of ignition**  
10 **interlock license.**

11

12 (a) Subject to the administrative hearing provisions  
13 of W.S. 31-7-105, the department shall suspend a person's  
14 ignition interlock restricted license when the department  
15 is notified that:

16

17 (i) An ignition interlock device required by  
18 this article is no longer installed or functional, except  
19 as required for normal repair and maintenance;

20

21 (ii) The licensee has failed to maintain proof  
22 of financial responsibility as required by this article.

23

1           (b) A suspension pursuant to subsection (a) of this  
2 section shall remain in effect until the licensee provides  
3 written evidence that the violation causing the suspension  
4 has been cured.

5

6           **31-7-404. Driving without interlock device.**

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8           (a) No person licensed under this article shall drive  
9 a personal motor vehicle, or drive an employer-owned motor  
10 vehicle for other than work-related purposes, without a  
11 functioning approved ignition interlock device.

12

13           (b) No person licensed under this article shall  
14 remove or otherwise circumvent an installed ignition  
15 interlock device during the period of the ignition  
16 interlock restricted license.

17

18           (c) A person violating subsection (a) or (b) of this  
19 section is guilty of a misdemeanor and shall be imprisoned  
20 for not less than seven (7) days nor more than six (6)  
21 months, and shall not be eligible for probation or  
22 suspension of sentence or release on any other basis until  
23 serving at least seven (7) days in jail. In addition, the  
24 person shall be fined not less than two hundred dollars

1 (\$200.00) nor more than seven hundred fifty dollars  
2 (\$750.00). A person convicted of a subsequent violation of  
3 subsection (a) or (b) of this section during the same  
4 license period is guilty of a misdemeanor and shall be  
5 imprisoned for not less than thirty (30) days nor more than  
6 six (6) months and shall not be eligible for probation,  
7 suspension of sentence or release on any other basis until  
8 serving at least thirty (30) days in jail. In addition,  
9 the person shall be fined not less than two hundred dollars  
10 (\$200.00) nor more than seven hundred fifty dollars  
11 (\$750.00) and shall no longer be eligible for an ignition  
12 interlock restricted license.

13

14 **31-7-405. Assisting another in defeating interlock**  
15 **device.**

16

17 (a) A person who knowingly assists another in  
18 removing or circumventing an ignition interlock device,  
19 including starting and operating a motor vehicle to be  
20 driven by an ignition interlock restricted licensee, is  
21 guilty of a misdemeanor.

22

23 (b) Subsection (a) of this section shall not apply to  
24 any person starting a vehicle when necessary in the

1 interest of safety or for the repair of the device or  
2 vehicle.

3

4 **Section 2.** W.S. 31-7-109(h)(vi) and by creating a new  
5 paragraph (vii), 31-7-117(a) and 31-7-119(d) are amended to  
6 read:

7

8 **31-7-109. Classes of licenses.**

9

10 (h) The following driver's license endorsements are  
11 special authorizations permitting the driver to operate  
12 certain types of motor vehicles or transport certain types  
13 of cargo if the endorsement is displayed on the driver  
14 license:

15

16 (vi) "K" prohibits the operation of a class "A"  
17 or class "B" vehicle equipped with air brakes;

18

19 (vii) "IIR" authorizes the operation of a  
20 vehicle equipped with an ignition interlock device as  
21 provided in article 4 of this chapter.

22

23 **31-7-117. Restricted licenses.**

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1           (a) Upon issuing a driver's license the division for  
2 good cause may impose restrictions suitable to the  
3 licensee's driving ability. The restrictions may require  
4 special mechanical control devices on any motor vehicle  
5 which the licensee may drive and any other restrictions  
6 upon the licensee the division determines to be necessary  
7 and reasonably likely to assure the safe driving of any  
8 motor vehicle by the licensee. The division may issue a  
9 restricted license to a person whose license has otherwise  
10 been suspended or revoked, as provided in article 4 of this  
11 chapter.

12

13           **31-7-119. Expiration and renewal; required tests;**  
14 **extension.**

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16           (d) Except as provided in article 4 of this chapter,  
17 any person whose license or privilege to drive a motor  
18 vehicle on the public highways has been revoked is not  
19 entitled to apply for a new license until the expiration of  
20 the period of revocation. Any person making false  
21 application for a new license before the expiration of the  
22 period of revocation is guilty of a misdemeanor punishable  
23 by imprisonment for not more than six (6) months, a fine of

1 not more than seven hundred fifty dollars (\$750.00), or  
2 both.

3

4 **Section 3.** This act is effective July 1, 2006.

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(END)