

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4512

BY DELEGATES BUTLER, PORTERFIELD, ROWE AND

FOSTER

[BY REQUEST OF THE DIVISION OF MOTOR VEHICLES]

[Introduced January 23, 2020; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the West Virginia Code, 1931, as amended, by adding thereto a new article,
2 designated §17B-8-1, §17B-8-2, §17B-8-3, §17B-8-4, §17B-8-5, §17B-8-6 and §17B-8-7;
3 and to amend and reenact §17C-5A-3a of said code, all relating to creating a work permit
4 driver's license program; providing legislative findings and purpose; defining terms;
5 establishing eligibility requirements; providing that drivers whose commercial driver's
6 license was suspended or revoked are not eligible for the work permit driver's license
7 program; providing that drivers whose driver's license was suspended or revoked for
8 passing a school bus, medical reasons, driving under the influence, and any hit and run
9 offense under §17C-4-1 *et seq.* are not eligible for the work permit driver's license program;
10 specifying the terms and conditions of participating in the program; providing for a \$20,
11 nonrefundable application fee; limiting times and places a participant may drive to those
12 approved by the Commissioner of Motor Vehicles; requiring completion of driver
13 improvement course; providing for cancellation of work permit driver's license for certain
14 motor vehicle violations and providing exceptions; limiting work permit driver's license to
15 one year; authorizing fees to be deposited in the Motor Vehicles Fee Fund for
16 administration of the program; authorizing emergency and legislative rules; authorizing
17 penalties of up to six months in jail and a fine of up to \$500 for violations of the terms and
18 conditions of the program; allowing drivers convicted of driving under the influence to
19 participated in the Motor Vehicle Test and Lock Program jointly with the work permit driver's
20 license program; requiring persons convicted of driving under the influence of drugs or
21 controlled substances to submit to drug testing; requiring satisfactory assessment from
22 approved Safety and Treatment Provider; authorizing the Commissioner to reduce
23 revocation periods under certain circumstances;

Be it enacted by the Legislature of West Virginia:

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 8. WORK PERMIT DRIVER'S LICENSE PROGRAM.**§17B-8-1. Legislative findings and purpose.**

1 The Legislature finds that suspension and revocation of a person's driving privilege has a
2 negative impact on that person's employment opportunities and ability to be a productive citizen.
3 The inability to commute to and from employment, school or occupational training, medical
4 appointments or religious services for West Virginia drivers puts an undue burden on the public
5 and the state. The Legislature also finds that there is a need to protect the public from impaired
6 or unsafe drivers. The creation of the work permit driver's license program will allow certain drivers
7 the limited ability to drive and support themselves and their families, pay outstanding fines and
8 fees, and learn to be responsible drivers.

§17B-8-2. Definitions.

1 For the purposes of this article:

2 "Commissioner" means the Commissioner of the Division of Motor Vehicles, or his or her
3 designee.

4 "Commercial driver's license" means a license issued in accordance with the provisions
5 of §17E-1-1 et seq.

6 "Driving under the influence" means any offense under §17C-5-2 or §17C-5A-2 of this
7 code.

8 (a) Any person whose commercial driver's license is suspended, is subject to suspension
9 or is revoked is not eligible for a work permit driver's license for operation of a commercial vehicle
10 but may apply for a noncommercial work permit driver's license. Nothing in this section may be
11 construed in contravention to §17E-1-13 (g) of this code or 49 U.S.C. 31311 and 49 C.F.R.
12 384.226 of federal law.

13 (b) Any person whose driver's license is suspended or revoked for driving under the
14 influence is not eligible for a work permit driver's license under this article but may participate in
15 the Motor Vehicle Alcohol Test and Lock Program pursuant to §17C-5A-3A of this code.

16 (c) Any person whose driver's license is suspended or revoked for medical reasons
17 pursuant to §17B-3-6 (a) (5) is not eligible for a work permit driver's license.

18 (d) Any person whose driver's license is suspended or revoked for passing a stopped
19 school bus in violation of §17C-12-7 is not eligible for a work permit driver's license.

20 (e) Any person whose driver's license is suspended or revoked for a violation on §17C-4-
21 1 et seq. is not eligible for a work permit driver's license.

22 (f) Any person who is unlicensed at the time of suspension or revocation is eligible for a
23 work permit driver's license but must complete all steps to obtain a driver's license and is
24 additionally subject to the limitation in this article for any learner's permit issued.

25 (g) Any person whose driver's license is revoked due to a mandatory revocation pursuant
26 to §17B-3-5 is not eligible for a work permit driver's license except for a revocation pursuant to
27 §17B-3-5(4).

28 (h) Any person whose driver's license is suspended or revoked for failing to maintain
29 required security in effect is eligible for a work permit driver's license upon proof of current
30 insurance and following the terms and conditions herein, but may choose to reinstate the
31 suspended license any time by paying the penalty fee assessed pursuant to §17D-2A-7(a)(1).

32 (i) Any person whose driver's license is revoked for any other reason is eligible for a work
33 permit driver's license unless such privileges are inconsistent with federal law.

34 "Participant" means an applicant approved for participation in the work permit driver's
35 license program.

36 "Work permit driver's license" means a work permit driver's license issued to an eligible
37 driver whose West Virginia driving privilege has been suspended or revoked. The permit
38 authorizes driving a designated noncommercial motor vehicle, under certain conditions, only
39 when necessary for the driver's employment, school or occupational training, medical
40 appointments or religious services and as authorized by the commissioner.

§17B-8-3. Eligibility.

1 (a) Any person whose commercial driver's license is suspended, is subject to suspension
2 or is revoked is not eligible for a work permit driver's license for operation of a commercial vehicle
3 but may apply for a noncommercial work permit driver's license. Nothing in this section may be
4 construed in contravention to §17E-1-13 (g) of this code or 49 U.S.C. 31311 and 49 C.F.R.
5 384.226 of federal law.

6 (b) Any person whose driver's license is suspended or revoked for driving under the
7 influence is not eligible for a work permit driver's license under this article but may participate in
8 the Motor Vehicle Alcohol Test and Lock Program pursuant to §17C-5A-3A of this code.

9 (c) Any person whose driver's license is suspended or revoked for medical reasons
10 pursuant to §17B-3-6 (a) (5) is not eligible for a work permit driver's license.

11 (d) Any person whose driver's license is suspended or revoked for passing a stopped
12 school bus in violation of §17C-12-7 is not eligible for a work permit driver's license.

13 (e) Any person whose driver's license is suspended or revoked for a violation on §17C-4-
14 1 et seq. is not eligible for a work permit driver's license.

15 (f) Any person who is unlicensed at the time of suspension or revocation is eligible for a
16 work permit driver's license but must complete all steps to obtain a driver's license and is
17 additionally subject to the limitation in this article for any learner's permit issued.

18 (g) Any person whose driver's license is revoked due to a mandatory revocation pursuant
19 to §17B-3-5 is not eligible for a work permit driver's license except for a revocation pursuant to
20 §17B-3-5(4).

21 (h) Any person whose driver's license is suspended or revoked for failing to maintain
22 required security in effect is eligible for a work permit driver's license upon proof of current
23 insurance and following the terms and conditions herein, but may choose to reinstate the
24 suspended license any time by paying the penalty fee assessed pursuant to §17D-2A-7(a)(1).

25 (i) Any person whose driver's license is revoked for any other reason is eligible for a work
26 permit driver's license unless such privileges are inconsistent with federal law.

§17B-8-4. Terms and Conditions.

1 (a) Any person desiring a work permit driver's license shall apply on forms prescribed by
2 the commissioner and submit a \$20 nonrefundable application fee.

3 (b) The applicant shall describe the purposes, times, and places of the desired work permit
4 driver's license on the application and the commissioner may approve an application consistent
5 with the purposes in this article.

6 (c) The commissioner may delay imposition of a license suspension of an eligible applicant
7 while an application for a work permit driver's license is being processed if the pending suspension
8 is one eligible for approval of a work permit under the provisions of this article.

9 (d) A participant shall complete a driver improvement course developed by the agency or
10 a third-party driver improvement course approved by the commissioner for any suspension or
11 revocation involving a violation or the accumulation of violations of traffic safety regulations.

12 (e) The work permit driver's license will be cancelled if the person commits a subsequent
13 offense for which suspension or revocation of a person's driving privilege is required except that
14 the person may choose to pay a \$200 fee to retain the work permit driver's license for any
15 subsequent suspension or revocation which is eligible for a work permit driver's license under
16 section 3 of this article.

17 (f) A work permit driver's license is valid for up to 1 year. If all suspensions or revocations
18 are resolved prior to the expiration of the work permit driver's license, the person may obtain a
19 regular driver's license at that time.

§17B-8-5. Fees.

1 Fees collected under this article shall be deposited in the Motor Vehicles Fee Fund
2 established by §17A-2-21 of this code and used for the administration of this article.

§17B-8-6. Rulemaking.

1 The commissioner is authorized to propose emergency and legislative rules in accordance
2 with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article.

§17B-8-7. Penalties.

1 In addition to any other penalty imposed by this code, any person who operates a motor
2 vehicle in violation of the terms and conditions of his or her work permit driver’s license is guilty
3 of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period not less than
4 one month nor more than six months and fined not less than \$100 nor more than \$500.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND
REVOCATION OF LICENSES FOR DRIVING UNDER THE INFLUENCE OF
ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.**

**§17C-5A-3a. Establishment of and participation in the Motor Vehicle Alcohol Test and Lock
Program.**

1 (a) (1) The Division of Motor Vehicles shall control and regulate a Motor Vehicle Alcohol
2 Test and Lock Program for persons whose licenses have been revoked pursuant to this article or
3 the provisions of §17C-5-1 *et seq.* of this code or have been convicted under §17C-5-2 of this
4 code, or who are serving a term of a conditional probation pursuant to §17C-5-2b of this code.

5 (2) The program shall include the establishment of a user’s fee for persons participating
6 in the program which shall be paid in advance and deposited into the Driver’s Rehabilitation Fund:
7 *Provided, That on and after July 1, 2007, any unexpended balance remaining in the Driver’s*
8 *Rehabilitation Fund shall be transferred to the Motor Vehicle Fees Fund created under the*
9 *provisions of §17A-2-21 of this code and all further fees collected shall be deposited in that fund.*

10 (3) (A) Except where specified otherwise, the use of the term “program” in this section
11 refers to the Motor Vehicle Alcohol Test and Lock Program.

12 (B) The Commissioner of the Division of Motor Vehicles shall propose legislative rules for
13 promulgation in accordance with the provisions of §29A-1-1 of this code for the purpose of
14 implementing the provisions of this section. The rules shall also prescribe those requirements

15 which, in addition to the requirements specified by this section for eligibility to participate in the
16 program, the commissioner determines must be met to obtain the commissioner's approval to
17 operate a motor vehicle equipped with a motor vehicle alcohol test and lock system.

18 (C) Nothing in this section may be construed to prohibit day report or community
19 corrections programs authorized pursuant to §62-11C-1 *et seq.*, or a home incarceration program
20 authorized pursuant to §62-11B-1 *et seq.* of this code, from being a provider of motor vehicle
21 alcohol test and lock systems for eligible participants as authorized by this section.

22 (4) For purposes of this section, a "motor vehicle alcohol test and lock system" means a
23 mechanical or computerized system which, in the opinion of the commissioner, prevents the
24 operation of a motor vehicle when, through the system's assessment of the blood alcohol content
25 of the person operating or attempting to operate the vehicle, the person is determined to be under
26 the influence of alcohol.

27 (5) The fee for installation and removal of ignition interlock devices shall be waived for
28 persons determined to be indigent by the Division of Motor Vehicles pursuant to §17C-5A-3 of
29 this code. The commissioner shall establish by legislative rule, proposed pursuant to §29A-3-1 *et*
30 *seq.* of this code, procedures to be followed with regard to persons determined by the Division of
31 Motor Vehicles to be indigent. The rule shall include, but is not limited to, promulgation of
32 application forms, establishment of procedures for the review of applications, and the
33 establishment of a mechanism for the payment of installations for eligible offenders.

34 (6) On or before January 15 of each year, the Commissioner of the Division of Motor
35 Vehicles shall report to the Legislature on:

36 (A) The total number of offenders participating in the program during the prior year;

37 (B) The total number of indigent offenders participating in the program during the prior
38 year;

39 (C) The terms of any contracts with the providers of ignition interlock devices; and

40 (D) The total cost of the program to the state during the prior year.

41 (b) (1) Any person whose license is revoked for the first time pursuant to this article or the
42 provisions of §17C-5-1 *et seq.* of this code is eligible to participate in the program when the
43 person's minimum revocation period as specified by §17C-5A-3a(c) of this code has expired and
44 the person is enrolled in or has successfully completed the Safety and Treatment Program or
45 presents proof to the commissioner within 60 days of receiving approval to participate by the
46 commissioner that he or she is enrolled in a Safety and Treatment Program: *Provided*, That
47 anyone whose license is revoked for the first time for driving with a blood alcohol concentration
48 of 0.15 percent or more, by weight, must participate in the program when the person's minimum
49 revocation period as specified by §17C-5A-3a(c) of this code has expired and the person is
50 enrolled in or has successfully completed the Safety and Treatment Program or presents proof to
51 the commissioner within 60 days of receiving approval to participate by the commissioner that he
52 or she is enrolled in a Safety and Treatment Program.

53 (2) Any person whose license has been suspended for driving a motor vehicle while under
54 the age of 21 years with an alcohol concentration in his or her blood 0.02 percent or more, by
55 weight, but less than 0.08 percent, by weight, is eligible to participate in the program after 30 days
56 have elapsed from the date of the initial suspension, during which time the suspension was
57 actually in effect: *Provided*, That in the case of a person under the age of 18, the person is eligible
58 to participate in the program after 30 days have elapsed from the date of the initial suspension,
59 during which time the suspension was actually in effect or after the person's 18th birthday,
60 whichever is later. Before the commissioner approves a person to operate a motor vehicle
61 equipped with a motor vehicle alcohol test and lock system, the person must agree to comply with
62 the following conditions:

63 (A) If not already enrolled, the person shall enroll in and complete the educational program
64 provided in §17C-5A-3(d) of this code at the earliest time that placement in the educational
65 program is available, unless good cause is demonstrated to the commissioner as to why
66 placement should be postponed;

67 (B) The person shall pay all costs of the educational program, any administrative costs,
68 and all costs assessed for any suspension hearing.

69 (3) Notwithstanding the provisions of this section to the contrary, a person eligible to
70 participate in the program under this subsection may not operate a motor vehicle unless approved
71 to do so by the commissioner.

72 (c) A person who participates in the program under §17C-5A-3a(b)(1) of this code is
73 subject to a minimum revocation period and minimum period for the use of the ignition interlock
74 device as follows:

75 (1) For a person whose license has been revoked for a first offense for six months for
76 driving under the influence of alcohol, or a combination of alcohol and any controlled substance
77 or other drug, or with a blood alcohol concentration of 0.08 percent, by weight, but less 0.15
78 percent, by weight, the minimum period of revocation for participation in the test and lock program
79 is 15 days and the minimum period for the use of the ignition interlock device is 125 days;

80 (2) For a person whose license has been revoked for a first offense for refusing a
81 secondary chemical test, the minimum period of revocation for participation in the test and lock
82 program is 45 days and the minimum period for the use of the ignition interlock device is one year;

83 (3) For a person whose license has been revoked for a first offense for driving with a blood
84 alcohol concentration of 0.15 percent or more, by weight, the minimum period of revocation for
85 participation in the test and lock program is 45 days and the minimum period for the use of the
86 ignition interlock device is 270 days;

87 (4) For a person whose license has been revoked for a first offense for driving under the
88 influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or
89 with a blood alcohol concentration of 0.08 percent or more, by weight, or did drive a motor vehicle
90 while under the age of 21 years with an alcohol concentration in his or her blood of 0.02 percent
91 or more, by weight, but less than 0.08 percent, by weight, and while driving does any act forbidden
92 by law or fails to perform any duty imposed by law, which act or failure proximately causes the

93 death of any person within one year next following the act or failure, and commits the act or failure
94 in reckless disregard of the safety of others and when the influence of alcohol, controlled
95 substances or drugs is shown to be a contributing cause to the death, the minimum period of
96 revocation before the person is eligible for participation in the test and lock program is 12 months
97 and the minimum period for the use of the ignition interlock device is two years;

98 (5) For a person whose license has been revoked for a first offense for driving under the
99 influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or
100 with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any
101 act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which
102 act or failure proximately causes the death of any person within one year next following the act or
103 failure, the minimum period of revocation is six months and the minimum period for the use of the
104 ignition interlock device is two years;

105 (6) For a person whose license has been revoked for a first offense for driving under the
106 influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or
107 with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any
108 act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which
109 act or failure proximately causes bodily injury to any person other than himself or herself, the
110 minimum period of revocation for participation in the program is two months and the minimum
111 period for the use of the ignition interlock device is one year;

112 (7) For a person whose license has been revoked for a first offense for driving under the
113 influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or
114 with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving has on
115 or within the motor vehicle one or more other persons who are unemancipated minors who have
116 not reached their 16th birthday, the minimum period of revocation for participation in the program
117 is two months and the minimum period for the use of the ignition interlock device is 10 months.

118 (d) Notwithstanding any provision of the code to the contrary, a person shall participate in

119 the program if the person is convicted under §17C-5-2 of this code or the person's license is
120 revoked under §17C-5A-2 or §17C-5-7 of this code and the person was previously either
121 convicted or his or her license was revoked under any provision cited in this subsection within the
122 past 10 years. The minimum revocation period for a person required to participate in the program
123 under this subsection is one year and the minimum period for the use of the ignition interlock
124 device is two years, except that the minimum revocation period for a person required to participate
125 because of a violation for driving while under the age of 21 with a blood alcohol concentration of
126 0.02 percent, or more, by weight, but less than 0.08 percent, or more, by weight, is two months
127 and the minimum period of participation is one year. The division shall add an additional two
128 months to the minimum period for the use of the ignition interlock device if the offense was
129 committed while a minor was in the vehicle. The division shall add an additional six months to the
130 minimum period for the use of the ignition interlock device if a person other than the driver
131 received injuries. The division shall add an additional two years to the minimum period for the use
132 of the ignition interlock device if a person other than the driver is injured and the injuries result in
133 that person's death. The division shall add one year to the minimum period for the use of the
134 ignition interlock device for each additional previous conviction or revocation within the past 10
135 years. Any person required to participate under this subsection must have an ignition interlock
136 device installed on every vehicle he or she owns or operates.

137 (e)(1) If a person applies for and is accepted into the Motor Vehicle Alcohol Test and Lock
138 Program prior to the effective date of the revocation, the commissioner shall defer the revocation
139 period of such person under the provisions of this section. Such deferral shall continue throughout
140 the applicable minimum period for the use of the ignition interlock device plus an additional period
141 equal to the applicable minimum revocation period. If a person successfully completes all terms
142 of the Motor Vehicle Alcohol Test and Lock Program for a period equal to the minimum period for
143 the use of the ignition interlock device pursuant to §17C-5A-3a(c) of this code, plus any applicable
144 minimum revocation period, the commissioner shall waive the revocation period.

145 (2) The application and acceptance of a person into the Motor Vehicle Alcohol Test and
146 Lock Program pursuant to §17C-5A-3(e)(1) of this code constitutes an automatic waiver of their
147 right to an administrative hearing. The Office of Administrative Hearings may not conduct a
148 hearing on a matter which is the basis for a person actively participating in the Motor Vehicle
149 Alcohol Test and Lock Program.

150 (f) ~~Notwithstanding any other provision in this code, a person whose license is revoked for~~
151 ~~driving under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test~~
152 ~~and Lock Program: *Provided*, That the Any person whose license has been suspended or revoked~~
153 ~~for a driving under the influence offense and the impairing substance was a drug or controlled~~
154 ~~substance may participate in the test and lock program and shall submit to periodic drug testing~~
155 ~~as prescribed by the commissioner as an additional requirement for participation. The cost of drug~~
156 ~~testing shall be paid by the participant. The participant may not drive nor install the ignition~~
157 ~~interlock equipment until he or she has received a satisfactory assessment from an approved~~
158 ~~Safety and Treatment Provider which shall include consideration of drug testing. The Division of~~
159 ~~Motor Vehicles may reduce any revocation period required and impose a participation period in~~
160 ~~accordance with the provisions of this section. of a person with a second or subsequent offense~~
161 ~~for driving under the influence of drugs to a minimum of one year and thereafter issue a restricted~~
162 ~~license on the conditions that the person is in the treatment and job program prescribed in §61-~~
163 ~~11-26a of this code, has satisfactorily performed in the treatment component of the program and~~
164 ~~that the person submits to two years of monthly drug testing. If the person is otherwise required~~
165 ~~to participate in the Alcohol Test and Lock Program for another offense, he or she may do so~~
166 ~~while meeting the conditions described in this subsection. If the person fails to submit to a drug~~
167 ~~test or submits to a test that reveals the presence of controlled substances or drugs, then the full~~
168 ~~revocation period is reinstated, and the person is only credited with revocation time actually~~
169 ~~served prior to receiving restricted privileges. The Commissioner of the Division of Motor Vehicles~~
170 ~~is hereby authorized to promulgate emergency rules to implement the provisions of this article.~~

171 ~~(g) An applicant for the test and lock program may not have been convicted of any violation~~
172 ~~of §17B-4-3 of this code for driving while the applicant's driver's license was suspended or~~
173 ~~revoked within the six-month period preceding the date of application for admission to the test~~
174 ~~and lock program unless such is necessary for employment purposes~~ An applicant who is
175 ineligible for the work permit driver's license program under §17B-8-3(b) of this code because of
176 a driving under the influence offense may participate in the test and lock program if otherwise
177 eligible to participate in both programs. The length of participation in the test and lock program
178 shall be based on the provisions of this article and the applicant is subject to the terms and
179 conditions of both the test and lock program and the work permit driver's license program.

180 (h) Upon permitting an eligible person to participate in the program, the commissioner
181 shall issue to the person, and the person is required to exhibit on demand, a driver's license which
182 shall reflect that the person is restricted to the operation of a motor vehicle which is equipped with
183 an approved motor vehicle alcohol test and lock system.

184 (i) The commissioner may extend the minimum period of revocation and the minimum
185 period of participation in the program for a person who violates the terms and conditions of
186 participation in the program as found in this section, or legislative rule, or any agreement or
187 contract between the participant and the division or program service provider. If the commissioner
188 finds that any person participating in the program pursuant to §17C-5-2b of this code must be
189 removed therefrom for violation(s) of the terms and conditions thereof, he or she shall notify the
190 person, the court that imposed the term of participation in the program and the prosecuting
191 attorney in the county wherein the order imposing participation in the program was entered.

192 (j) A person whose license has been suspended for a first offense of driving while under
193 the age of 21 with a blood alcohol concentration of 0.02 percent, or more, by weight, but less than
194 0.08 percent, or more, by weight, who has completed the educational program and who has not
195 violated the terms required by the commissioner of the person's participation in the program is
196 entitled to the reinstatement of his or her driver's license six months from the date the person is

197 permitted to operate a motor vehicle by the commissioner. When a license has been reinstated
198 pursuant to this subsection, the records ordering the suspension, records of any administrative
199 hearing, records of any blood alcohol test results, and all other records pertaining to the
200 suspension shall be expunged by operation of law: *Provided*, That a person is entitled to
201 expungement under the provisions of this subsection only once. The expungement shall be
202 accomplished by physically marking the records to show that the records have been expunged
203 and by securely sealing and filing the records. Expungement has the legal effect as if the
204 suspension never occurred. The records may not be disclosed or made available for inspection
205 and in response to a request for record information, the commissioner shall reply that no
206 information is available. Information from the file may be used by the commissioner for research
207 and statistical purposes so long as the use of the information does not divulge the identity of the
208 person.

209 (k) In addition to any other penalty imposed by this code, any person who operates a motor
210 vehicle not equipped with an approved motor vehicle alcohol test and lock system during that
211 person's participation in the Motor Vehicle Alcohol Test and Lock Program is guilty of a
212 misdemeanor and, upon conviction thereof, shall be confined in jail for a period not less than one
213 month nor more than six months and fined not less than \$100 nor more than \$500. Any person
214 who attempts to bypass the alcohol test and lock system is guilty of a misdemeanor and, upon
215 conviction thereof, shall be confined in jail not more than six months and fined not less than \$100
216 nor more than \$1,000: *Provided*, That notwithstanding any provision of this code to the contrary,
217 a person enrolled and participating in the test and lock program may operate a motor vehicle
218 solely at his or her job site if the operation is a condition of his or her employment. For the purpose
219 of this section, "job site" does not include any street or highway open to the use of the public for
220 purposes of vehicular traffic.

NOTE: The purpose of this bill is to provide an opportunity for certain drivers whose driver's license has been suspended or revoked an opportunity to drive on a very specifically limited work permit driver's license. This includes persons who have been convicted of DUI for drug offenses. These drivers would have to remain sober, install a test and lock devise, complete a treatment program and submit to periodic drug testing. Other offenses such as unpaid court costs and excessive points on a person's license are also eligible to apply for a work permit driver's license.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.