

By: Senator(s) Jordan, Jackson (11th),  
Dawkins

To: Judiciary, Division A;  
Finance

SENATE BILL NO. 2407

1 AN ACT TO AMEND SECTION 63-11-31, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE LICENSE PLATE SANCTIONS TO BE IMPOSED AGAINST A PERSON  
3 CONVICTED OF A SECOND OR SUBSEQUENT DUI VIOLATION; TO REQUIRE THE  
4 TAX COMMISSION TO DEVISE SUCH SPECIAL MOTOR VEHICLE LICENSE PLATE;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-11-31, Mississippi Code of 1972, is  
8 amended as follows:

9 63-11-31. (1) In addition to the penalties authorized for  
10 any second or subsequent convictions of Section 63-11-30, the  
11 court shall order either the impoundment or immobilization of all  
12 vehicles registered to the person convicted for the entire length  
13 of license suspension to commence upon conviction and persist  
14 during the entire driver's license suspension period. However, a  
15 county, municipality, sheriff's department or the Department of  
16 Public Safety shall not be required to keep, store, maintain,  
17 serve as a bailee or otherwise exercise custody over a motor  
18 vehicle impounded under the provisions of this section.

19 (2) (a) If other licensed drivers living in the household  
20 are dependent upon the vehicle subject to impoundment or  
21 immobilization for necessary transportation, the court may order  
22 the installation of an ignition interlock system on the vehicle in  
23 lieu of impoundment or immobilization. Additionally, the court  
24 shall order the installation of an ignition interlock system on  
25 all vehicles registered to the person for a minimum period of six  
26 (6) months to occur upon reinstatement of the person's driver's  
27 license if the court determines it is a vehicle to which the  
28 person has access and which should be subject to ignition

29 interlock. The cost associated with impoundment, immobilization  
30 or ignition interlock shall be paid by the person convicted. For  
31 the purpose of this section, "ignition interlock device" means a  
32 device which connects a motor vehicle ignition system to a  
33 breath-alcohol analyzer and prevents a motor vehicle ignition from  
34 starting if the driver's blood alcohol level exceeds the  
35 calibrated setting on the device.

36 (b) A person may not tamper with, or in any way attempt  
37 to circumvent the immobilization or impoundment of vehicles  
38 ordered by the court. A violation of this paragraph (b) is a  
39 misdemeanor and upon conviction the violator shall be fined an  
40 amount not less than Two Hundred Fifty Dollars (\$250.00) nor more  
41 than One Thousand Dollars (\$1,000.00) or imprisoned for not more  
42 than one (1) year or both.

43 (c) When a court orders a person to operate only a  
44 motor vehicle which is equipped with a functioning ignition  
45 interlock device, the court shall establish a specific calibration  
46 setting no lower than two one-hundredths percent (.02%) nor more  
47 than four one-hundredths percent (.04%) blood alcohol  
48 concentration at which the ignition interlock device will prevent  
49 the motor vehicle from being started.

50 (d) Upon ordering use of an ignition interlock device,  
51 the court shall:

52 (i) State on the record the requirement for and  
53 the period of use of the device, and so notify the Department of  
54 Public Safety;

55 (ii) Direct that the records of the department  
56 reflect that the person may not operate a motor vehicle that is  
57 not equipped with an ignition interlock device;

58 (iii) Direct the department to attach or imprint a  
59 notation on the driver's license of any person restricted under  
60 this section stating that the person may operate only a motor  
61 vehicle equipped with an ignition interlock device;

62 (iv) Require proof of the installation of the  
63 device and periodic reporting by the person for verification of  
64 the proper operation of the device;

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

69 (vi) Require the person to pay the reasonable cost  
70 of leasing or buying, monitoring, and maintaining the device, and  
71 may establish a payment schedule therefore; and

72 (viii) Require the person to obtain a special  
73 "ignition interlock" license as provided in Section 2 of this act.

74 (e) (i) 1. A person prohibited under this section  
75 from operating a motor vehicle that is not equipped with an  
76 ignition interlock device may not solicit or have another person  
77 attempt to start or start a motor vehicle equipped with such a  
78 device.

79 2. A person may not attempt to start or start  
80 a motor vehicle equipped with an ignition interlock device for the  
81 purpose of providing an operable motor vehicle to a person who is  
82 prohibited under this section from operating a motor vehicle that  
83 is not equipped with an ignition interlock device.

84 3. A person may not tamper with, or in any  
85 way attempt to circumvent, the operation of an ignition interlock  
86 device that has been installed in a motor vehicle.

87 4. A person may not knowingly provide a motor  
88 vehicle not equipped with a functioning ignition interlock device  
89 to another person who the provider of such vehicle knows or should  
90 know is prohibited from operating a motor vehicle not equipped  
91 with an ignition interlock device.

92 (ii) A violation of this paragraph (e) is a  
93 misdemeanor and upon conviction the violator shall be fined an  
94 amount not less than Two Hundred Fifty Dollars (\$250.00) nor more

95 than One Thousand Dollars (\$1,000.00) or imprisoned for not more  
96 than one (1) year, or both.

97 (iii) A person shall not be in violation of this  
98 paragraph (e) if:

99 1. The starting of a motor vehicle equipped  
100 with an ignition interlock device is done for the purpose of  
101 safety or mechanical repair of the device or the vehicle, and the  
102 person subject to the court order does not operate the vehicle; or

103 2. The court finds that a person is required  
104 to operate a motor vehicle in the course and scope of the person's  
105 employment. If the vehicle is owned by the person's employer, the  
106 person may operate that vehicle during regular working hours for  
107 the purposes of employment without installation of an ignition  
108 interlock device if the employer has been notified of such driving  
109 privilege restriction and if proof of that notification is kept  
110 with the vehicle at all times. This employment exemption does not  
111 apply if the business entity that owns the vehicle is owned or  
112 controlled by the person who is prohibited from operating the  
113 motor vehicle not equipped with an ignition interlock device.

114 (f) (i) A judge may also order that the vehicle owned  
115 or operated by a person or a family member of any person who  
116 committed a violation of Section 63-11-30 be equipped with an  
117 ignition interlock device for all or a portion of the time the  
118 driver's license of the operator of such vehicle is suspended or  
119 restricted pursuant to this section, if:

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

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

128                   (ii) The provisions of this paragraph (f) shall  
129 not apply if the vehicle used to commit the violation of Section  
130 63-11-30, was, at the time of such violation, rented or stolen.

131           (3) The provisions of this section are supplemental to the  
132 provisions of Section 63-11-30.

133           **SECTION 2.** (1) The Tax Commission shall develop a DUI  
134 license plate that must be displayed on any vehicle that is  
135 subject to the provisions of Section 63-11-31.

136           (2) The plate shall be a bright pink color that is easily  
137 distinguishable from other plates issued in this state. The word  
138 "Mississippi" must appear at the top of the plate and the first  
139 three (3) letters in the alphanumeric numbering system used on the  
140 plate must be "DUI."

141           (3) In addition to the other license plate fees and charges  
142 collected, an annual surcharge of Twenty Dollars (\$20.00) shall be  
143 collected for each DUI plate.

144           **SECTION 3.** Section 2 of this act shall be codified in Title  
145 27, Chapter 19, Mississippi Code of 1972.

146           **SECTION 4.** This act shall take effect and be in force from  
147 and after July 1, 2006.