

By: Senator(s) Parker

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2663

1 AN ACT TO CREATE NEW SECTION 63-11-31.1, MISSISSIPPI CODE OF
2 1972, TO PRESCRIBE STANDARDS TO BE MET BY VENDORS PROVIDING
3 DRUG-TESTING SERVICES TO DUI OFFENDERS WHO PARTICIPATE IN
4 COURT-ORDERED DRUG TESTING; TO AMEND SECTION 63-11-31, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; TO AMEND SECTION 63-11-33, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE PAYMENT FOR SOME COSTS OF DRUG TESTING OF
7 INDIGENT OFFENDERS; TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF
8 1972, TO REVISE IMPLIED CONSENT FOR THE TESTING OF A DRIVER'S
9 BLOOD OR URINE FOR THE PRESENCE OF DRUGS TO CONFORM TO THE IMPLIED
10 CONSENT OF TESTING A DRIVER'S BREATH FOR THE PRESENCE OF ALCOHOL;
11 TO AMEND SECTION 63-11-23, MISSISSIPPI CODE OF 1972, TO REVISE THE
12 ADMINISTRATIVE SUSPENSION OF A DRIVER'S LICENSE FOR REFUSAL OF
13 DRUG TESTING OF THE PERSON'S BLOOD OR URINE FOR A SUBSTANCE OTHER
14 THAN ALCOHOL TO CONFORM TO THE ADMINISTRATIVE SUSPENSION FOR
15 REFUSAL OF A BREATH TEST FOR ALCOHOL; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section
18 63-11-31.1, Mississippi Code of 1972:

19 63-11-31.1. (1) The Mississippi Forensics Laboratory shall
20 promulgate rules and regulations for court-ordered drug testing of
21 DUI/other drug violators and shall approve which vendors are
22 eligible to be utilized by the trial courts when ordering
23 defendants to undergo drug testing as a condition of continuing to
24 exercise the privilege to drive. The Forensics Laboratory may



25 assess fees to the vendors, and shall prescribe the maximum costs
26 to the offender for drug testing. The Forensics Laboratory may
27 seek the advice of the State Drug Court Advisory Committee in
28 fulfilling these duties.

29 (2) The Forensics Laboratory must evaluate proposals made by
30 prospective vendors for acceptability, including, without
31 limitation, the following factors:

32 (a) A description of the method used for assessment;

33 (b) The frequency with which the offender will be
34 tested;

35 (c) The procedure used by the vendor to ensure the
36 accuracy of the test results;

37 (d) The length of time allowed the offender to provide
38 a biological sample after being given notice;

39 (e) The frequency with which the vendor will make
40 reports to the court;

41 (f) The list of approved sites for the collection of
42 biological samples for testing.

43 (3) The Forensics Laboratory must promulgate regulations for
44 the program and for vendors, including at a minimum:

45 (a) That the offender must pay the cost of the testing
46 program or, if the court finds the offender to be indigent, that
47 the cost be paid from the Interlock Device Fund.

48 (b) How indigent funds will be accessed by the vendors,
49 and the maximum cost to the offender or the fund.



50 (4) The Forensics Laboratory will provide the list of
51 approved vendors, subject to continuous updating, to the
52 Mississippi Judicial College for dissemination to the trial
53 courts.

54 **SECTION 2.** Section 63-11-31, Mississippi Code of 1972, is
55 amended as follows:

56 63-11-31. (1) (a) The provisions of this section are
57 supplemental to the provisions of Section 63-11-30.

58 (b) (i) "Ignition-interlock device" means a device
59 approved by the Department of Public Safety that connects a motor
60 vehicle ignition system to a breath-alcohol analyzer and prevents
61 a motor vehicle ignition from starting if the driver's blood
62 alcohol level exceeds the calibrated setting on the device.

63 (ii) "Interlock-restricted license" means a
64 driver's license bearing a restriction that limits the person to
65 operation of vehicles equipped with an ignition-interlock device.

66 (iii) "Court-ordered drug-testing program" means a
67 program that qualifies under Section 63-11-31.1.

68 (c) A person who can exercise the privilege of driving
69 only under an interlock-restricted license must have an
70 ignition-interlock device installed and operating on all motor
71 vehicles owned or operated by the person.

72 (d) A person who installs an ignition-interlock device
73 may obtain an interlock-restricted license.



74 (2) (a) (i) The cost of installation and operation of an
75 ignition-interlock device shall be borne by the person to whom an
76 interlock-restricted driver's license is issued, and the costs of
77 court-ordered drug testing shall be borne by the person so
78 ordered, unless the person is determined by the court to be
79 indigent.

80 (ii) The cost of participating in a court-ordered
81 drug-testing program shall be borne by the person, unless the
82 person is determined by the court to be indigent.

83 (b) (i) A person convicted under Section 63-11-30
84 shall be assessed by the court, in addition to the criminal fines,
85 penalties and assessments provided by law for violations of
86 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
87 in the Interlock Device Fund in the State Treasury unless the
88 person is determined by the court to be indigent.

89 (ii) A person nonadjudicated under Section
90 63-11-30 shall be assessed by the court, in addition to the
91 criminal fines, penalties and assessments provided by law for
92 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars
93 (\$250.00) to be deposited in the Interlock Device Fund in the
94 State Treasury unless the person is determined by the court to be
95 indigent.

96 (3) (a) The Department of Public Safety shall promulgate
97 rules and regulations for the use of an ignition-interlock device.
98 The Department of Public Safety shall approve which vendors shall



99 be used to furnish the systems, may assess fees to the vendors,
100 and shall prescribe the maximum costs to the offender for
101 installation, removal, monthly operation, periodic inspections,
102 calibrations and repairs.

103 (b) A person who has an ignition-interlock device
104 installed in a vehicle shall:

105 (i) Provide proof of the installation of the
106 device and periodic reporting for verification of the proper
107 operation of the device;

108 (ii) Have the system monitored for proper use and
109 accuracy as required by departmental regulation;

110 (iii) Pay the reasonable cost of leasing or
111 buying, monitoring, and maintaining the device unless the person
112 is determined to be indigent; and

113 (iv) Obtain an ignition-interlock driver's
114 license.

115 (4) (a) (i) A person who is limited to driving only under
116 an interlock-restricted driver's license shall not operate a
117 vehicle that is not equipped with an ignition-interlock device.

118 (ii) A person prohibited from operating a motor
119 vehicle that is not equipped with an ignition-interlock device may
120 not solicit or have another person attempt to start or start a
121 motor vehicle equipped with such a device.

122 (iii) A person may not start or attempt to start a
123 motor vehicle equipped with an ignition-interlock device for the



124 purpose of providing an operable motor vehicle to a person who is
125 prohibited from operating a motor vehicle that is not equipped
126 with an ignition-interlock device.

127 (iv) A person may not tamper with, or in any way
128 attempt to circumvent, the operation of an ignition-interlock
129 device that has been installed in a motor vehicle.

130 (v) A person may not knowingly provide a motor
131 vehicle not equipped with a functioning ignition-interlock device
132 to another person who the provider of the vehicle knows or should
133 know is prohibited from operating a motor vehicle not equipped
134 with an ignition-interlock device.

135 (b) A violation of this subsection (4) is a misdemeanor
136 and upon conviction the violator shall be fined an amount not less
137 than Two Hundred Fifty Dollars (\$250.00) nor more than One
138 Thousand Dollars (\$1,000.00) or imprisoned for not more than six
139 (6) months, or both, unless the starting of a motor vehicle
140 equipped with an ignition-interlock device is done for the purpose
141 of safety or mechanical repair of the device or the vehicle, and
142 the person subject to the restriction does not operate the
143 vehicle.

144 (5) In order to obtain an interlock-restricted license, a
145 person must:

146 (a) Be otherwise qualified to operate a motor vehicle,
147 and will be subject to all other restrictions on the privilege to
148 drive provided by law;



149 (b) Submit proof that an ignition-interlock device is
150 installed and operating on all motor vehicles operated by the
151 person; and

152 (c) Pay the fee set forth in Section 63-1-43 to obtain
153 the license without regard to indigence; no license reinstatement
154 fee under Section 63-1-46 shall be charged for a person obtaining
155 an interlock-restricted license.

156 (6) (a) In addition to the penalties authorized for any
157 second or subsequent conviction under Section 63-11-30, the court
158 shall order that all vehicles owned by the offender that are not
159 equipped with an ignition-interlock device must be either
160 impounded or immobilized pending further order of the court
161 lifting the offender's driving restriction. However, no county,
162 municipality, sheriff's department or the Department of Public
163 Safety shall be required to keep, store, maintain, serve as a
164 bailee or otherwise exercise custody over a motor vehicle
165 impounded under the provisions of this section. The cost
166 associated with any impoundment or immobilization shall be paid by
167 the person convicted without regard to ability to pay.

168 (b) A person may not tamper with, or in any way attempt
169 to circumvent, vehicle immobilization or impoundment ordered by
170 the court under this section. A violation of this paragraph (b)
171 is a misdemeanor and, upon conviction, the violator shall be fined
172 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor



173 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
174 more than six (6) months, or both.

175 (7) (a) The Department of Public Safety shall promulgate
176 rules and regulations for the use of monies in the Interlock
177 Device Fund to offset the cost of interlock device installation
178 and operation by and court-ordered drug testing of indigent
179 offenders.

180 (b) The court shall determine a defendant's indigence
181 based upon whether the defendant has access to adequate resources
182 to pay the ignition-interlock fee and the costs of installation
183 and maintenance of an ignition-interlock device, or the costs of
184 court-ordered drug testing or both, and may further base the
185 determination of indigence on proof of enrollment in one or more
186 of the following types of public assistance:

- 187 (i) Temporary Assistance for Needy Families
188 (TANF);
- 189 (ii) Medicaid assistance;
- 190 (iii) The Supplemental Nutritional Assistance
191 Program (SNAP), also known as "food stamps";
- 192 (iv) Supplemental security income (SSI);
- 193 (v) Participation in a federal food distribution
194 program;
- 195 (vi) Federal housing assistance;
- 196 (vii) Unemployment compensation; or



197 (viii) Other criteria determined appropriate by
198 the court.

199 (c) No more than ten percent (10%) of the money in the
200 Interlock Device Fund in any fiscal year shall be expended by the
201 department for the purpose of administering the fund.

202 (d) The Commissioner of the Department of Public Safety
203 must promulgate regulations for the program and for vendors,
204 including at a minimum:

205 (i) That the offender must pay the cost of the
206 testing program or, if the court finds the offender to be
207 indigent, that the cost be paid from the Interlock Device Fund.

208 (ii) How indigent funds will be accessed by the
209 vendors, and the maximum cost to the offender or the fund.

210 (* * *e) (i) Money in the Interlock Device Fund will
211 be appropriated to the department to cover part of the costs of
212 court-ordered drug testing and installing, removing and leasing
213 ignition-interlock devices for indigent people who are required,
214 because of a conviction or nonadjudication under Section 63-11-30,
215 to install an ignition-interlock device in all vehicles operated
216 by the person.

217 (ii) If money is available in the Interlock Device
218 Fund, the department shall pay to the vendor, for one (1) vehicle
219 per offender, up to Fifty Dollars (\$50.00) for the cost of
220 installation, up to Fifty Dollars (\$50.00) for the cost of
221 removal, and up to Thirty Dollars (\$30.00) monthly for verified



222 active usage of the ignition-interlock device. The department
223 shall not pay any amount above what an offender would be required
224 to pay for the installation, removal or usage of an
225 ignition-interlock device.

226 (iii) If money is available in the Interlock
227 Device Fund, the department shall pay to the vendor an amount not
228 to exceed that promulgated by the Forensics Laboratory for
229 court-ordered drug testing. The department shall not pay any
230 amount above what an offender would be required to pay
231 individually.

232 (8) In order to reinstate a form of driver's license that is
233 not restricted to operation of an ignition-interlock equipped
234 vehicle, the person must submit proof to the Department of Public
235 Safety to substantiate the person's eligibility for an
236 unrestricted license, which may be a court order indicating
237 completion of sentence or final order of nonadjudication; in the
238 absence of a court order, the proof may consist of the following
239 or such other proof as the commissioner may set forth by
240 regulation duly adopted under the Administrative Procedures Act:

241 (a) Proof of successful completion of an alcohol safety
242 program as provided in Section 63-11-32 if so ordered by the
243 court;

244 (b) Payment of the reinstatement fee required under
245 Section 63-1-46(1)(a);



246 (c) Payment of the driver's license fee required under
247 Section 63-1-43;

248 (d) A certificate of liability insurance or proof of
249 financial responsibility; and

250 (e) (i) For those driving under an
251 interlock-restricted license, a declaration from the vendor, in a
252 form provided or approved by the Department of Public Safety,
253 certifying that there have been none of the following incidents in
254 the last thirty (30) days:

255 1. An attempt to start the vehicle with a
256 breath alcohol concentration of 0.04 or more;

257 2. Failure to take or pass any required
258 retest; or

259 3. Failure of the person to appear at the
260 ignition-interlock device vendor when required for maintenance,
261 repair, calibration, monitoring, inspection, or replacement of the
262 device; or

263 (ii) For a person who violated Section 63-11-30
264 with respect to drugs other than alcohol, proof of successful
265 compliance with all court-ordered drug testing; or

266 (iii) Both subparagraphs (i) and (ii) of this
267 paragraph (e) if applicable.

268 (9) The court may extend the interlock-restricted period if
269 the person had a violation in the last thirty (30) days.



270 (10) The court that originally ordered installation of the
271 ignition-interlock device for a violation of Section 63-11-30 and
272 a court in the municipality or county in which the violation
273 occurred have jurisdiction over an offense under this section.

274 (11) A person who voluntarily obtains an
275 interlock-restricted license may convert at any time to any other
276 form of license for which the person is qualified.

277 (12) (a) The Department of Public Safety shall require all
278 manufacturers of ignition-interlock devices to report
279 ignition-interlock data in a consistent and uniform format as
280 prescribed by the Department of Public Safety. Ignition-interlock
281 vendors must also use the uniform format when sharing data with
282 courts ordering an ignition interlock, with alcohol safety
283 education programs, or with other treatment providers.

284 (b) The Department of Public Safety shall require all
285 vendors of drug testing programs approved under Section 63-11-31.1
286 to report test results in a consistent and uniform format as
287 prescribed by the Forensics Laboratory. Vendors must report test
288 results to the court on a monthly basis, except that a positive
289 test or failure of the testing participant to submit to
290 verification must be reported to the court within five (5) days of
291 verification of the positive test or the failure to submit.

292 **SECTION 3.** Section 63-11-33, Mississippi Code of 1972, is
293 amended as follows:



294 63-11-33. There is created in the State Treasury a special
295 fund to be known as the Interlock Device Fund. The purpose of the
296 fund shall be to provide funding for the Driver's License Bureau
297 of the Department of Public Safety and also to provide funding
298 assistance for ignition interlock devices and court-ordered drug
299 testing for persons determined to be unable to afford the
300 installation and maintenance of an ignition interlock device or
301 costs of drug testing. Monies from the fund shall be distributed
302 by the State Treasurer upon warrants issued by the Department of
303 Public Safety. The fund shall be a continuing fund, not subject
304 to fiscal-year limitations, and shall consist of:

- 305 (a) Monies appropriated by the Legislature for the
306 purposes of funding the Driver's License Bureau;
- 307 (b) The interest accruing to the fund;
- 308 (c) Monies paid by a person for deposit into the fund
309 under Section 63-11-31; and
- 310 (d) Monies received from such other sources as may be
311 provided by law.

312 **SECTION 4.** Section 63-11-5, Mississippi Code of 1972, is
313 amended as follows:

314 63-11-5. (1) (a) Any person who operates a motor vehicle
315 upon the public highways, public roads and streets of this state
316 shall be deemed to have given his consent, subject to the
317 provisions of this chapter, to a chemical test or tests of his
318 breath, blood or urine for the purpose of determining alcohol



319 concentration. A person shall give his consent to a chemical test
320 or tests of his breath, blood or urine for the purpose of
321 determining the presence in his body of any other substance which
322 would impair a person's ability to operate a motor vehicle.

323 (b) The test or tests shall be administered at the
324 direction of any authorized officer, when such officer has
325 reasonable grounds and probable cause to believe that the person
326 was driving or had under his actual physical control a motor
327 vehicle upon the public streets or highways of this state while
328 under the influence of intoxicating liquor or any other substance
329 which had impaired such person's ability to operate a motor
330 vehicle.

331 (2) (* * * a) * * * A breath analysis test must be
332 administered by * * * a person who has * * * met all the
333 educational and training requirements of the appropriate course of
334 study prescribed by the Board on Law Enforcement Officers
335 Standards and Training; * * * however, * * * sheriffs and elected
336 chiefs of police * * * are exempt from * * * the educational and
337 training requirement. * * * A breath analysis test must not be
338 given * * * to any person within fifteen (15) minutes of
339 consumption of any substance by mouth.

340 (* * * b) For purposes of this * * * section, the term
341 "authorized officer" means any highway patrol officer, sheriff or
342 his duly commissioned deputies, police officer in any incorporated
343 municipality, national park ranger, officer of a state-supported



344 institution of higher learning campus police force if such officer
345 is exercising this authority in regard to a violation that
346 occurred on campus property, or security officer appointed and
347 commissioned pursuant to the Pearl River Valley Water Supply
348 District Security Officer Law of 1978 if such officer is
349 exercising this authority in regard to a violation that occurred
350 within the limits of the Pearl River Valley Water Supply District.

351 (* * *3) If the officer has reasonable grounds and probable
352 cause to believe such person to have been driving a motor vehicle
353 upon the public highways, public roads, and streets of this state
354 while under the influence of intoxicating liquor or any other
355 substance that has impaired the person's ability to operate a
356 motor vehicle, * * * the officer shall inform * * * the person
357 that his failure to submit to such chemical test or tests of his
358 breath, blood or urine shall result in the suspension of his
359 privilege to operate a motor vehicle upon the public streets and
360 highways of this state for a period of ninety (90) days * * * if
361 the person has not previously been convicted of a violation of
362 Section 63-11-30, or, for a period of one (1) year * * * if the
363 person has a prior conviction under Section 63-11-30.

364 (* * *4) The traffic ticket, citation or affidavit issued
365 to a person arrested for a violation of this chapter shall conform
366 to the requirements of Section 63-9-21(3)(b), and, if filed
367 electronically, shall conform to Section 63-9-21(8).



368 (* * *5) Any person arrested under the provisions of this
369 chapter shall be informed that he has the right to telephone for
370 the purpose of requesting legal or medical assistance immediately
371 after being booked for a violation under this chapter.

372 (* * *6) The Commissioner of Public Safety and the
373 Mississippi Forensics Laboratory created pursuant to Section
374 45-1-17 are authorized to adopt procedures, rules and regulations
375 applicable to the Implied Consent Law.

376 **SECTION 5.** Section 63-11-23, Mississippi Code of 1972, is
377 amended as follows:

378 63-11-23. (1) **Administrative license suspension for test**
379 **refusal.** The Commissioner of Public Safety, or his authorized
380 agent, shall review the sworn report by a law enforcement officer
381 as provided in Section 63-11-21.

382 (a) If upon review the Commissioner of Public Safety,
383 or his authorized agent, finds (i) that the law enforcement
384 officer had reasonable grounds and probable cause to believe the
385 person had been operating a motor vehicle upon the public
386 highways, public roads and streets of this state while under the
387 influence of intoxicating liquor or any other substance that may
388 impair a person's mental or physical ability; (ii) that * * * the
389 person refused to submit to the chemical test of the person's
390 breath, blood or urine upon request of the officer; and (iii) that
391 the person was informed that his license and driving privileges
392 would be suspended or denied if he refused to submit to the



393 chemical test of his breath, blood or urine, then the Commissioner
394 of Public Safety, or his authorized agent, shall give notice to
395 the licensee that his license or permit to drive, or any
396 nonresident operating privilege, shall be suspended thirty (30)
397 days after the date of the notice for a period of ninety (90) days
398 if the person has not previously been convicted of or
399 nonadjudicated for a violation of Section 63-11-30, or, for a
400 period of one (1) year if the person was previously convicted or
401 nonadjudicated under Section 63-11-30. If the commissioner or his
402 authorized agent determines that the license or permit should not
403 be suspended, he shall return the license or permit to the
404 licensee.

405 (b) The notice of suspension shall be in writing and
406 conform to Section 63-1-52.

407 (c) A person may continue to drive on either an
408 interlock-restricted license or under a drug-testing program if so
409 ordered by a court in the course of a criminal proceeding for a
410 violation of Section 63-11-30.

411 (2) **Extension or suspension of privilege to drive; request**
412 **for trial.** (a) If the chemical testing of a person's breath
413 indicates the blood alcohol concentration was eight one-hundredths
414 percent (.08%) or more for persons who are above the legal age to
415 purchase alcoholic beverages under state law, or two
416 one-hundredths percent (.02%) or more for persons who are below
417 the legal age to purchase alcoholic beverages under state law,



418 based upon grams of alcohol per one hundred (100) milliliters of
419 blood or grams of alcohol per two hundred ten (210) liters of
420 breath as shown by a chemical analysis of the person's blood,
421 breath, or urine, the arresting officer shall seize the license
422 and give the driver a receipt for his license on forms prescribed
423 by the Commissioner of Public Safety and shall promptly forward
424 the license together with a sworn report to the Commissioner of
425 Public Safety. The receipt given a person shall be valid as a
426 permit to operate a motor vehicle for thirty (30) days in order
427 that the defendant may be processed through the court having
428 original jurisdiction and a final disposition had.

429 (b) If the defendant requests a trial within thirty
430 (30) days and trial is not commenced within thirty (30) days, then
431 the court shall determine if the delay in the trial is the fault
432 of the defendant or his counsel. If the court finds that it is
433 not the fault of the defendant or his counsel, then the court
434 shall order the defendant's privileges to operate a motor vehicle
435 to be extended until the defendant is convicted upon final order
436 of the court.

437 (c) If a receipt or permit to drive issued under this
438 subsection expires without a trial having been requested as
439 provided in this subsection, then the Commissioner of Public
440 Safety, or his authorized agent, shall suspend the license or
441 permit to drive or any nonresident operating privilege for the



442 applicable period of time as provided in subsection (1) of this
443 section.

444 (3) **Offenders driving without a license.** If the person is a
445 resident without a license or permit to operate a motor vehicle in
446 this state, the Commissioner of Public Safety, or his authorized
447 agent, shall deny to the person the issuance of a license or
448 permit for a period of one (1) year beginning thirty (30) days
449 after the date of notice of the suspension.

450 (4) **Appeal.** It shall be the duty of the municipal
451 prosecuting attorney, county prosecuting attorney, an attorney
452 employed under the provisions of Section 19-3-49, or if there is
453 not a prosecuting attorney for the municipality or county, the
454 duty of the district attorney to represent the state in any
455 hearing on a de novo appeal held under the provisions of Section
456 63-11-25, Section 63-11-37 or Section 63-11-30.

457 (5) **Suspension subsequent to conviction.** Unless the person
458 obtains an interlock-restricted license or the court orders the
459 person to exercise the privilege to operate a motor vehicle only
460 under an interlock-restricted license or while participating in a
461 court-ordered drug-testing program, thirty (30) days after receipt
462 of the court abstract documenting a person's conviction under
463 Section 63-11-30, the Department of Public Safety shall suspend
464 the driver's license and privileges of the person to operate a
465 motor vehicle as follows:

466 (a) When sentenced under Section 63-11-30(2):



467 (i) For a first offense: one hundred twenty (120)
468 days;

469 (ii) For a second offense: one (1) year;

470 (iii) For a third offense: for the full period of
471 the person's sentence; upon release from incarceration, the person
472 will be eligible for only an interlock-restricted license for
473 three (3) years;

474 (iv) For a fourth or subsequent offense: for the
475 full period of the person's sentence; upon release from
476 incarceration, the person will be eligible for only an
477 interlock-restricted license for ten (10) years and will further
478 be subject to court-ordered drug testing if the original offense
479 involved operating a motor vehicle under the influence of a drug
480 other than alcohol.

481 (b) When sentenced under Section 63-11-30(3) (Zero
482 Tolerance for Minors):

483 (i) For a first offense: one hundred twenty (120)
484 days;

485 (ii) For a second offense: one (1) year;

486 (iii) For a third offense occurring within five
487 (5) years, suspend or deny the driving privilege for two (2) years
488 or until the person reaches the age of twenty-one (21), whichever
489 is longer.

490 (6) **Suspensions.** (a) Notices of suspension given under
491 this section shall be in writing and conform to Section 63-1-52.



492 (b) Suspensions under this and any other chapter shall
493 run consecutively and not concurrently.

494 (7) **License reinstatement.** A person is eligible for an
495 unrestricted license when the person has completed an alcohol
496 safety education program as provided in Section 63-11-32, has
497 satisfied all other conditions of law and of the person's sentence
498 or nonadjudication, and is not otherwise barred from obtaining an
499 unrestricted license.

500 **SECTION 6.** This act shall take effect and be in force from
501 and after July 1, 2020.

