

By: Broomfield

To: Judiciary A

HOUSE BILL NO. 63

1 AN ACT TO AUTHORIZE THE USE OF IGNITION INTERLOCK DEVICES IN
2 DUI CONVICTIONS; TO PROVIDE FOR THE ADMINISTRATION OF THE USE OF
3 SUCH DEVICES; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO
4 AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972, TO CONFORM TO
5 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. (1) (a) In addition to the penalties authorized
8 for violations of Section 63-11-30 and as a condition of receiving
9 hardship driving privileges, a court may, in its discretion, upon
10 finding a person both financially able to afford an interlock
11 device and also guilty of violating the provisions of Section
12 63-11-30, order the person to operate only a motor vehicle which
13 is equipped with a functioning ignition interlock device. This
14 restriction may continue for a period of up to the maximum time
15 such person's license may be suspended or restricted under the
16 provisions of Section 63-11-30. The court shall establish a
17 specific calibration setting no lower than point zero two (.02)
18 nor more than point zero five (.05) blood alcohol concentration at
19 which the ignition interlock device will prevent the motor vehicle
20 from being started and the period of time that the person shall be
21 subject to the restriction. For the purpose of this section,
22 "ignition interlock device" means a device which connects a motor

23 vehicle ignition system to a breath-alcohol analyzer and prevents
24 a motor vehicle ignition from starting if a driver's blood alcohol
25 level exceeds the calibrated setting on the device.

26 (b) Upon ordering the use of an ignition interlock
27 device, the court shall:

28 (i) State on the record the requirement for and
29 the period of use of the device, and so notify the Department of
30 Public Safety;

31 (ii) Direct that the records of the department
32 reflect:

33 1. That the person may not operate a motor
34 vehicle that is not equipped with an ignition interlock device;
35 and

36 2. Whether the court has expressly permitted
37 the person to operate a motor vehicle without an ignition
38 interlock device under paragraph (g)(ii);

39 (iii) Direct the department to attach or imprint a
40 notation on the driver's license of any person restricted under
41 this section stating that the person may operate only a motor
42 vehicle equipped with an ignition interlock device or, in lieu
43 thereof, require such person to have in his possession a copy of
44 the court order requiring such device;

45 (iv) Require proof of the installation of the
46 device and periodic reporting by the person for verification of
47 the proper operation of the device;

48 (v) Require the person to have the system
49 monitored for proper use and accuracy by an entity approved by the
50 department at least semiannually, or more frequently as the
51 circumstances may require;

52 (vi) Require the person to pay the reasonable cost
53 of leasing or buying, monitoring, and maintaining the device, and

54 may establish a payment schedule therefor; and may allow such fees
55 related to the ignition interlock that are paid by the offender to
56 be applied as a credit to any fines assessed against the offender
57 as a result of a conviction for the violation of this section
58 which resulted in the order for the ignition interlock device.

59 (c) A person prohibited under this section from
60 operating a motor vehicle that is not equipped with an ignition
61 interlock device may not solicit or have another person attempt to
62 start or start a motor vehicle equipped with such a device.
63 Except as provided in paragraph (g), a violation of this paragraph
64 is a misdemeanor and upon conviction a violator shall be fined an
65 amount not to exceed One Thousand Dollars (\$1,000.00) or
66 imprisoned for not more than one (1) year, or both.

67 (d) A person may not attempt to start or start a motor
68 vehicle equipped with an ignition interlock device for the purpose
69 of providing an operable motor vehicle to a person who is
70 prohibited under this section from operating a motor vehicle that
71 is not equipped with an ignition interlock device. Except as
72 provided in paragraph (g), a violation of this paragraph is a
73 misdemeanor and upon conviction the violator shall be fined an
74 amount not to exceed One Thousand Dollars (\$1,000.00) or
75 imprisoned for not more than one (1) year, or both.

76 (e) A person may not tamper with, or in any way attempt
77 to circumvent, the operation of an ignition interlock device that
78 has been installed in a motor vehicle. Except as provided in
79 paragraph (g), a violation of this paragraph is a misdemeanor and
80 upon conviction the violator shall be fined an amount not to
81 exceed One Thousand Dollars (\$1,000.00) or imprisoned for not more

82 than one (1) year, or both.

83 (f) A person may not knowingly provide a motor vehicle
84 not equipped with a functioning ignition interlock device to
85 another person who the provider of such vehicle knows or should
86 know is prohibited from operating a motor vehicle not equipped
87 with an ignition interlock device. Except as provided in
88 paragraph (g), a violation of this paragraph is a misdemeanor and
89 upon conviction the violator shall be fined an amount not to
90 exceed One Thousand Dollars (\$1,000.00) or imprisoned for not more
91 than one (1) year, or both.

92 (g) A person who violates the provisions of paragraphs
93 (c) through (f) commits a misdemeanor; provided, that penalty
94 shall not apply if:

95 (i) The starting of a motor vehicle, or the
96 request to start a motor vehicle, equipped with an ignition
97 interlock device is done for the purpose of safety or mechanical
98 repair of the device or the vehicle, and the person subject to the
99 court order does not operate the vehicle; or

100 (ii) The court finds that a person is required to
101 operate a motor vehicle in the course and scope of the person's
102 employment and if the vehicle is owned by the employer, the person
103 may operate that vehicle during regular working hours for the
104 purposes of employment without installation of an ignition
105 interlock device, if the employer has been notified of such
106 driving privilege restriction and if proof of that notification is
107 with the vehicle. This employment exemption does not apply,
108 however, if the business entity that owns the vehicle is owned or
109 controlled by the person who is prohibited from operating a motor

110 vehicle not equipped with an ignition interlock device.

111 (h) (i) In addition to the circumstances under which a
112 judge may order the use of an ignition interlock device set out in
113 subsection (1)(a), a judge may order that the vehicle owned or
114 operated by a person or a family member of such person who
115 committed a violation of Section 63-11-30, be equipped with an
116 ignition interlock device for all or a portion of the time the
117 driver's license of the operator of such vehicle is suspended or
118 restricted pursuant to this section, if:

119 1. The operator of the vehicle used to
120 violate Section 63-11-30, has at least one (1) prior conviction
121 for driving a motor vehicle when such person's privilege to do so
122 is cancelled, suspended or revoked as provided by Section
123 63-11-30; or

124 2. The driver's license of the operator of
125 such vehicle was cancelled, suspended or revoked at the time of
126 the violation of Section 63-11-30.

127 (ii) A judge ordering the use of an ignition
128 interlock device pursuant to this paragraph shall follow the same
129 procedures set out in subsection (1)(a) and (b), and the
130 provisions of paragraphs (c) through (g) shall apply to an
131 interlock device ordered pursuant to this paragraph.

132 (iii) The provisions of this paragraph shall not
133 apply if the vehicle used to commit the violation of Section
134 63-11-30, was, at the time of such violation, leased, rented or
135 stolen.

136 (i) (i) A person's second or subsequent violation of
137 Section 63-11-30 creates an inference that the provisions of

138 subsection (1)(a) are necessary to protect the public, and that
139 the court should order that such offender's motor vehicle be
140 equipped with a functioning interlock device as defined by such
141 subsection. To overcome such inference, the court must make an
142 affirmative finding on the record that there is sufficient cause
143 not to enter such an order and must state such cause on the
144 record. If the court determines that the inference has not been
145 overcome and orders use of an interlock device, it shall make a
146 further finding as to whether the offender's motor vehicle will be
147 equipped with the device:

148 1. For all or a portion of the time the
149 driver's license of such offender is suspended or restricted
150 pursuant to Section 63-11-30;

151 2. Only after such offender's driver's
152 license is no longer suspended or restricted pursuant to Section
153 63-11-30; or

154 3. A combination of 1. and 2. above.

155 (ii) All interlock devices ordered pursuant to
156 this subsection shall be of the type that records and stores the
157 driver's blood alcohol content at certain intervals for use by the
158 court as provided by law. No such device ordered pursuant to this
159 subsection shall be used that will or that may be set, modified or
160 adjusted to automatically turn the motor vehicle's engine off
161 after it has been started.

162 (iii) The provisions of this subsection shall
163 apply to any interlock device ordered pursuant to this paragraph.

164 (2) The provisions of this section are supplemental to the
165 provisions of Section 63-11-30.

166 SECTION 2. Section 63-11-30, Mississippi Code of 1972, is
167 amended as follows:

168 63-11-30. (1) It is unlawful for any person to drive or
169 otherwise operate a vehicle within this state who (a) is under the
170 influence of intoxicating liquor; (b) is under the influence of
171 any other substance which has impaired such person's ability to
172 operate a motor vehicle; (c) has an alcohol concentration of ten
173 one-hundredths percent (.10%) or more for persons who are above
174 the legal age to purchase alcoholic beverages under state law, or
175 two one-hundredths percent (.02%) or more for persons who are
176 below the legal age to purchase alcoholic beverages under state
177 law, in the person's blood based upon grams of alcohol per one
178 hundred (100) milliliters of blood or grams of alcohol per two
179 hundred ten (210) liters of breath as shown by a chemical analysis
180 of such person's breath, blood or urine administered as authorized
181 by this chapter; (d) is under the influence of any drug or
182 controlled substance, the possession of which is unlawful under
183 the Mississippi Controlled Substances Law; or (e) has an alcohol
184 concentration of four one-hundredths percent (.04%) or more in the
185 person's blood, based upon grams of alcohol per one hundred (100)
186 milliliters of blood or grams of alcohol per two hundred ten (210)
187 liters of breath as shown by a chemical analysis of such person's
188 blood, breath or urine, administered as authorized by this chapter
189 for persons operating a commercial motor vehicle.

190 (2) (a) Except as otherwise provided in subsection (3),
191 upon conviction of any person for the first offense of violating
192 subsection (1) of this section where chemical tests provided for
193 under Section 63-11-5 were given, or where chemical test results

194 are not available, such person shall be fined not less than Two
195 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars
196 (\$1,000.00), or imprisoned for not more than forty-eight (48)
197 hours in jail or both; and the court shall order such person to
198 attend and complete an alcohol safety education program as
199 provided in Section 63-11-32. The court may substitute attendance
200 at a victim impact panel instead of forty-eight (48) hours in
201 jail. In addition, the Department of Public Safety, the
202 Commissioner of Public Safety or his duly authorized agent shall,
203 after conviction and upon receipt of the court abstract, suspend
204 the driver's license and driving privileges of such person for a
205 period of not less than ninety (90) days and until such person
206 attends and successfully completes an alcohol safety education
207 program as herein provided; provided, however, in no event shall
208 such period of suspension exceed one (1) year. Commercial driving
209 privileges shall be suspended as provided in Section 63-1-83.

210 The circuit court having jurisdiction in the county in which
211 the conviction was had or the circuit court of the person's county
212 of residence may reduce the suspension of driving privileges under
213 Section 63-11-30(2)(a) if the denial of which would constitute a
214 hardship on the offender, except that no court may issue such an
215 order reducing the suspension of driving privileges under this
216 subsection until thirty (30) days have elapsed from the effective
217 date of the suspension. Hardships shall only apply to first
218 offenses under Section 63-11-30(1), and shall not apply to second,
219 third or subsequent convictions of any person violating subsection
220 (1) of this section. A reduction of suspension on the basis of
221 hardship shall not be available to any person who refused to

222 submit to a chemical test upon the request of a law enforcement
223 officer as provided in Section 63-11-5. When the petition is
224 filed, such person shall pay to the circuit clerk of the court
225 where the petition is filed a fee of Fifty Dollars (\$50.00), which
226 shall be deposited into the State General Fund to the credit of a
227 special fund hereby created in the State Treasury to be used for
228 alcohol or drug abuse treatment and education, upon appropriation
229 by the Legislature. This fee shall be in addition to any other
230 court costs or fees required for the filing of petitions.

231 The petition filed under the provisions of this subsection
232 shall contain the specific facts which the petitioner alleges to
233 constitute a hardship and the driver's license number of the
234 petitioner. A hearing may be held on any petition filed under
235 this subsection only after ten (10) days' prior written notice to
236 the Commissioner of Public Safety, or his designated agent, or the
237 attorney designated to represent the state. At such hearing, the
238 court may enter an order reducing the period of suspension.

239 The order entered under the provisions of this subsection
240 shall contain the specific grounds upon which hardship was
241 determined, and shall order the petitioner to attend and complete
242 an alcohol safety education program as provided in Section
243 63-11-32. A certified copy of such order shall be delivered to
244 the Commissioner of Public Safety by the clerk of the court within
245 five (5) days of the entry of the order. The certified copy of
246 such order shall contain information which will identify the
247 petitioner, including, but not limited to, the name, mailing
248 address, street address, Social Security number and driver's
249 license number of the petitioner.

250 At any time following at least thirty (30) days of suspension
251 for a first offense violation of this section, the court may grant
252 the person hardship driving privileges upon written petition of
253 the defendant, if it finds reasonable cause to believe that
254 revocation would hinder the person's ability to:

255 (i) Continue his employment;

256 (ii) Continue attending school or an educational
257 institution; or

258 (iii) Obtain necessary medical care.

259 Proof of the hardship shall be established by clear and
260 convincing evidence which shall be supported by independent
261 documentation.

262 (b) Except as otherwise provided in subsection (3),
263 upon any second conviction of any person violating subsection (1)
264 of this section, the offenses being committed within a period of
265 five (5) years, such person shall be fined not less than Six
266 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred
267 Dollars (\$1,500.00) and shall be imprisoned not less than ten (10)
268 days nor more than one (1) year and sentenced to community service
269 work for not less than ten (10) days nor more than one (1) year.

270 Except as may otherwise be provided by paragraph (e) of this
271 subsection, the Commissioner of Public Safety shall suspend the
272 driver's license of such person for two (2) years. Suspension of
273 a commercial driver's license shall be governed by Section
274 63-1-83. Upon any second conviction as described in this
275 paragraph, the court shall ascertain whether the defendant is
276 married, and if the defendant is married shall obtain the name and
277 address of the defendant's spouse; the clerk of the court shall

278 submit this information to the Department of Public Safety.
279 Further, the commissioner shall notify in writing, by certified
280 mail, return receipt requested, the owner of the vehicle and the
281 spouse, if any, of the person convicted of the second violation of
282 the possibility of forfeiture of the vehicle if such person is
283 convicted of a third violation of subsection (1) of this section.

284 The owner of the vehicle and the spouse shall be considered
285 notified under this paragraph if the notice is deposited in the
286 United States mail and any claim that the notice was not in fact
287 received by the addressee shall not affect a subsequent forfeiture
288 proceeding.

289 (c) Except as otherwise provided in subsection (3), for
290 any third or subsequent conviction of any person violating
291 subsection (1) of this section, the offenses being committed
292 within a period of five (5) years, such person shall be guilty of
293 a felony and fined not less than Two Thousand Dollars (\$2,000.00)
294 nor more than Five Thousand Dollars (\$5,000.00) and shall be
295 imprisoned not less than one (1) year nor more than five (5) years
296 in the State Penitentiary. The law enforcement agency shall seize
297 the vehicle operated by any person charged with a third or
298 subsequent violation of subsection (1) of this section, if such
299 convicted person was driving the vehicle at the time the offense
300 was committed. Such vehicle may be forfeited in the manner
301 provided by Sections 63-11-49 through 63-11-53. Except as may
302 otherwise be provided by paragraph (e) of this subsection, the
303 Commissioner of Public Safety shall suspend the driver's license
304 of such person for five (5) years. The suspension of a commercial
305 driver's license shall be governed by Section 63-1-83.

306 (d) Except as otherwise provided in subsection (3), any
307 person convicted of a second violation of subsection (1) of this
308 section, may have the period that his driver's license is
309 suspended reduced if such person receives an in-depth diagnostic
310 assessment, and as a result of such assessment is determined to be
311 in need of treatment of his alcohol and/or drug abuse problem and
312 successfully completes treatment of his alcohol and/or drug abuse
313 problem at a program site certified by the Department of Mental
314 Health. Such person shall be eligible for reinstatement of his
315 driving privileges upon the successful completion of such
316 treatment after a period of one (1) year after such person's
317 driver's license is suspended. Each person who receives a
318 diagnostic assessment shall pay a fee representing the cost of
319 such assessment. Each person who participates in a treatment
320 program shall pay a fee representing the cost of such treatment.

321 (e) Except as otherwise provided in subsection (3), any
322 person convicted of a third or subsequent violation of subsection
323 (1) of this section may enter an alcohol and/or drug abuse program
324 approved by the Department of Mental Health for treatment of such
325 person's alcohol and/or drug abuse problem. If such person
326 successfully completes such treatment, such person shall be
327 eligible for reinstatement of his driving privileges after a
328 period of three (3) years after such person's driver's license is
329 suspended.

330 (3) (a) This subsection shall be known and may be cited as
331 Zero Tolerance for Minors. The provisions of this subsection
332 shall apply only when a person under the age of twenty-one (21)
333 years has a blood alcohol concentration two one-hundredths percent

334 (.02%) or more, but lower than eight one-hundredths percent
335 (.08%). If such person's blood alcohol concentration is eight
336 one-hundredths percent (.08%) or more, the provisions of
337 subsection (2) shall apply.

338 (b) Upon conviction of any person under the age of
339 twenty-one (21) years for the first offense of violating
340 subsection (1) of this section where chemical tests provided for
341 under Section 63-11-5 were given, or where chemical test results
342 are not available, such person shall have his driver's license
343 suspended for ninety (90) days and shall be fined Two Hundred
344 Fifty Dollars (\$250.00); and the court shall order such person to
345 attend and complete an alcohol safety education program as
346 provided in Section 63-11-32. The court may also require
347 attendance at a victim impact panel.

348 The circuit court having jurisdiction in the county in which
349 the conviction was had or the circuit court of the person's county
350 of residence may reduce the suspension of driving privileges under
351 Section 63-11-30(2)(a) if the denial of which would constitute a
352 hardship on the offender, except that no court may issue such an
353 order reducing the suspension of driving privileges under this
354 subsection until thirty (30) days have elapsed from the effective
355 date of the suspension. Hardships shall only apply to first
356 offenses under Section 63-11-30(1), and shall not apply to second,
357 third or subsequent convictions of any person violating subsection
358 (1) of this section. A reduction of suspension on the basis of
359 hardship shall not be available to any person who refused to
360 submit to a chemical test upon the request of a law enforcement
361 officer as provided in Section 63-11-5. When the petition is

362 filed, such person shall pay to the circuit clerk of the court
363 where the petition is filed a fee of Fifty Dollars (\$50.00), which
364 shall be deposited into the State General Fund to the credit of a
365 special fund hereby created in the State Treasury to be used for
366 alcohol or drug abuse treatment and education, upon appropriation
367 by the Legislature. This fee shall be in addition to any other
368 court costs or fees required for the filing of petitions.

369 The petition filed under the provisions of this subsection
370 shall contain the specific facts which the petitioner alleges to
371 constitute a hardship and the driver's license number of the
372 petitioner. A hearing may be held on any petition filed under
373 this subsection only after ten (10) days' prior written notice to
374 the Commissioner of Public Safety, or his designated agent, or the
375 attorney designated to represent the state. At such hearing, the
376 court may enter an order reducing the period of suspension.

377 The order entered under the provisions of this subsection
378 shall contain the specific grounds upon which hardship was
379 determined, and shall order the petitioner to attend and complete
380 an alcohol safety education program as provided in Section
381 63-11-32. A certified copy of such order shall be delivered to
382 the Commissioner of Public Safety by the clerk of the court within
383 five (5) days of the entry of the order. The certified copy of
384 such order shall contain information which will identify the
385 petitioner, including, but not limited to, the name, mailing
386 address, street address, Social Security number and driver's
387 license number of the petitioner.

388 At any time following at least thirty (30) days of suspension
389 for a first offense violation of this section, the court may grant

390 the person hardship driving privileges upon written petition of
391 the defendant, if it finds reasonable cause to believe that
392 revocation would hinder the person's ability to:

393 (i) Continue his employment;

394 (ii) Continue attending school or an educational
395 institution; or

396 (iii) Obtain necessary medical care.

397 Proof of the hardship shall be established by clear and
398 convincing evidence which shall be supported by independent
399 documentation.

400 (c) Upon any second conviction of any person under the
401 age of twenty-one (21) years violating subsection (1) of this
402 section, the offenses being committed within a period of five (5)
403 years, such person shall be fined not more than Five Hundred
404 Dollars (\$500.00) and shall have his driver's license suspended
405 for one (1) year.

406 (d) For any third or subsequent conviction of any
407 person under the age of twenty-one (21) years violating subsection
408 (1) of this section, the offenses being committed within a period
409 of five (5) years, such person shall be fined not more than One
410 Thousand Dollars (\$1,000.00) and shall have his driver's license
411 suspended until he reaches the age of twenty-one (21) or for two
412 (2) years, whichever is longer.

413 (e) Any person under the age of twenty-one (21) years
414 convicted of a second violation of subsection (1) of this section,
415 may have the period that his driver's license is suspended reduced
416 if such person receives an in-depth diagnostic assessment, and as
417 a result of such assessment is determined to be in need of

418 treatment of his alcohol and/or drug abuse problem and
419 successfully completes treatment of his alcohol and/or drug abuse
420 problem at a program site certified by the Department of Mental
421 Health. Such person shall be eligible for reinstatement of his
422 driving privileges upon the successful completion of such
423 treatment after a period of six (6) months after such person's
424 driver's license is suspended. Each person who receives a
425 diagnostic assessment shall pay a fee representing the cost of
426 such assessment. Each person who participates in a treatment
427 program shall pay a fee representing the cost of such treatment.

428 (f) Any person under the age of twenty-one (21) years
429 convicted of a third or subsequent violation of subsection (1) of
430 this section shall complete treatment of an alcohol and/or drug
431 abuse program at a site certified by the Department of Mental
432 Health.

433 (g) The court shall have the discretion to rule that a
434 first offense of this subsection by a person under the age of
435 twenty-one (21) years shall be nonadjudicated. Such person shall
436 be eligible for nonadjudication only once. The Department of
437 Public Safety shall maintain a confidential registry of all cases
438 which are nonadjudicated as provided in this paragraph. A judge
439 who rules that a case is nonadjudicated shall forward such ruling
440 to the Department of Public Safety. Judges and prosecutors
441 involved in implied consent violations shall have access to the
442 confidential registry for the purpose of determining
443 nonadjudication eligibility. A record of a person who has been
444 nonadjudicated shall be maintained for five (5) years or until
445 such person reaches the age of twenty-one (21) years. Any person

446 whose confidential record has been disclosed in violation of this
447 paragraph shall have a civil cause of action against the person
448 and/or agency responsible for such disclosure.

449 (4) Every person convicted of operating a vehicle while
450 under the influence of intoxicating liquor or any other substance
451 which has impaired such person's ability to operate a motor
452 vehicle where the person (a) refused a law enforcement officer's
453 request to submit to a chemical test of his breath as provided in
454 this chapter, or (b) was unconscious at the time of a chemical
455 test and refused to consent to the introduction of the results of
456 such test in any prosecution, shall be punished consistent with
457 the penalties prescribed herein for persons submitting to the
458 test, except that there shall be an additional suspension of
459 driving privileges as follows:

460 The Commissioner of Public Safety or his authorized agent
461 shall suspend the driver's license or permit to drive or deny the
462 issuance of a license or permit to such person as provided for
463 first, second and third or subsequent offenders in subsection (2)
464 of this section. Such suspension shall be in addition to any
465 suspension imposed pursuant to subsection (1) of Section 63-11-23.

466 (5) Every person who operates any motor vehicle in violation
467 of the provisions of subsection (1) of this section and who in a
468 negligent manner causes the death of another or mutilates,
469 disfigures, permanently disables or destroys the tongue, eye, lip,
470 nose or any other limb, organ or member of another shall, upon
471 conviction, be guilty of a felony and shall be committed to the
472 custody of the State Department of Corrections for a period of
473 time not to exceed twenty-five (25) years.

474 (6) Upon conviction of any violation of subsection (1) of
475 this section, the trial judge shall sign in the place provided on
476 the traffic ticket, citation or affidavit stating that the person
477 arrested either employed an attorney or waived his right to an
478 attorney after having been properly advised. If the person
479 arrested employed an attorney, the name, address and telephone
480 number of the attorney shall be written on the ticket, citation or
481 affidavit. The judge shall cause a copy of the traffic ticket,
482 citation or affidavit, and any other pertinent documents
483 concerning the conviction, to be sent to the Commissioner of
484 Public Safety. A copy of the traffic ticket, citation or
485 affidavit and any other pertinent documents, having been attested
486 as true and correct by the Commissioner of Public Safety, or his
487 designee, shall be sufficient proof of the conviction for purposes
488 of determining the enhanced penalty for any subsequent convictions
489 of violations of subsection (1) of this section.

490 (7) Convictions in other states of violations for driving or
491 operating a vehicle while under the influence of an intoxicating
492 liquor or while under the influence of any other substance that
493 has impaired the person's ability to operate a motor vehicle
494 occurring after July 1, 1992, shall be counted for the purposes of
495 determining if a violation of subsection (1) of this section is a
496 first, second, third or subsequent offense and the penalty that
497 shall be imposed upon conviction for a violation of subsection (1)
498 of this section.

499 (8) For the purposes of determining how to impose the
500 sentence for a second, third or subsequent conviction under this
501 section, the indictment shall not be required to enumerate

502 previous convictions. It shall only be necessary that the
503 indictment state the number of times that the defendant has been
504 convicted and sentenced within the past five (5) years under this
505 section to determine if an enhanced penalty shall be imposed. The
506 amount of fine and imprisonment imposed in previous convictions
507 shall not be considered in calculating offenses to determine a
508 second, third or subsequent offense of this section.

509 (9) Any person under the legal age to obtain a license to
510 operate a motor vehicle convicted under this section shall not be
511 eligible to receive such license until the person reaches the age
512 of eighteen (18) years.

513 (10) Suspension of driving privileges for any person
514 convicted of violations of Section 63-11-30(1) shall run
515 consecutively.

516 (11) The court may order the use of an ignition interlock
517 device as provided by Section 1 of this act.

518 SECTION 3. This act shall take effect and be in force from
519 and after July 1, 2000.