



1 A bill to be entitled

2 An act relating to driving under the influence; amending
3 s. 316.1937, F.S.; establishing a breath alcohol level,
4 rather than a blood alcohol level as the basis for
5 requiring the installation of an ignition interlock device
6 on a vehicle operated by a DUI offender; requiring the
7 installation of ignition interlock devices on certain
8 vehicles for certain period of time where offender fails
9 the abstinence requirement of a supervision program;
10 extending the period of license suspension under such
11 circumstances; providing that the requirement to place an
12 ignition interlock device in a vehicle be recorded on the
13 offender's license and in the records of the Department of
14 Highway safety and Motor Vehicles; requiring the placement
15 of an ignition interlock device as a condition of
16 licensure for certain probationers; requiring notification
17 by an offender to a probation officer when installation of
18 an ignition interlock device is required as a condition of
19 probation; amending s. 316.1938, F.S.; authorizing the
20 Department of Highway Safety and Motor Vehicles to
21 contract for certain commodities and services; deleting
22 requirement that the department publish a list of approved
23 ignition interlock devices; deleting requirement that
24 manufacturers of ignition interlock devices pay the cost
25 of certifying ignition interlock devices; providing an
26 effective date.

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28 Be It Enacted by the Legislature of the State of Florida:



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Section 1. Section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.--

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193 shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's breath ~~blood~~ alcohol level is in excess of 0.025 grams of alcohol per 210 liters of breath ~~0.05 percent~~ or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for a period of not less than 6 months, if the person is permitted to operate a motor vehicle, whether or not the privilege to operate a motor vehicle is restricted, as determined by the court. The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.

(2) If the court imposes the use of an ignition interlock device, the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.



56 (c) Order that an ignition interlock device be installed,
 57 as the court may determine necessary, on any vehicle owned or
 58 operated by the person.

59 (d) Determine the person's ability to pay for installation
 60 of the device if the person claims inability to pay. If the
 61 court determines that the person is unable to pay for
 62 installation of the device, the court may order that any portion
 63 of a fine paid by the person for a violation of s. 316.193 shall
 64 be allocated to defray the costs of installing the device.

65 (e) Require proof of installation of the device,
 66 monitoring by a licensed DUI program of the person required to
 67 have an ignition interlock device, and periodic reporting to the
 68 department by the licensed DUI program for verification of the
 69 operation of the device in the person's vehicle.

70 (3) If the court imposes the use of an ignition interlock
 71 device on a person whose driving privilege is not suspended or
 72 revoked, the court shall require the person to provide proof of
 73 compliance to the department within 30 days. If the person fails
 74 to provide proof of installation within that period, absent a
 75 finding by the court of good cause for that failure which is
 76 entered in the court record, the court shall notify the
 77 department.

78 (4) If the court imposes the use of an ignition interlock
 79 device on a person whose driving privilege is suspended or
 80 revoked for a period of less than 3 years, the department shall
 81 require proof of compliance before reinstatement of the person's
 82 driving privilege.



83 (5)(a) In addition to any other provision of law, upon
84 conviction of a violation of this section the department shall
85 revoke the person's driving privilege for 1 year from the date
86 of conviction. Upon conviction of a separate violation of this
87 section during the same period of required use of an ignition
88 interlock device, the department shall revoke the person's
89 driving privilege for 5 years from the date of conviction.

90 (b) Any person convicted of a violation of subsection (9)
91 ~~(6)~~ who does not have a driver's license shall, in addition to
92 any other penalty provided by law, pay a fine of not less than
93 \$250 or more than \$500 per each such violation. In the event
94 that the person is unable to pay any such fine, the fine shall
95 become a lien against the motor vehicle used in violation of
96 subsection (9) ~~(6)~~ and payment shall be made pursuant to s.
97 316.3025(4).

98 (6) If a person is convicted of DUI and is accepted into a
99 supervision program conducted by a licensed DUI program and
100 fails the abstinence requirement of the program, the supervision
101 program shall continue and an ignition interlock device shall be
102 required for 1 year of a 5-year license revocation period
103 required by s. 322.28(2)(a) and for 2 years of a 10-year license
104 revocation period required by s. 322.28(2)(a), and the time
105 period of the original license suspension shall be extended such
106 that the period of suspension shall be deemed to begin on the
107 date the ignition interlock device is installed. If such DUI
108 offender fails the abstinence requirement of the supervision
109 program a second time, the offender's restricted license shall
110 be revoked for the remaining revocation period.



111 (7) The requirement to place an ignition interlock device
112 in a convicted person's vehicles shall be recorded on the
113 person's license and in the department's records.

114 (8) If, while required to place an ignition interlock
115 device on his or her vehicle, the convicted person is on any
116 type of probation, the probation order shall contain a condition
117 requiring the placement of an ignition interlock device, as
118 required by this section, effective upon the convicted person's
119 obtaining a license under s. 322.271. The convicted person shall
120 notify his or her probation officer of said condition within 72
121 hours after imposition of said condition.

122 (9)(6)(a) It is unlawful to tamper with, or to circumvent
123 the operation of, a court-ordered ignition interlock device.

124 (b) It is unlawful for any person whose driving privilege
125 is restricted pursuant to this section to request or solicit any
126 other person to blow into an ignition interlock device or to
127 start a motor vehicle equipped with the device for the purpose
128 of providing the person so restricted with an operable motor
129 vehicle.

130 (c) It is unlawful to blow into an ignition interlock
131 device or to start a motor vehicle equipped with the device for
132 the purpose of providing an operable motor vehicle to a person
133 whose driving privilege is restricted pursuant to this section.

134 (d) It is unlawful to knowingly lease or lend a motor
135 vehicle to a person who has had his or her driving privilege
136 restricted as provided in this section, unless the vehicle is
137 equipped with a functioning, certified ignition interlock
138 device. Any person whose driving privilege is restricted under a



139 condition of probation requiring an ignition interlock device
 140 shall notify any other person who leases or loans a motor
 141 vehicle to him or her of such driving restriction.

142 ~~(10)(7)~~ Notwithstanding the provisions of this section, if
 143 a person is required to operate a motor vehicle in the course
 144 and scope of his or her employment and if the vehicle is owned
 145 by the employer, the person may operate that vehicle without
 146 installation of an approved ignition interlock device if the
 147 employer has been notified of such driving privilege restriction
 148 and if proof of that notification is with the vehicle. This
 149 employment exemption does not apply, however, if the business
 150 entity which owns the vehicle is owned or controlled by the
 151 person whose driving privilege has been restricted.

152 ~~(11)(8)~~ In addition to the penalties provided in this
 153 section, a violation of this section is a noncriminal traffic
 154 infraction, punishable as a nonmoving violation as provided in
 155 chapter 318.

156 Section 2. Section 316.1938, Florida Statutes, is amended
 157 to read:

158 316.1938 Ignition interlock devices, certification;
 159 warning label.--

160 (1) The Department of Highway Safety and Motor Vehicles is
 161 authorized to contract, in accordance with chapter 287, with a
 162 provider or providers to furnish all or some of the commodities
 163 and contractual services required for the implementation of this
 164 section.

165 ~~(2)(1)~~ The Department of Highway Safety and Motor Vehicles
 166 shall certify or cause to be certified the accuracy and



167 precision of the breath-testing component of the ignition
168 interlock devices as required by s. 316.1937, ~~and shall publish~~
169 ~~a list of approved devices, together with rules governing the~~
170 ~~accuracy and precision of the breath-testing component of such~~
171 ~~devices as adopted by rule in compliance with s. 316.1937. The~~
172 ~~cost of certification shall be borne by the manufacturers of~~
173 ~~ignition interlock devices.~~

174 (3)~~(2)~~ No model of ignition interlock device shall be
175 certified unless it meets the accuracy requirements specified by
176 ~~rule of~~ the department.

177 (4)~~(3)~~ The department shall design and adopt by rule a
178 warning label which shall be affixed to each ignition interlock
179 device upon installation. The label shall contain a warning that
180 any person tampering, circumventing, or otherwise misusing the
181 device is guilty of a violation of law and may be subject to
182 civil liability.

183 Section 3. This act shall take effect July 1, 2003.

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