

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) and (ii),
11 31-7-402(a), (b), by creating new subsections (e) through
12 (g) and 31-7-404(a) and (c)(intro) are amended to read:

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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 For purposes of this paragraph, the department's
19 administrative action shall be deemed to indicate a person
20 had an alcohol concentration of fifteen one-hundredths of
21 one percent (0.15%) or more only after the person is
22 notified of and given the opportunity to pursue the
23 administrative procedures provided by W.S. 31-7-105;

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2 **31-7-402. Issuance of ignition interlock restricted**
3 **license; eligibility.**

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

15

16 (b) A person whose driver's license has been revoked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

1 interlock device under W.S. 31-5-233(f)(ii), shall apply to
2 the department for an ignition interlock restricted license
3 for ~~the balance of~~ the suspension or revocation period or
4 other period required by law.

5
6 (e) A person required to apply for an ignition
7 interlock restricted license shall not be eligible to
8 receive a driver's license without an ignition interlock
9 restriction until he has had the ignition interlock license
10 for the period required by law. If the person required to
11 apply for an ignition interlock license resides in another
12 state, the person may meet the ignition interlock license
13 requirement by completing the ignition interlock program in
14 another state for the period required by law.

15
16 (f) The time during which a person is licensed under
17 an ignition interlock restricted license prior to
18 conviction for the same incident shall be credited to the
19 person's post-conviction ignition interlock restricted
20 license requirements.

21
22 (g) For those persons enrolled in a program under the
23 24/7 Sobriety Program Act, W.S. 7-13-1701 et seq., time

1 spent enrolled in that program for the same incident shall
2 be credited to, or serve as a substitute for, the ignition
3 interlock requirements set forth in subsection (e) of this
4 section.

5
6 **31-7-404. Driving without interlock device.**

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8 (a) No person ~~licensed under this article~~ required to
9 apply for an interlock restricted license, or whose driving
10 privileges have been restricted to operating vehicles with
11 an interlock device by a court or an agency shall drive any
12 motor vehicle, without a functioning and certified ignition
13 interlock device.

14
15 (c) A person ~~holding a restricted license under this~~
16 ~~article~~ required to apply for an interlock restricted
17 license, or whose driving privileges have been restricted
18 to operating vehicles with an interlock device by a court
19 or an agency and who violates subsection (a) or (b) of this
20 section is guilty of a misdemeanor and shall:

