

HOUSE BILL NO. HB0155

Minors driving after consumption of alcohol.

Sponsored by: Representative(s) Simpson, Boswell,  
Childers, Jones, McGraw, Rose and  
Wasserburger and Senator(s) Mockler and  
Scott

A BILL

for

1 AN ACT relating to minors driving vehicles with a  
2 detectable alcohol concentration; providing a definition;  
3 modifying and providing penalties; conforming provisions;  
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 31-5-234(a)(i), by creating a new  
9 paragraph (iv) and by creating new subsections (e) through  
10 (h), 31-6-108(b)(i) and (n)(i) and 31-7-128(h)(i)(A) and  
11 (B) are amended to read:

12

13 **31-5-234. Unlawful operation of vehicle by youthful**  
14 **driver with detectable alcohol concentration; penalty.**

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1 (a) As used in this section:

2

3 (i) "Alcohol concentration" means: ~~as defined by~~  
4 ~~W.S. 31-5-233(a)(i);~~

5

6 (A) The number of grams of alcohol per one  
7 hundred (100) milliliters of blood;

8

9 (B) The number of grams of alcohol per two  
10 hundred ten (210) liters of breath; or

11

12 (C) The number of grams of alcohol per  
13 seventy-five (75) milliliters of urine.

14

15 (iv) "Conviction" means as defined by W.S.  
16 31-7-102(a)(xi).

17

18 (e) A person convicted of violating this section  
19 shall be guilty of a misdemeanor punishable by a fine of  
20 not more than seven hundred fifty dollars (\$750.00). A  
21 person convicted of violating this section a second time  
22 within one (1) year of the first conviction is guilty of a  
23 misdemeanor punishable by imprisonment for not more than  
24 six (6) months, a fine of not less than two hundred dollars

1 (\$200.00) nor more than seven hundred fifty dollars  
2 (\$750.00) or both. A person convicted of a third or  
3 subsequent conviction under this section within two (2)  
4 years shall be guilty of a misdemeanor punishable by  
5 imprisonment for not less than seven (7) days nor more than  
6 six (6) months and shall not be eligible for probation or  
7 suspension of sentence or release on any other basis until  
8 he has served at least seven (7) days in jail except as  
9 otherwise provided in this subsection. The court may order  
10 the person to undergo a substance abuse assessment and  
11 complete any recommended treatment for any conviction under  
12 this section. Notwithstanding the minimum period of  
13 imprisonment for a third or subsequent violation, the court  
14 may suspend up to five (5) days of the mandatory period of  
15 imprisonment if, subsequent to the date of the current  
16 violation, the offender completes an inpatient treatment  
17 program approved by the court. In addition, the person may  
18 be fined not less than three hundred dollars (\$300.00) nor  
19 more than seven hundred fifty dollars (\$750.00). The judge  
20 may suspend part or all of the discretionary portion of an  
21 imprisonment sentence under this subsection and place the  
22 defendant on probation on condition that the defendant  
23 pursues and completes an alcohol education or treatment  
24 program as prescribed by the judge. Notwithstanding any

1 other provision of law, the term of probation imposed by a  
2 judge under this section may exceed the maximum term of  
3 imprisonment established for the offense under this  
4 subsection provided the term of probation together with any  
5 extension thereof, shall in no case exceed three (3) years.

6  
7 (f) A person convicted under this section or a  
8 municipal ordinance which substantially conforms to the  
9 provisions of this section shall, in addition to the  
10 penalty imposed in subsection (e) of this section, have his  
11 driver's license denied or suspended pursuant to W.S.  
12 31-7-128(h). The court shall forward a copy of the  
13 conviction to the department.

14  
15 (g) The court may, upon pronouncement of any jail  
16 sentence under subsection (e) of this section, provide in  
17 the sentence that the defendant may be permitted, if he is  
18 employed or enrolled in school and can continue his  
19 employment or education, to continue such employment or  
20 education for not more than the time necessary as certified  
21 by his employer or school administrator, and the remaining  
22 day, days or parts of days shall be spent in jail until the  
23 sentence is served. He shall be allowed out of jail only

1 long enough to complete his actual hours of employment or  
2 education and a reasonable time to travel to and from his  
3 place of employment or school. Unless the defendant is  
4 indigent, the court shall require him as a condition of  
5 special treatment under this subsection to pay a reasonable  
6 amount for room and board as determined by the sheriff.

7  
8 (h) Chemical analysis of a person's blood, breath or  
9 urine to determine alcohol concentration or controlled  
10 substance content shall be performed in accordance with  
11 W.S. 31-6-105(a).

12  
13 **31-6-108. Implied consent requirements for youthful**  
14 **drivers.**

15  
16 (b) For tests required under this section, the person  
17 shall be advised that:

18  
19 (i) His failure to submit to all required  
20 chemical tests shall result in the suspension or denial of  
21 his Wyoming driver's license or his privilege to operate a  
22 motor vehicle for a period of ~~forty-five (45)~~ ninety (90)  
23 days without the right to apply for limited driving  
24 privileges;

1

2 (n) Upon receipt of the statement provided for under  
3 subsection (e) of this section indicating that the person  
4 refused to submit to a test to determine the driver's  
5 alcohol concentration, the department, subject to review as  
6 provided in W.S. 31-7-105, shall suspend the person's  
7 Wyoming driver's license or his privilege to operate a  
8 motor vehicle in this state or shall deny issuance of a  
9 driver's license to the person as follows:

10

11 (i) If the person has been issued a driver's  
12 license, the period of suspension shall be ~~forty-five (45)~~  
13 ninety (90) days without any right to limited driving  
14 privileges pursuant to W.S. 31-7-105;

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16 **31-7-128. Mandatory suspension of license or**  
17 **nonresident operating privilege for certain violations;**  
18 **suspension of registration.**

19

20 (h) Upon receiving a record of a driver's violation  
21 of W.S. 31-5-234, the department shall suspend or deny the  
22 license or nonresident driving privileges as follows:

23

1 (i) A person who has been issued a driver's  
2 license shall be suspended:

3

4 (A) For a period of ~~thirty (30)~~ ninety (90)  
5 days for a first offense;

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7 (B) For a period of ~~sixty (60) days~~ six (6)  
8 months if the person has previously violated W.S. 31-5-234  
9 once, or has previously been convicted once under W.S.  
10 31-5-233 or other law prohibiting driving while under the  
11 influence within ~~three (3)~~ two (2) years; preceding:

12

13 (I) The date of the offense upon which the  
14 conviction is based; or

15

16 (II) The date of conviction.

17

18 **Section 2.** W.S. 31-5-234(c) and 31-7-128(h) (i) (C) are  
19 repealed.

20

21 **Section 3.** This act is effective July 1, 2002.

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23

(END)