

SENATE FILE NO. SF0151

Ignition interlock.

Sponsored by: Senator(s) Kinskey, Baldwin and Christensen
and Representative(s) Dayton

A BILL

for

1 AN ACT relating to motor vehicle licenses; modifying when
2 ignition interlock devices are required; clarifying credit
3 for time spent on interlock devices; clarifying provisions
4 relating to persons prohibited from driving without an
5 interlock device and penalties; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 31-5-233(f)(intro), (ii) through (iv)
11 and by creating a new paragraph (vi), 31-7-402(a), (b), by
12 creating new subsections (e) through (g) and 31-7-404(a)
13 and (c)(intro) are amended to read:

14

1 **31-5-233. Driving or having control of vehicle while**
2 **under influence of intoxicating liquor or controlled**
3 **substances; penalties.**

4
5 (f) Any person convicted under this section or other
6 law prohibiting driving while under the influence as
7 defined in W.S. 31-5-233(a)(v), or whose prosecution under
8 this section is deferred under W.S. 7-13-301, shall, in
9 addition to the penalty imposed:

10
11 (ii) For a first conviction, or for a
12 prosecution deferred under W.S. 7-13-301, where the
13 department's administrative action indicates the person had
14 an alcohol concentration of fifteen one-hundredths of one
15 percent (0.15%) or more, operate only vehicles equipped
16 with an ignition interlock device, pursuant to W.S.
17 31-7-401 through 31-7-404, for a period of six (6) months
18 or in the alternative enroll in and successfully complete a
19 program established under the 24/7 Sobriety Program Act,
20 W.S. 7-13-1701 et seq., for a period of at least three (3)
21 months. For purposes of this paragraph, the department's
22 administrative action shall be deemed to indicate a person
23 had an alcohol concentration of fifteen one-hundredths of

1 one percent (0.15%) or more only after the person is
2 notified of and given the opportunity to pursue the
3 administrative procedures provided by W.S. 31-7-105;
4

5 (iii) For a second conviction, operate only
6 vehicles equipped with an ignition interlock device,
7 pursuant to W.S. 31-7-401 through 31-7-404, for a period of
8 one (1) year or, in the alternative enroll in and
9 successfully complete a program established under the 24/7
10 Sobriety Program Act, W.S. 7-13-1701 et seq., for a period
11 of at least six (6) months;
12

13 (iv) For a third conviction, operate only
14 vehicles equipped with an ignition interlock device,
15 pursuant to W.S. 31-7-401 through 31-7-404, for a period of
16 two (2) years or, in the alternative enroll in and
17 successfully complete a program established under the 24/7
18 Sobriety Program Act, W.S. 7-13-1701 et seq., for a period
19 of at least one (1) year;
20

21 (vi) Notwithstanding W.S. 31-7-105(f)(i) through
22 (iii) and (v)(A) and (B), while enrolled in a program under
23 the 24/7 Sobriety Program Act, W.S. 7-13-1701 et seq., a

1 person may be granted limited driving privileges under W.S.
2 31-7-105(f).

3
4 **31-7-402. Issuance of ignition interlock restricted**
5 **license; eligibility.**

6
7 (a) A person whose driver's license has been
8 suspended pursuant to W.S. 31-7-128(b)(ii) as a result of a
9 violation related to operating a vehicle under the
10 influence of alcohol, or whose license is otherwise
11 suspended and is required to operate only vehicles equipped
12 with an ignition interlock device, ~~and who has served at~~
13 ~~least forty-five (45) days of the suspension period~~ shall
14 apply to the department for an ignition interlock
15 restricted license for ~~the balance of~~ the suspension period
16 or other period required by law.

17
18 (b) A person whose driver's license has been revoked
19 pursuant to W.S. 31-7-127(a)(ii) as a result of a violation
20 related to operating a vehicle under the influence of
21 alcohol, or whose license is otherwise suspended and is
22 required to operate only vehicles equipped with an ignition
23 interlock device, ~~and who has served at least forty-five~~

1 ~~(45) days of the suspension or revocation period~~ or who is
2 required to operate only vehicles equipped with an ignition
3 interlock device under W.S. 31-5-233(f)(ii), shall apply to
4 the department for an ignition interlock restricted license
5 for ~~the balance of~~ the suspension or revocation period or
6 other period required by law unless the person has
7 completed a 24/7 program for the period of time required by
8 W.S. 31-5-233(f)(ii) through (iv).

9
10 (e) A person required to apply for an ignition
11 interlock restricted license shall not be eligible to
12 receive a driver's license without an ignition interlock
13 restriction until he has had the ignition interlock
14 restricted license for the period required by law or until
15 the person has completed a 24/7 program for the period of
16 time required by W.S. 31-5-233(f)(ii) through (iv). If the
17 person required to apply for an ignition interlock
18 restricted license resides in another state, the person may
19 meet the ignition interlock restricted license requirement
20 by completing the ignition interlock program in another
21 state for the period required by law.

22

1 (f) The time during which a person is licensed under
2 an ignition interlock restricted license prior to
3 conviction for the same incident shall be credited to the
4 person's post-conviction ignition interlock restricted
5 license requirements.

6
7 (g) For those persons enrolled in a program under the
8 24/7 Sobriety Program Act, W.S. 7-13-1701 et seq., time
9 spent enrolled in that program for the same incident shall
10 be credited to, or serve as a substitute for, the ignition
11 interlock requirements set forth in subsection (e) of this
12 section.

13
14 **31-7-404. Driving without interlock device.**

15
16 (a) No person ~~licensed under this article~~ required to
17 apply for an interlock restricted license, or whose driving
18 privileges have been restricted to operating vehicles with
19 an interlock device by a court or an agency shall drive any
20 motor vehicle, without a functioning and certified ignition
21 interlock device.

(c) A person ~~holding a restricted license under this~~
~~article~~ required to apply for an interlock restricted
license, or whose driving privileges have been restricted
to operating vehicles with an interlock device by a court
or an agency and who violates subsection (a) or (b) of this
section is guilty of a misdemeanor and shall:

7

8 **Section 2.** This act is effective July 1, 2017.

9

10 (END)