

ORIGINAL SENATE
FILE NO. 0137

ENROLLED ACT NO. 33, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to the operation of motor vehicles; specifying standards for the imposition of interlock device penalties related to driving while under the influence of alcohol; and providing for an effective date.

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

Section 1. W.S. 31-5-233(f)(ii) through (iv) and 31-5-234(f)(ii) through (iv) are amended to read:

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

(f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed:

(ii) For a first conviction where ~~the conviction is based on the person having the~~ department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. ~~from the date of conviction~~ For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

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(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.

(f) A person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed in subsection (e) of this section:

(ii) For a first conviction where the ~~conviction is based on the person having~~ department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. ~~from the date of conviction~~ For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

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(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

Section 2. This act shall apply only to persons who are charged with a violation of W.S. 31-5-233, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v), on or after July 1, 2011.

Section 3. This act is effective July 1, 2011.

END

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk