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Subject: Ignition interlock required to reinstate driving privileges

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Overview

This bill establishes a driver's license reinstatement procedure for certain DWI violations; requires the commissioner of public safety to establish performance standards through the rulemaking procedure; and provides that driving after a DWI-related license suspension is a misdemeanor which may not appear on the Statewide Payables List.

Section

1 Reinstatement of driving privileges; multiple incidents. Requires certain DWI offenders to either (1) participate in the ignition interlock program or (2) not own or lease a vehicle and have no DWI or driver's license violations before the person's driver's license may be reinstated.

For a person who uses ignition interlock, that person must comply with the program for one year if the individual's license was revoked for (1) a second qualified prior impaired driving incident in ten years or (2) a third qualified prior impaired driving incident in the person's lifetime. The provision requires two years of ignition interlock for a person whose license was revoked for either of those reasons and the person either (1) had an alcohol concentration of twice the legal limit or (2) refused to submit a required breath, blood, or urine sample.

Under current law, the commissioner of public safety must establish performance standards and a process for certifying chemical monitoring devices. Those standards and procedures are exempt from rulemaking requirements. This bill would require them to follow the full rulemaking process.

Section

2

Driving after a DWI-related suspension, revocation, or cancellation; misdemeanor.

Creates a misdemeanor offense for driving after a driver's license has been suspended, revoked, or cancelled for a DWI-related offense and prohibits the Judicial Council from including this offense on the Statewide Payables List. The new offense does not replace the crime of driving with a license cancelled because the person's operation of a motor vehicle would be inimical to public safety.