

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

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

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

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

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

(a) As used in this section:

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

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

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

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

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

(e) A person convicted of violating this section shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). A

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person convicted of violating this section a second time within one (1) year of the first conviction is guilty of a misdemeanor punishable by imprisonment for not more than one (1) month, a fine of not more than seven hundred fifty dollars (\$750.00), or both. A person convicted of a third or subsequent conviction under this section within two (2) years shall be guilty of a misdemeanor punishable by imprisonment for more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court may order the person to undergo a substance abuse assessment and complete any recommended treatment for any conviction under this section as a condition of probation. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall in no case exceed three (3) years.

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

(g) The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the

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sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.

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

31-6-108. Implied consent requirements for youthful drivers.

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

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

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

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

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

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

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

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

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

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

(II) The date of conviction.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk