

HB 1994 -- PERSISTANT DWI OFFENDERS

SPONSOR: Black

This bill changes the law regarding license plates for individuals convicted of two or more violations of driving while intoxicated (DWI) or driving with excessive blood alcohol content (BAC). In its main provisions, the bill:

- (1) Specifies a plea of nolo contendere will constitute a conviction for purposes of these provisions;
- (2) Requires a court to issue an order requiring that the license plates of all motor vehicles registered in the individual's name be surrendered to the court when he or she is convicted of their second or subsequent DWI or BAC conviction within 10 years;
- (3) Specifies that 10 years is measured from the date of the previous arrest that the individual was convicted to the date of the current arrest that he or she is convicted;
- (4) Requires the court to notify the Director of the Department of Revenue within 10 days after issuing the order, and the director must revoke the individual's license plates upon receiving the notice;
- (5) Requires the court to issue a receipt for the surrendered license plate or plates and to forward the surrendered license plate or plates to the local fee office immediately upon receipt;
- (6) Prohibits, except in specified circumstances, the issuance of a new license plate or plates to the individual subject to a court order issued under these provisions until he or she is issued a limited driving privilege or the individual's driver's license is reissued or reinstated, whichever occurs first;
- (7) Specifies that obtaining a new license plate or plates in violation of these provisions is a misdemeanor;
- (8) Specifies that an individual who is subject to a court order issued under these provisions may apply to the director for authorization to obtain a new license plate or plates bearing a special series of numbers and letters so as to be identifiable by law enforcement officers;
- (9) Specifies that the special license plate will not, in and of itself, constitute probable cause to authorize a traffic stop, search of a motor vehicle, or seizure;

(10) Requires the director to authorize the issuance of a special license plate when he or she determines that there is another member of the individual's household who possesses a valid driver's license and the co-owner of the vehicle or member of the offender's family, other than the offender, is completely dependent upon the motor vehicle for the necessities of life and will be subjected to undue hardship without the special license plate;

(11) Allows a local fee office to issue plates upon receiving the written approval of the director, a \$25 fee for each vehicle issued a special plate, and the applicant's compliance with all applicable state laws;

(12) Requires a written authorization from the director that specifies the maximum number of license plates an individual may obtain;

(13) Prohibits a person from selling or conveying a motor vehicle that is issued a special plate except as specified in the bill;

(14) Allows the director to transfer the certificate of title to the vehicle and issue a new certificate of registration and license plate as specified in the bill;

(15) Allows the director to transfer the certificate of title and issue a new license plate to the new registered owner when the title to a motor vehicle owned by an individual subject to a court order or having a license plate issued under these provisions is transferred by the foreclosure, cancellation of a conditional sales contract, sale upon execution, or order of a court of competent jurisdiction;

(16) Allows an individual to apply for a regular issue license plate upon full restoration of the driving privileges of an individual subject to a court order under these provisions;

(17) Requires an individual to surrender his or her special issue license plate to the local fee office as a condition of obtaining any regular issue license plate for a fee specified under these provisions;

(18) Specifies that nothing in these provisions are deemed to waive any lawful requirement for the issuance of a license plate including, but not limited to, proof of financial responsibility;

(19) Specifies that the display of a license plate issued under these provisions must not constitute probable cause for stopping or detaining a vehicle; and

(20) Provides that an individual aggrieved by a decision of the director under these provisions may file a complaint and request an administrative hearing.