

# STATE OF WYOMING GENERAL SESSION 2011

## Chapter 39

### IGNITION INTERLOCK DEVICES

Original Senate File No. 137

AN ACT relating to the operation of motor vehicles; specifying standards for the imposition of interlock device penalties related to driving while under the influence of alcohol; and providing for an effective date.

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

**Section 1.** W.S. 31-5-233(f)(ii) through (iv) and 31-5-234(f)(ii) through (iv) are amended to read:

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

(f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed:

(ii) For a first conviction where ~~the conviction is based on the person having the department's administrative action indicates the person had~~ an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. ~~from the date of conviction. For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;~~

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

**31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.**

(f) A person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed in subsection (e) of this section:

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(ii) For a first conviction where the ~~conviction is based on the person having department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. from the date of conviction.~~ For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

**Section 2.** This act shall apply only to persons who are charged with a violation of W.S. 31-5-233, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v), on or after July 1, 2011.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.