

Driving Under the Influence—Expungement, Restricted Licenses; Sub. for HB 2159

Sub. for HB 2159 amends the law concerning driving under the influence (DUI). The bill amends the statute governing ignition interlock restrictions of driving privileges following a first occurrence of a DUI-related test refusal, test failure, or conviction, to allow the person under the restriction to drive to and from the ignition interlock provider for maintenance and downloading of data from the device.

The bill also amends provisions related to expungement of DUI and test refusal offenses. Specifically, the bill amends the statutes governing expungement of DUI and test refusal convictions and city ordinance violations that also would constitute a DUI or test refusal to change to five the number of years that must have elapsed since the person satisfied the sentence or the terms of a diversion agreement or was discharged from probation, parole, postrelease supervision, conditional release, or a suspended sentence before petitioning for expungement of a first DUI offense. A person can petition for expungement of a second or subsequent conviction of DUI or test refusal after ten years. Previously, the law required the elapse of ten years for a municipal DUI violation and seven years for a DUI conviction under state law. For test refusal, the law previously required the elapse of three years for a municipal violation and seven years for a conviction under state law.

Finally, the bill allows the Division of Vehicles to issue a restricted driver's license with a DUI-IID (Ignition Interlock Device) designation to a licensee allowed to operate a motor vehicle under ignition interlock restrictions. The bill applies an additional \$10 fee to the DUI-IID restricted license; moneys collected from this fee will be deposited into a DUI-IID Designation Fund created by the bill. All other requirements for issuance and renewal of a driver's license apply.