

SENATE FILE NO. SF0086

DUI recidivism reduction-driving privilege sanctions.

Sponsored by: Senator(s) Kinskey, Baldwin and Nethercott  
and Representative(s) Olsen and Pownall

A BILL

for

1 AN ACT relating to motor vehicle licenses; creating a  
2 restricted driver's license for participants in 24/7  
3 programs; providing additional driving privilege sanctions  
4 for driving while under the influence convictions and  
5 penalties for violations; providing an alternative to  
6 required ignition interlock devices; modifying when  
7 ignition interlock devices are required; clarifying credit  
8 for time spent on interlock devices; amending provisions  
9 relating to persons prohibited from driving without an  
10 interlock device and penalties; creating an account;  
11 repealing the sunset date for the 24/7 program; and  
12 providing for an effective date.

13

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

15

1           **Section 1.** W.S. 31-7-501 and 31-7-502 are created to  
2 read:

3

4

ARTICLE 5

5

24/7 LICENSES

6

7

**31-7-501. 24/7 licenses; definitions; account;**

8

**administration and enforcement.**

9

10           (a) For purposes of this article:

11

12                   (i) "24/7 sobriety program" means a program  
13 created under W.S. 7-13-1701 through 7-13-1710;

14

15                   (ii) "24/7 restricted driver's license" means a  
16 driver's license issued under W.S. 31-7-109(m);

17

18                   (iii) "24/7 administrator" means the 24/7  
19 sobriety program director authorized by W.S. 7-13-1710. In  
20 the absence of a 24/7 sobriety program director, the 24/7  
21 administrator shall be the attorney general or his  
22 designee;

23

1           (iv) "Department" means the Wyoming department  
2 of transportation;

3

4           (v) "Indigent person" means a person able to  
5 produce evidence that he is eligible and qualified to  
6 participate in the federal supplemental nutrition  
7 assistance program.

8

9           (b) The department shall prescribe reasonable rules  
10 and regulations and prescribe forms related to the issuance  
11 of 24/7 restricted driver's licenses as provided in this  
12 article.

13

14           (c) The department shall establish a fee chargeable  
15 to every person applying for a 24/7 restricted driver's  
16 license. The fee shall compensate the department for all  
17 the costs directly associated with administering 24/7  
18 restricted driver's licenses required by this article, but  
19 in no event shall the fee exceed one hundred twenty-five  
20 dollars (\$125.00). The fee shall not be collected from any  
21 indigent person.

22

1 (d) There is created the 24/7 restricted driver's  
2 license account. All monies received by the department  
3 under subsection (c) of this section shall be deposited  
4 into the 24/7 account. Interest earned on monies in the  
5 account shall be credited to the account. All monies in  
6 the account including earned interest are continuously  
7 appropriated to the department and shall be expended only  
8 for the purpose of administering 24/7 restricted driver's  
9 licenses required by this article.

10  
11 **31-5-502. 24/7 restricted license requirements;**  
12 **revocation; penalties.**

13  
14 (a) A person ordered to participate pursuant to W.S.  
15 31-5-233(n) in a 24/7 program as an alternative to the  
16 requirements of W.S. 31-5-233(f)(ii) through (iv), shall  
17 not be eligible to receive an unrestricted driver's license  
18 until he has held the 24/7 restricted license for the  
19 period required by W.S. 31-5-233(n). The time during which  
20 a person can demonstrate enrollment in and compliance with  
21 a 24/7 program prior to conviction for the same incident  
22 shall be credited to the person's post-conviction  
23 restricted license requirements under W.S. 31-5-233(n).

1

2 (b) If a person ordered to participate in a 24/7  
3 program, as described in subsection (a) of this section,  
4 fails to comply with the requirements of the program or  
5 otherwise ceases to participate in the program prior to  
6 completing the program, the 24/7 administrator shall  
7 immediately notify the department. The department shall  
8 immediately revoke the person's 24/7 restricted driver's  
9 license.

10

11 (c) A person whose 24/7 restricted driver's license  
12 is revoked must apply to the department for an ignition  
13 interlock restricted license for the balance of the period  
14 required by W.S. 31-5-233(n).

15

16 (d) A person whose 24/7 restricted driver's license  
17 is revoked under subsection (b) of this section shall not  
18 drive any motor vehicle on the highways of this state  
19 unless the person has been issued an ignition interlock  
20 restricted license for the balance of the period required  
21 by W.S. 31-5-233(f).

22

1           (e) A person who violates subsection (d) of this  
2 section is guilty of a misdemeanor and shall:

3

4           (i) For a first offense, be imprisoned for not  
5 less than seven (7) days nor more than six (6) months, and  
6 shall not be eligible for probation, suspension of sentence  
7 or release on any other basis until serving at least seven  
8 (7) days in jail. In addition, the person shall be fined  
9 not less than two hundred dollars (\$200.00) nor more than  
10 seven hundred fifty dollars (\$750.00);

11

12           (ii) For a second or subsequent violation of  
13 subsection (d) of this section during the same license  
14 revocation period, be imprisoned for not less than thirty  
15 (30) days nor more than six (6) months, and shall not be  
16 eligible for probation, suspension of sentence or release  
17 on any other basis until serving at least thirty (30) days  
18 in jail. In addition, the person shall be fined not less  
19 than two hundred dollars (\$200.00) nor more than seven  
20 hundred fifty dollars (\$750.00).

21

22           **Section 2.** W.S. 31-5-233(f)(intro), (ii) through (iv)  
23 and by creating a new subsection (n), 31-7-109 by creating

1 a new subsection (m), 31-7-402(a), (b) and by creating new  
2 subsections (e) and (f) and 31-7-404(a) and (c)(intro) are  
3 amended to read:

4

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

8

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

14

15 (ii) Except as provided in subsection (n) of  
16 this section, for a first conviction, or for a prosecution  
17 deferred under W.S. 7-13-301, where the department's  
18 administrative action indicates the person had an alcohol  
19 concentration of fifteen one-hundredths of one percent  
20 (0.15%) or more, operate only vehicles equipped with an  
21 ignition interlock device, pursuant to W.S. 31-7-401  
22 through 31-7-404, for a period of six (6) months. For  
23 purposes of this paragraph, the department's administrative

1 action shall be deemed to indicate a person had an alcohol  
2 concentration of fifteen one-hundredths of one percent  
3 (0.15%) or more only after the person is notified of and  
4 given the opportunity to pursue the administrative  
5 procedures provided by W.S. 31-7-105;

6  
7 (iii) Except as provided in subsection (n) of  
8 this section, for a second conviction, operate only  
9 vehicles equipped with an ignition interlock device,  
10 pursuant to W.S. 31-7-401 through 31-7-404, for a period of  
11 one (1) year;

12  
13 (iv) Except as provided in subsection (n) of  
14 this section, for a third conviction, operate only vehicles  
15 equipped with an ignition interlock device, pursuant to  
16 W.S. 31-7-401 through 31-7-404, for a period of two (2)  
17 years;

18  
19 (n) The court may, as an alternative or in addition  
20 to the requirements of W.S. 31-5-233(f)(ii) through (iv),  
21 require a person restricted to operating only motor  
22 vehicles equipped with an ignition interlock device under  
23 W.S. 31-5-233(f)(ii) through (iv) to participate in a

1 program established under the 24/7 Sobriety Program Act,  
2 W.S. 7-13-1701 et seq., for the period specified under W.S.  
3 31-5-233(f)(ii) through (iv). A person required to  
4 participate in a 24/7 program as an alternative to the  
5 requirements of W.S. 31-5-233(f)(ii) through (iv) shall be  
6 granted a restricted driver's license under W.S.  
7 31-7-109(m) upon proper application under rules established  
8 by the department and provided that the person enrolls in  
9 and complies with the requirements of the 24/7 program.

10  
11 **31-7-109. Classes of licenses.**

12  
13 (m) The restricted driver's license "24/7" authorizes  
14 the driver to operate a vehicle as provided in W.S.  
15 31-5-233(n). This restricted license shall not permit a  
16 driver to operate a motor vehicle that requires a  
17 commercial driver's license.

18  
19 **31-7-402. Issuance of ignition interlock restricted**  
20 **license; eligibility.**

21  
22 (a) A person whose driver's license has been  
23 suspended pursuant to W.S. 31-7-128(b)(ii) as a result of a

1 violation related to operating a vehicle under the  
2 influence of alcohol, or whose license is otherwise  
3 suspended and is required to operate only vehicles equipped  
4 with an ignition interlock device, ~~and who has served at~~  
5 ~~least forty five (45) days of the suspension period~~ shall  
6 apply to the department for an ignition interlock  
7 restricted license for ~~the balance of~~ the suspension period  
8 or other period required by law.

9  
10 (b) A person whose driver's license has been revoked  
11 pursuant to W.S. 31-7-127(a)(ii) as a result of a violation  
12 related to operating a vehicle under the influence of  
13 alcohol, or whose license is otherwise suspended and is  
14 required to operate only vehicles equipped with an ignition  
15 interlock device, ~~and who has served at least forty five~~  
16 ~~(45) days of the suspension or revocation period~~ or who is  
17 required to operate only vehicles equipped with an ignition  
18 interlock device under W.S. 31-5-233(f)(ii), shall apply to  
19 the department for an ignition interlock restricted license  
20 for ~~the balance of~~ the suspension or revocation period or  
21 other period required by law.

22

1       (e) A person required to apply for an ignition  
2 interlock restricted license under subsection (a) or (b) of  
3 this section shall not be eligible to receive a driver's  
4 license without an ignition interlock restriction until he  
5 has held the ignition interlock license for the period  
6 required by law. If a person required to apply for an  
7 ignition interlock license resides in another state, the  
8 person may meet the ignition interlock license requirement  
9 by completing the ignition interlock program in another  
10 state for the period required by Wyoming law.

11  
12       (f) The time during which a person can demonstrate  
13 installation and compliance with a department approved  
14 ignition interlock device prior to conviction for the same  
15 incident shall be credited to the person's post-conviction  
16 ignition interlock restricted license requirements.

17  
18       **31-7-404. Driving without interlock device.**

19  
20       (a) No person ~~licensed under this article~~ shall drive  
21 any motor vehicle~~7~~ without a functioning and certified  
22 ignition interlock device~~7~~ if:

23

1           (i) He is licensed under this article;

2

3           (ii) He is required to apply for an interlock  
4 restricted license under W.S. 31-7-402(a) or (b); or

5

6           (iii) His driving privileges have been  
7 restricted to operating vehicles with an interlock device  
8 by a court or by operation of law.

9

10           (c) A person ~~holding a restricted license under this~~  
11 ~~article~~ who violates subsection (a) or (b) of this section  
12 is guilty of a misdemeanor and shall:

13

14           **Section 3.** W.S. 7-13-1711 is repealed.

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16           **Section 4.** This act is effective July 1, 2018.

17

18

(END)