

By Senator Wise

5-496-05

1 A bill to be entitled

2 An act relating to driving under the influence;

3 creating s. 322.2715, F.S.; directing the

4 Department of Highway Safety and Motor Vehicles

5 to require the placement of a

6 department-approved ignition interlock device

7 on specified vehicles operated by any person

8 convicted of committing certain

9 driving-under-the-influence offenses;

10 specifying the duration of each installation

11 period based upon the number of DUI

12 convictions; directing the department to

13 require installation of the ignition interlock

14 if the court fails to order the mandatory

15 placement of the device or fails to order

16 placement for the applicable period; providing

17 an effective date.

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

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21 Section 1. Section 322.2715, Florida Statutes, is

22 created to read:

23 322.2715 Ignition interlock device.--

24 (1) Before issuing a permanent or restricted driver's

25 license under this chapter, the department shall require the

26 placement of a department-approved ignition interlock device

27 for any person convicted of committing an offense of driving

28 under the influence as specified in subsection (3). An

29 interlock device shall be placed on all vehicles that are

30 individually or jointly leased or owned and routinely operated

31 by the convicted person.

1 (2) For purposes of this section, any conviction for a
2 violation of s. 316.193, a previous conviction for a violation
3 of former s. 316.1931, or a conviction outside this state for
4 driving under the influence, driving while intoxicated,
5 driving with an unlawful blood alcohol level, or any other
6 similar alcohol-related or drug-related traffic offense is a
7 conviction of driving under the influence.

8 (3) If the person is convicted of:

9 (a) A first offense of driving under the influence
10 under s. 316.193 and has an unlawful blood alcohol level or
11 breath alcohol level as specified in s. 316.193(4), or if a
12 person is convicted of a violation of s. 316.193 and was at
13 the time of the offense accompanied in the vehicle by a person
14 younger than 18 years of age, the person shall have the
15 ignition interlock device installed for 6 months for the first
16 offense and for at least 2 years for a second offense.

17 (b) A second offense of driving under the influence,
18 the ignition interlock device shall be installed for a period
19 of not less than 1 year.

20 (c) A third offense of driving under the influence
21 which occurs within 10 years after a prior conviction for a
22 violation of s. 316.193, the ignition interlock device shall
23 be installed for a period of not less than 2 years.

24 (d) A third offense of driving under the influence
25 which occurs more than 10 years after the date of a prior
26 conviction, the ignition interlock device shall be installed
27 for a period of not less than 2 years.

28 (4) If the court fails to order the mandatory
29 placement of the ignition interlock device or fails to order
30 for the applicable period the mandatory placement of an
31 ignition interlock device under s. 316.193 or s. 316.1937 at

1 the time of imposing sentence or within 30 days thereafter,
2 the department shall immediately require that the ignition
3 interlock device be installed as provided in this section.
4 This subsection applies to the reinstatement of the driving
5 privilege following a revocation, suspension, or cancellation
6 that is based upon an offense of driving under the influence
7 which occurs on or after July 1, 2005.

8 Section 2. This act shall take effect July 1, 2005.

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11 SENATE SUMMARY

12 Directs the Department of Highway Safety and Motor
13 Vehicles to require placement of a department-approved
14 ignition interlock device on specified vehicles operated
15 by any person convicted of committing certain
16 driving-under-the-influence offenses. Specifies the
17 duration of each installation period based upon the
18 number of DUI convictions. Directs the department to
19 require installation of the ignition interlock if the
20 court fails to order the mandatory placement of the
21 device or fails to order placement for the applicable
22 period.
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