

1 S.103

2 Introduced by Senators Illuzzi and Sears

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; operation of vehicles; ignition interlock devices

6 Statement of purpose: This bill proposes to allow the department of motor
7 vehicles to issue an ignition interlock driver's license to a person whose
8 driver's license has been suspended for operating under the influence. An
9 ignition interlock system is a device similar to a breathalyzer which is installed
10 in a vehicle's dashboard. It allows a motor vehicle to be operated only after
11 the driver has blown into it and the device determines that the driver's blood
12 alcohol is below a certain limit. The bill would require the person receiving
13 the ignition interlock driver's license to pay the costs of installing, removing,
14 and leasing the ignition interlock device.

15 An act relating to ignition interlock drivers' licenses

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 23 V.S.A. § 1200 is amended to read:

18 § 1200. DEFINITIONS

19 As used in this subchapter:

20 * * *

1 (8) “Department” means the department of motor vehicles.

2 (9) “Ignition interlock driver’s license” means a permit issued to a
3 person by the department that allows the person to operate a noncommercial
4 motor vehicle with an ignition interlock device while the person’s regular
5 driver’s license is suspended or revoked.

6 Sec. 2. 23 V.S.A. § 1207 is added to read:

7 § 1207. IGNITION INTERLOCK DRIVER’S LICENSE

8 (a) Any person whose operator’s license has been suspended or revoked for
9 operating a motor vehicle while under the influence of intoxicating liquor in
10 violation of section 1201 of this title, other than for a violation with death
11 resulting under subsection 1210(e) of this title, may submit an application to
12 the department for an ignition interlock driver’s license. The department, upon
13 receipt of a \$100.00 fee and upon determining that the petitioner is eligible to
14 receive the license, may issue an ignition interlock driver’s license.

15 (b) A person who is eligible for an ignition interlock driver’s license may
16 apply for the license at anytime, including immediately after receiving notice
17 of suspension under section 1205 of this title, or after his or her license is
18 suspended or revoked. A person receiving an ignition interlock driver’s
19 license waives his or her right to an appeal under section 1205 of this title.

1 (c) An applicant under this section shall provide proof to the department
2 that a functioning ignition interlock device has been installed on all vehicles
3 operated by the person.

4 (d) The department shall require the person to maintain the ignition
5 interlock device on all vehicles operated by the person and shall restrict the
6 person to operating only vehicles which are equipped with the device for the
7 remainder of the period of suspension or revocation.

8 (e) An ignition interlock driver's license issued pursuant to this section
9 shall remain valid through the remaining portion of any concurrent or
10 consecutive suspension or revocation that is in effect at the time the person
11 applied for the license. The license shall expire on the day after the expiration
12 of the suspension or revocation period.

13 (f) An applicant for an ignition interlock driver's license under subsection
14 (a) of this section is eligible to receive a license only if:

15 (1) the applicant has not committed grossly negligent operation with
16 death resulting in violation of subsection 1091(b) of this title or operating a
17 motor vehicle under the influence of intoxicating liquor death resulting in
18 violation of subsection 1210(e) of this title within the seven years preceding
19 the date that the person applies for the ignition interlock driver's license; and

20 (2) the applicant files proof of financial responsibility under section 800
21 of this title.

1 (g) If the department determines that a holder of an ignition interlock
2 driver's license no longer has a functioning ignition interlock device installed
3 on all vehicles operated by the driver, the department shall give written notice
4 by first-class mail to the driver that the ignition interlock driver's license shall
5 be cancelled. The effective date of cancellation shall be 15 days from the date
6 of mailing the notice. If at any time before the cancellation goes into effect the
7 department determines that a functioning ignition interlock device has been
8 installed on all vehicles operated by the driver, the cancellation shall be
9 rescinded. If the cancellation becomes effective, the department may issue, at
10 no additional charge to the driver, a new ignition interlock driver's license if it
11 determines that a functioning ignition interlock device has been installed on all
12 vehicles operated by the driver.

13 (h) A person who is denied an ignition interlock driver's license may
14 request a hearing before the commissioner pursuant to section 105 of this title.

15 (i) The department shall cancel an ignition interlock driver's license upon
16 receipt of notice that the license holder has been convicted of operating a
17 motor vehicle in violation of its restrictions, or of a separate offense under this
18 title that would warrant suspension or revocation of a regular operator's
19 license.

20 (j) Unless costs are waived by the ignition interlock company, the applicant
21 shall pay the cost of installing, removing, and leasing the ignition interlock

1 device and shall pay an additional fee of \$20.00 per month. The company
2 shall remit the additional \$20.00 fee to the department, which shall deposit the
3 fees into the ignition interlock device revolving fund established pursuant to
4 section 1207a of this title.

5 (k) The department shall adopt rules to implement ignition interlock
6 licensing. The department shall consult with the court administrator, the
7 Vermont state police, the department of state's attorneys and sheriffs, the
8 defender general, ignition interlock companies, and any other organizations or
9 entities the department deems appropriate.

10 Sec. 3. 23 V.S.A. § 1207a is added to read:

11 § 1207a. IGNITION INTERLOCK DEVICE REVOLVING FUND

12 There is established an ignition interlock device revolving fund within the
13 department of motor vehicles to help indigent persons pay for ignition
14 interlock licensing fees and the costs of installing, removing, and leasing
15 ignition interlock devices. The department shall deposit into the fund all fees
16 received from ignition interlock companies pursuant to subsection 1207(j) of
17 this section. Expenditures from the fund may be used only to administer and
18 operate the ignition interlock device revolving fund program. The department
19 shall adopt rules to administer the fund consistent with this section.

1 Sec. 4. MONITORING AND REPORT

2 (a) The department of motor vehicles shall monitor compliance by persons
3 required to use ignition interlock devices and by ignition interlock companies
4 and vendors. The department shall:

5 (1) review the number of ignition interlock devices that are required to
6 be installed in the state and the number of ignition interlock devices actually
7 installed;

8 (2) work to identify persons who are not complying with the ignition
9 interlock requirements or are repeatedly violating ignition interlock
10 requirements; and

11 (3) identify ways to track compliance and to reduce noncompliance.

12 (b) The department shall report the results of its findings under this section
13 to the house and senate committees on judiciary on or before January 15, 2010,
14 and on or before January 15 of each year thereafter.