

ORIGINAL SENATE
FILE NO. 0049

ENROLLED ACT NO. 38, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

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

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

ARTICLE 4
IGNITION INTERLOCK LICENSES

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

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

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

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

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

(a) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(i) or 31-7-128(b)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, and who has served at least forty-five (45) days of the suspension period may apply to the department for an ignition interlock restricted license for the balance of the suspension period or one (1) year, whichever is greater.

(b) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(ii) or revoked pursuant to W.S. 31-7-127(a)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, and who has served at least forty-five (45) days of the suspension or revocation period may apply to the department for an ignition interlock restricted license for the balance of the suspension or revocation period.

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

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

(ii) Ignition interlock devices shall be

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installed, at the applicant's expense, by a certified ignition interlock installer on all motor vehicles driven by the applicant;

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

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

(v) The driver's license and driving record of any person issued an ignition interlock license shall clearly indicate that the licensee may only operate a motor vehicle equipped with a functioning ignition interlock device;

(vi) An applicant for an ignition interlock restricted license shall file and maintain proof of financial responsibility as required by W.S. 31-9-401 through 31-9-414 for the period of the restricted license.

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

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

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

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

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

31-7-404. Driving without interlock device.

(a) No person licensed under this article shall drive any motor vehicle, without a functioning approved ignition interlock device.

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

(c) A person violating subsection (a) or (b) of this section is guilty of a misdemeanor and shall be imprisoned for not less than seven (7) days nor more than six (6) months, and shall not be eligible for probation or suspension of sentence or release on any other basis until serving at least seven (7) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). A person convicted of a subsequent violation of subsection (a) or (b) of this section during the same license period is guilty of a misdemeanor and shall be imprisoned for not less than thirty (30) days nor more than six (6) months and shall not be eligible for probation, suspension of sentence or release on any other basis until serving at least thirty (30) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars

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(\$750.00) and shall no longer be eligible for an ignition interlock restricted license.

31-7-405. Assisting another in defeating interlock device.

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

(b) Subsection (a) of this section shall not apply to any person starting a vehicle when necessary in the interest of safety or for the repair of the device or vehicle.

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

31-7-109. Classes of licenses.

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

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

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

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31-7-117. Restricted licenses.

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

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

(d) Except as provided in article 4 of this chapter, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a new license until the expiration of the period of revocation. Any person making false application for a new license before the expiration of the period of revocation is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

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

(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