

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	SB 366
Version:	Floor Amendment 1
Request Number:	11457
Author:	Rep. Moore
Date:	4/28/2022
Impact:	No direct fiscal impact anticipated

Research Analysis

The substitute to SB 366 requires that the first license revocation for certain convictions, including driving under the influence, within 10 years preceding the date of arrest shall be for a period of not less than 180 days and remain in effect until the person completes the Impaired Driver Accountability Program (IDAP). A second revocation shall be for not less than one year remain in effect until the person completes the IDAP. A third revocation shall be for not less than three years and in effect until the person completes the IDAP. The measure clarifies that any revocation for certain offenses shall not run concurrently with any other revocation resulting from a different incident. The measure provides that any petition to appeal a revocation must contain a description of the facts and circumstances of the underlying incident sufficient to determine the arresting law enforcement agency and the date of the incident. The measure extends the time at which the district court must hold a hearing from 15-30 days from the date of filing to 30 to 60 days from filing. The measure provides that when the records of the Department do not reflect receipt of a sworn report of a law enforcement officer stating that the officer had reasonable grounds to believe the petitioner had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes, or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, the court shall, upon application by the Department, stay the appeal for one hundred eighty (180) days from the date of the arrest as alleged in the petition, or until the sworn report is received by the Department. In no event shall a court award costs or fees, including attorney fees, based upon the records of the Department that do not reflect the receipt of the sworn report. During the pendency of the appeal, the Department shall grant or restore driving privileges to the person if the person is otherwise eligible. The measure removes a prohibition that prevents a person from being compelled to travel more than 70 miles to attend a course or evaluation program. The measure removes a requirement that an ignition interlock device be installed upon a vehicle owned or leased by an employer of the person required to use an ignition interlock device. The measure allows the Board of Tests for Alcohol and Drug Influence to charge an administrative fee of \$150 to each person entered into IDAP. The measure requires IDAP rules to at a minimum require the installation of an ignition interlock device, a description of ignition interlock violations, a description of criteria to determine participation; required violation free periods of not less than 90 days at the end of each program; criteria for medical exemptions from ignition interlock requirements, criteria for granting employer exceptions to ignition interlock requirements, criteria for granting affordability accommodations for persons on public assistance programs. The measure provides that a revocation or denial for failure to comply with the implied consent law is effective 45 days after the arrested person is given written notice.

The measure repeals:

[Title 47, Section 6-212.6](#);
[Title 47, Section 754.1](#);
[Title 47, Section 754.2](#); and
[Title 47, Section 755](#).

Prepared By: Brad Wolgamott

Fiscal Analysis

The first floor amendment to the measure is a floor substitute. The amendment would modify the administrative procedures the Department of Public Safety uses to process driver license revocations for individuals convicted of impaired driving.

Upon review and with consultation from the Department of Public Safety, no direct fiscal impact to the state is anticipated from passage of the measure.

Prepared By: Clayton Mayfield

Other Considerations

None.