

1 H.783

2 Introduced by Representatives Toleno of Brattleboro, Burke of Brattleboro,

3 Conquest of Newbury, and Marek of Newfane

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; ignition interlock devices

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Commissioner of Motor Vehicles to waive a requirement that a person whose
9 license is reinstated under the total abstinence program operate under an
10 ignition interlock restricted driver license for one year following reinstatement,
11 if the person establishes that he or she is incapable, because of a medical
12 condition, of providing an adequate breath sample, and submits to alternative
13 monitoring of his or her alcohol consumption.

14 An act relating to license reinstatement under the total abstinence program
15 and ignition interlock devices

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

17 Sec. 1. 23 V.S.A. § 1209a(b) is amended to read:

18 (b) Abstinence.

19 (1) Notwithstanding any other provision of this subchapter, a person
20 whose license has been suspended for life under this subchapter may apply to

1 the Driver Rehabilitation School Director and to the Commissioner for
2 reinstatement of his or her driving privilege. The person shall have completed
3 three years of total abstinence from consumption of alcohol or drugs, or both.
4 The beginning date for the period of abstinence shall be no sooner than the
5 effective date of the suspension from which the person is requesting
6 reinstatement and shall not include any period during which the person is
7 serving a sentence of incarceration to include furlough. The application to the
8 Commissioner shall be accompanied by a fee of \$500.00. The Commissioner
9 shall have the discretion to waive the application fee if the Commissioner
10 determines that payment of the fee would present a hardship to the applicant.

11 (2) If the Commissioner, or a medical review board convened by the
12 Commissioner, is satisfied by a preponderance of the evidence that the
13 applicant has abstained for the required number of years immediately
14 preceding the application and hearing, has successfully completed a therapy
15 program as required under this section and the person appreciates that he or she
16 cannot drink any amount of alcohol and drive safely, the person's license shall
17 be reinstated immediately, subject to the condition that the person's suspension
18 will be put back in effect in the event any further investigation reveals a return
19 to the consumption of alcohol or drugs and to such additional conditions as the
20 Commissioner may impose and, if the person has not previously operated for
21 three years under an ignition interlock RDL, subject to the additional condition

1 that the person shall operate under an ignition interlock restricted driver's
2 license for a period of at least one year following reinstatement under this
3 subsection. However, the Commissioner may waive the one-year requirement
4 to operate under an ignition interlock restricted driver's license if a person
5 establishes that he or she is incapable, because of a medical condition, of
6 providing a breath sample sufficient for use of an ignition interlock device, and
7 if the person submits to alternative monitoring of his or her alcohol
8 consumption as prescribed by the Commissioner.

9 (3) If after notice and hearing the Commissioner later finds that the
10 person was violating the conditions of the person's reinstatement under this
11 subsection, the person's operating license or privilege to operate shall be
12 immediately suspended for the period of the original suspension.

13 (4) If the Commissioner finds that a person reinstated under this
14 subsection was suspended pursuant to section 1205 of this title, or was
15 convicted of a violation of section 1201 of this title, the person shall be
16 conclusively presumed to be in violation of the conditions of his or her
17 reinstatement.

18 (5) A person shall be eligible for reinstatement under this subsection
19 only once following a suspension for life.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.