

By: Representative Espy

To: Judiciary A

HOUSE BILL NO. 984

1 AN ACT TO REQUIRE AN IGNITION INTERLOCK SYSTEM, THAT IS
2 APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY, IN THE CARS OF
3 CERTAIN CONVICTED DRUNKEN DRIVERS TO PREVENT THE DRIVERS FROM
4 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** (1) For purposes of this act, "ignition
8 interlock system" means a system approved by the Department of
9 Public Safety that prevents a vehicle from being started or
10 operated unless the operator first provides a breath sample
11 indicating that the operator has an alcohol level of less than
12 twenty-five one-thousandths percent (.025%).

13 (2) In addition to any other requirements imposed by the
14 court, if a person has been convicted for a first offense under
15 Section 63-11-1 et seq., the court may order the installation of
16 an approved ignition interlock system on each motor vehicle owned
17 by the person to be effective upon the restoration of operating
18 privileges by the department. A record shall be submitted to the
19 department when the court has ordered the installation of an
20 approved interlock ignition device. Before the department may
21 restore such person's operating privilege, the department must
22 receive a certification from the court that the ignition interlock
23 system has been installed.

24 (3) In addition to any other requirements imposed by the
25 court, if a person has been convicted of a second or subsequent
26 violation of Section 63-11-1 et seq., the court shall order the
27 installation of an approved ignition interlock device on each
28 motor vehicle owned by the person to be effective upon the

29 restoration of operating privileges by the department. A record
30 shall be submitted to the department when the court has ordered
31 the installation of an approved interlock ignition device. Before
32 the department may restore such person's operating privilege, the
33 department must receive a certification from the court that the
34 ignition interlock system has been installed.

35 (4) If a person's operating privileges are suspended for a
36 second or subsequent violation of Section 63-11-1 et seq., and the
37 person seeks a restoration of operating privileges, the court
38 shall certify to the department that each motor vehicle owned by
39 the person has been equipped with an approved ignition interlock
40 system.

41 (5) A person seeking restoration of operating privileges
42 shall apply to the department for an ignition interlock restricted
43 license which will be clearly marked to restrict the person to
44 operating only motor vehicles equipped with an approved interlock
45 ignition system.

46 (6) During the year immediately following restoration of the
47 person's operating privilege, and thereafter until the person
48 obtains an unrestricted license, the person shall not operate any
49 motor vehicle on a highway within this state unless the motor
50 vehicle is equipped with an approved ignition interlock system.

51 (7) One (1) year from the date of issuance of an ignition
52 interlock restricted license under this section, if otherwise
53 eligible, a person may apply for an additional replacement license
54 that does not contain the ignition interlock system restriction.

55 (8) A person whose operating privilege is suspended for a
56 second or subsequent violation of Section 63-11-1 et seq., who
57 does not apply for an ignition interlock restricted license, shall
58 not be eligible to apply for the restoration of operating
59 privileges for an additional year after otherwise being eligible
60 for restoration under subsection (4) of this section.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2004.