

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1615

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE NONADJUDICATION FOR FELONY VIOLATIONS OF THE IMPLIED
3 CONSENT LAWS UNDER CERTAIN CONDITIONS; TO BRING FORWARD SECTION
4 63-11-30, MISSISSIPPI CODE OF 1972, WHICH REGULATES IMPLIED
5 CONSENT LAWS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
8 amended as follows:

9 99-15-26. (1) (a) In all criminal cases, felony and
10 misdemeanor, other than crimes against the person, a crime of
11 violence as defined in Section 97-3-2, a violation of Section
12 97-11-31, or crimes in which a person unlawfully takes, obtains or
13 misappropriates funds received by or entrusted to the person by
14 virtue of his or her public office or employment, the circuit or
15 county court shall be empowered, upon the entry of a plea of
16 guilty by a criminal defendant made on or after July 1, 2014, to
17 withhold acceptance of the plea and sentence thereon pending
18 successful completion of such conditions as may be imposed by the
19 court pursuant to subsection (2) of this section.



20 (b) In all misdemeanor criminal cases, other than
21 crimes against the person, the justice or municipal court shall be
22 empowered, upon the entry of a plea of guilty by a criminal
23 defendant, to withhold acceptance of the plea and sentence thereon
24 pending successful completion of such conditions as may be imposed
25 by the court pursuant to subsection (2) of this section.

26 (c) Notwithstanding paragraph (a) of this subsection
27 (1), in all criminal cases charging a misdemeanor of domestic
28 violence as defined in Section 99-3-7(5), a circuit, county,
29 justice or municipal court shall be empowered, upon the entry of a
30 plea of guilty by the criminal defendant, to withhold acceptance
31 of the plea and sentence thereon pending successful completion of
32 such conditions as may be imposed by the court pursuant to
33 subsection (2) of this section.

34 (d) No person having previously qualified under the
35 provisions of this section shall be eligible to qualify for
36 release in accordance with this section for a repeat offense. A
37 person shall not be eligible to qualify for release in accordance
38 with this section if charged with the offense of trafficking of a
39 controlled substance as provided in Section 41-29-139(f) or if
40 charged with * * * a misdemeanor offense under the Mississippi
41 Implied Consent Law. Misdemeanor violations under the Mississippi
42 Implied Consent Law can only be nonadjudicated under the
43 provisions of Section 63-11-30. Felony violations of the
44 Mississippi Implied Consent Law can be nonadjudicated under this



section only if successful completion of an intervention court
certified by the Mississippi Administrative Office of Courts is a
court imposed condition of the nonadjudication.

(2) (a) Conditions which the circuit, county, justice or
municipal court may impose under subsection (1) of this section
shall consist of:

(i) Reasonable restitution to the victim of the
crime.

(ii) Performance of not more than nine hundred
sixty (960) hours of public service work approved by the court.

(iii) Payment of a fine not to exceed the
statutory limit.

(iv) Successful completion of drug, alcohol,
psychological or psychiatric treatment, successful completion of a
program designed to bring about the cessation of domestic abuse,
or any combination thereof, if the court deems treatment
necessary.

(v) The circuit or county court, in its
discretion, may require the defendant to remain in the program
subject to good behavior for a period of time not to exceed five
(5) years. The justice or municipal court, in its discretion, may
require the defendant to remain in the program subject to good
behavior for a period of time not to exceed two (2) years.

(b) Conditions which the circuit or county court may
impose under subsection (1) of this section also include



70 successful completion of an effective evidence-based program or a
71 properly controlled pilot study designed to contribute to the
72 evidence-based research literature on programs targeted at
73 reducing recidivism. Such program or pilot study may be community
74 based or institutionally based and should address risk factors
75 identified in a formal assessment of the offender's risks and
76 needs.

77 (3) When the court has imposed upon the defendant the
78 conditions set out in this section, the court shall release the
79 bail bond, if any.

80 (4) Upon successful completion of the court-imposed
81 conditions permitted by subsection (2) of this section, the court
82 shall direct that the cause be dismissed and the case be closed.

83 (5) Upon petition therefor, the court shall expunge the
84 record of any case in which an arrest was made, the person
85 arrested was released and the case was dismissed or the charges
86 were dropped, there was no disposition of such case, or the person
87 was found not guilty at trial.

88 **SECTION 2.** Section 63-11-30, Mississippi Code of 1972, is
89 brought forward as follows:

90 63-11-30. (1) It is unlawful for a person to drive or
91 otherwise operate a vehicle within this state if the person:

92 (a) Is under the influence of intoxicating liquor;

93 (b) Is under the influence of any other substance that
94 has impaired the person's ability to operate a motor vehicle;



(c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or

(d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:

(i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;

(ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or

(iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.

(2) Except as otherwise provided in subsection (3) of this section (Zero Tolerance for Minors):

(a) **First offense DUI.** (i) Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; the court shall



order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of sentencing. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail.

(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A qualifying first offense may be nonadjudicated by the court under subsection (14) of this section. The holder of a commercial driver's license or a commercial learning permit at the time of the offense is ineligible for nonadjudication.

(iv) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(b) **Second offense DUI.** (i) Upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor, fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than six (6) months and sentenced to community service work for not less than ten (10) days nor more than six (6) months. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.



(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(c) **Third offense DUI.** (i) For a third conviction of a person for violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections. For any offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) The suspension of regular driving privileges is governed by Section 63-11-23.

(d) **Fourth and subsequent offense DUI.** (i) For any fourth or subsequent conviction of a violation of subsection (1)



of this section, without regard to the time period within which the violations occurred, the person shall be guilty of a felony and fined not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), and shall serve not less than two (2) years nor more than ten (10) years in the custody of the Department of Corrections.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A person convicted of a fourth or subsequent offense is ineligible to exercise the privilege to operate a motor vehicle that is not equipped with an ignition-interlock device for ten (10) years.

(e) Any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of the assessment is determined to be in need of treatment for alcohol or drug abuse, the person must successfully complete treatment at a program site certified by the Department of Mental Health. Each person who receives a diagnostic assessment shall pay a fee representing the cost of the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of treatment.

(f) The use of ignition-interlock devices is governed by Section 63-11-31.



194 (3) **Zero tolerance for minors.** (a) This subsection shall
195 be known and may be cited as Zero Tolerance for Minors. The
196 provisions of this subsection shall apply only when a person under
197 the age of twenty-one (21) years has a blood alcohol concentration
198 of two one-hundredths percent (.02%) or more, but lower than eight
199 one-hundredths percent (.08%). If the person's blood alcohol
200 concentration is eight one-hundredths percent (.08%) or more, the
201 provisions of subsection (2) shall apply.

202 (b) (i) A person under the age of twenty-one (21) is
203 eligible for nonadjudication of a qualifying first offense by the
204 court pursuant to subsection (14) of this section.

205 (ii) Upon conviction of any person under the age
206 of twenty-one (21) years for the first offense of violating
207 subsection (1) of this section where chemical tests provided for
208 under Section 63-11-5 were given, or where chemical test results
209 are not available, the person shall be fined Two Hundred Fifty
210 Dollars (\$250.00); the court shall order the person to attend and
211 complete an alcohol safety education program as provided in
212 Section 63-11-32 within six (6) months. The court may also
213 require attendance at a victim impact panel.

214 (c) A person under the age of twenty-one (21) years who
215 is convicted of a second violation of subsection (1) of this
216 section, the offenses being committed within a period of five (5)
217 years, shall be fined not more than Five Hundred Dollars
218 (\$500.00).



219 (d) A person under the age of twenty-one (21) years who
220 is convicted of a third or subsequent violation of subsection (1)
221 of this section, the offenses being committed within a period of
222 five (5) years, shall be fined not more than One Thousand Dollars
223 (\$1,000.00).

224 (e) License suspension is governed by Section 63-11-23
225 and ignition interlock is governed by Section 63-11-31.

226 (f) Any person under the age of twenty-one (21) years
227 convicted of a third or subsequent violation of subsection (1) of
228 this section must complete treatment of an alcohol or drug abuse
229 program at a site certified by the Department of Mental Health.

230 (4) **DUI test refusal.** In addition to the other penalties
231 provided in this section, every person refusing a law enforcement
232 officer's request to submit to a chemical test of the person's
233 breath as provided in this chapter, or who was unconscious at the
234 time of a chemical test and refused to consent to the introduction
235 of the results of the test in any prosecution, shall suffer an
236 additional administrative suspension of driving privileges as set
237 forth in Section 63-11-23.

238 (5) **Aggravated DUI.** (a) (i) Except as otherwise provided
239 in subparagraph (ii) of this paragraph (a), every person who
240 operates any motor vehicle in violation of the provisions of
241 subsection (1) of this section and who in a negligent manner
242 causes the death of another or mutilates, disfigures, permanently
243 disables or destroys the tongue, eye, lip, nose or any other limb,



organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.

(ii) Every person who is below the legal age to purchase alcoholic beverages under state law and has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of eight one-hundredths percent (0.08%) or more and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other



injury and shall be committed to the custody of the State Department of Corrections for a period of time not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any such person charged with causing the death of another as described in this subparagraph shall be required to post bail before being released after arrest.

(b) A holder of a commercial driver's license who is convicted of operating a commercial motor vehicle with an alcohol concentration of eight one-hundredths percent (.08%) or more shall be guilty of a felony and shall be committed to the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years.

(c) The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignition-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section 63-1-216.

(6) **DUI citations.** (a) Upon conviction of a violation of subsection (1) of this section, the trial judge shall sign in the



place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The court clerk must immediately send a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction or other order of the court, to the Department of Public Safety as provided in Section 63-11-37.

(b) A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section. The Department of Public Safety shall maintain a central database for verification of prior offenses and convictions.

(7) **Out-of-state prior convictions.** Convictions in another state, territory or possession of the United States, or under the law of a federally recognized Native American tribe, of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring within five (5) years before an offense



shall be counted for the purposes of determining if a violation of subsection (1) of this section is a second, third, fourth or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) **Charging of subsequent offenses.** (a) For the purposes of determining how to impose the sentence for a second, third, fourth or subsequent conviction under this section, the affidavit or indictment shall not be required to enumerate previous convictions. It shall only be necessary that the affidavit or indictment states the number of times that the defendant has been convicted and sentenced within the past five (5) years for a second or third offense, or without a time limitation for a fourth or subsequent offense, under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third, fourth or subsequent offense of this section.

(b) Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that



has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.

(9) **License eligibility for underage offenders.** A person who is under the legal age to obtain a license to operate a motor vehicle at the time of the offense and who is convicted under this section shall not be eligible to receive a driver's license until the person reaches the age of eighteen (18) years.

(10) **License suspensions and restrictions to run consecutively.** Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of subsection (1) of this section shall run consecutively to and not concurrently with any other administrative license suspension.

(11) **Ignition interlock.** If the court orders installation and use of an ignition-interlock device as provided in Section 63-11-31 for every vehicle operated by a person convicted or nonadjudicated under this section, each device shall be installed, maintained and removed as provided in Section 63-11-31.

(12) **DUI child endangerment.** A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has



impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:

(a) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;

(b) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for one (1) year, or both;

(c) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and

(d) A person who commits a violation of this subsection which results in the serious injury or death of a child, without



394 regard to whether the offense was a first, second, third or
395 subsequent offense, shall be guilty of a felony and, upon
396 conviction, shall be punished by a fine of not less than Ten
397 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
398 than five (5) years nor more than twenty-five (25) years.

399 (13) **Expunction.** (a) Any person convicted under subsection
400 (2) or (3) of this section of a first offense of driving under the
401 influence and who was not the holder of a commercial driver's
402 license or a commercial learning permit at the time of the offense
403 may petition the circuit court of the county in which the
404 conviction was had for an order to expunge the record of the
405 conviction at least five (5) years after successful completion of
406 all terms and conditions of the sentence imposed for the
407 conviction. Expunction under this subsection will only be
408 available to a person:

409 (i) Who has successfully completed all terms and
410 conditions of the sentence imposed for the conviction;

411 (ii) Who did not refuse to submit to a test of his
412 blood or breath;

413 (iii) Whose blood alcohol concentration tested
414 below sixteen one-hundredths percent (.16%) if test results are
415 available;

416 (iv) Who has not been convicted of and does not
417 have pending any other offense of driving under the influence;



(v) Who has provided the court with justification as to why the conviction should be expunged; and

(vi) Who has not previously had a nonadjudication or expunction of a violation of this section.

(b) A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a permanent confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility for expunction, for nonadjudication, or as a first offender under this section.

(c) The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.

(14) **Nonadjudication.** (a) For the purposes of this chapter, "nonadjudication" means that the court withholds adjudication of guilt and sentencing, either at the conclusion of a trial on the merits or upon the entry of a plea of guilt by a defendant, and places the defendant in a nonadjudication program conditioned upon the successful completion of the requirements imposed by the court under this subsection.

(b) A person is eligible for nonadjudication of an offense under this Section 63-11-30 only one (1) time under any provision of a law that authorizes nonadjudication and only for an offender:



443 (i) Who has successfully completed all terms and
444 conditions imposed by the court after placement of the defendant
445 in a nonadjudication program;

446 (ii) Who was not the holder of a commercial
447 driver's license or a commercial learning permit at the time of
448 the offense;

449 (iii) Who has not previously been convicted of and
450 does not have pending any former or subsequent charges under this
451 section; and

452 (iv) Who has provided the court with justification
453 as to why nonadjudication is appropriate.

454 (c) Nonadjudication may be initiated upon the filing of
455 a petition for nonadjudication or at any stage of the proceedings
456 in the discretion of the court; the court may withhold
457 adjudication of guilt, defer sentencing, and upon the agreement of
458 the offender to participate in a nonadjudication program, enter an
459 order imposing requirements on the offender for a period of court
460 supervision before the order of nonadjudication is entered.
461 Failure to successfully complete a nonadjudication program
462 subjects the person to adjudication of the charges against him and
463 to imposition of all penalties previously withheld due to entrance
464 into a nonadjudication program. The court shall immediately
465 inform the commissioner of the conviction as required in Section
466 63-11-37.

467 (i) The court shall order the person to:



1. Pay the nonadjudication fee imposed under
Section 63-11-31 if applicable;

2. Pay all fines, penalties and assessments
that would have been imposed for conviction;

3. Attend and complete an alcohol safety
education program as provided in Section 63-11-32 within six (6)
months of the date of the order;

4. a. If the court determines that the
person violated this section with respect to alcohol or
intoxicating liquor, the person must install an ignition-interlock
device on every motor vehicle operated by the person, obtain an
interlock-restricted license, and maintain that license for one
hundred twenty (120) days or suffer a one-hundred-twenty-day
suspension of the person's regular driver's license, during which
time the person must not operate any vehicle.

b. If the court determines that the
person violated this section by operating a vehicle when under the
influence of a substance other than alcohol that has impaired the
person's ability to operate a motor vehicle, including any drug or
controlled substance which is unlawful to possess under the
Mississippi Controlled Substances Law, the person must submit to a
one-hundred-twenty-day period of a nonadjudication program that
includes court-ordered drug testing at the person's own expense
not less often than every thirty (30) days, during which time the
person may drive if compliant with the terms of the program, or



suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person will not operate any vehicle.

(ii) Other conditions that may be imposed by the court include, but are not limited to, alcohol or drug screening, or both, proof that the person has not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by the offender if required, and attendance at a victim-impact panel.

(d) The court may enter an order of nonadjudication only if the court finds, after a hearing or after ex parte examination of reliable documentation of compliance, that the offender has successfully completed all conditions imposed by law and previous orders of the court. The court shall retain jurisdiction over cases involving nonadjudication for a period of not more than two (2) years.

(e) (i) The clerk shall immediately forward a record of every person placed in a nonadjudication program and of every nonadjudication order to the Department of Public Safety for inclusion in the permanent confidential registry of all cases that are nonadjudicated under this subsection (14).

(ii) Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential



registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case and 1. is therefore ineligible for another nonadjudication; 2. is ineligible as a first offender for a violation of this section; or 3. is ineligible for expunction of a conviction of a violation of this section.

(iii) The Driver Services Bureau of the department shall have access to the confidential registry for the purpose of determining whether a person is eligible for a form of license not restricted to operating a vehicle equipped with an ignition-interlock device.

(iv) The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only.

(15) The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a motor vehicle.

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

