

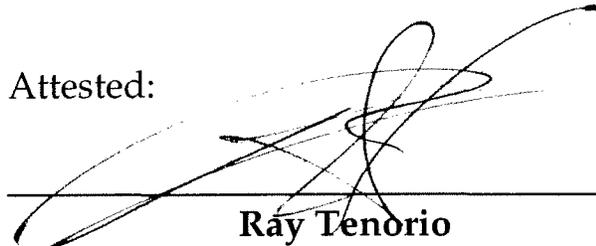
I MINA'BENTE NUEBI NA LIHESLATURAN GUĀHAN
2007 (FIRST) Regular Session

FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUĀHAN

This is to certify that **Bill No. 123 (EC), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 18 OF TITLE 16 GCA, RELATIVE TO IGNITION INTERLOCK DEVICES,"** was on the 20th day of December, 2007, duly and regularly passed.

Attested:



Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

This Act was received by *I Maga'lahaen Guāhan* this 21 day of Dec, 2007, at
1150 o'clock a.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guāhan

Date: _____

Public Law No. _____

1 **§18401. Ignition Interlock Devices, Requiring; Unlawful Acts.**

2 (a) In addition to any other authorized penalties, the Court may require that
3 any person who is convicted of driving under the influence in violation of
4 this Chapter shall *not* operate a motor vehicle unless that vehicle is
5 equipped with a functioning ignition interlock device certified by the
6 Department as provided in §18402 of this Article, and installed in such a
7 manner that the vehicle will *not* start if the operator's blood alcohol level is
8 in excess of five one-hundredths of one percent (0.05%) *or* as otherwise
9 specified by the court. The court may require the use of an approved
10 ignition interlock device for a period of *not less than* six (6) months, *if* the
11 person is permitted to operate a motor vehicle, whether *or* not the privilege
12 to operate a motor vehicle is restricted, as determined by the court. The
13 court, however, *shall* order placement of an ignition interlock device in
14 those circumstances required by this Chapter.

15 (b) *If* the court imposes the use of an ignition interlock device, the
16 court *shall*:

17 (1) stipulate on the record the requirement for, and the
18 period of, the use of a certified ignition interlock device;

19 (2) order that the records of the Department reflect such
20 requirement;

21 (3) order that an ignition interlock device be installed, as the
22 court may determine necessary, on any vehicle owned *or* operated by
23 the person;

24 (4) determine the person's ability to pay for installation of
25 the device if the person claims inability to pay. *If* the court
26 determines that the person is unable to pay for installation of the

1 device, the court may order that any portion of a fine paid by the
2 person for a violation of this Chapter *shall* be allocated to defray the
3 costs of installing the device; and

4 (5) require proof of installation of the device and periodic
5 reporting to the Department for verification of the operation of the
6 device in the person's vehicle.

7 (c) *If* the court imposes the use of an ignition interlock device on a
8 person whose driving privilege is not suspended *or* revoked, the court *shall*
9 require the person to provide proof of compliance to the Department within
10 thirty (30) days. *If* the person fails to provide proof of installation within
11 that period, absent a finding by the court of good cause for that failure
12 which is entered in the court record, the court *shall* notify the Department of
13 Revenue and Taxation.

14 (d) *If* the court imposes the use of an ignition interlock device on a
15 person whose driving privilege is suspended *or* revoked for a period of less
16 than three (3) years, the department *shall* require proof of compliance before
17 reinstatement of the person's driving privilege.

18 (e) (1) In addition to any other provision of law upon conviction
19 of a violation of this Section, the Department *shall* revoke the person's
20 driving privilege for one (1) year from the date of conviction. Upon
21 conviction of a separate violation of this Section during the same period of
22 required use of an ignition interlock device, the Department *shall* revoke the
23 person's driving privilege for five (5) years from the date of conviction.

24 (2) Any person convicted of a violation of Subsection (f)
25 hereof who does not have a driver's license *shall*, in addition to any
26 other penalty provided by law, pay a fine of *not less than* Two

1 Hundred Fifty Dollars (\$250) *or more than* Five Hundred Dollars
2 (\$500) per each such violation. In the event that the person is unable
3 to pay any such fine, the fine *shall* become a lien against the motor
4 vehicle used in violation of Subsection (f) hereof and payment *shall*
5 be made pursuant to Title 16 GCA, §7172.

6 (f) (1) It is unlawful to tamper with *or* to circumvent the operation
7 of a court-ordered ignition interlock device.

8 (2) It is unlawful for any person whose driving privilege is
9 restricted pursuant to this Section to request *or* solicit any other
10 person to blow into an ignition interlock device *or* to start a motor
11 vehicle equipped with the device for the purpose of providing the
12 person so restricted with an operable motor vehicle.

13 (3) It is unlawful to blow into an ignition interlock device *or*
14 to start a motor vehicle equipped with the device for the purpose of
15 providing an operable motor vehicle to a person whose driving
16 privilege is restricted pursuant to this Section.

17 (4) It is unlawful to knowingly lease *or* lend a motor vehicle
18 to a person who has had his *or* her driving privilege restricted as
19 provided in this Section, unless the vehicle is equipped with a
20 functioning, certified ignition interlock device. Any person whose
21 driving privilege is restricted under a condition of probation requiring
22 an ignition interlock device *shall* notify any other person who leases
23 *or* loans a motor vehicle to him *or* her of such driving restriction.

24 (g) Notwithstanding the provisions of this Section, *if* a person is
25 required to operate a motor vehicle in the course and scope of his *or* her
26 employment and *if* the vehicle is owned by the employer, the person may

1 operate that vehicle without installation of an approved ignition interlock
2 device *if* the employer has been notified of such driving privilege restriction
3 and *if* proof of that notification is with the vehicle. This employment
4 exemption does *not* apply, however, *if* the business entity which owns the
5 vehicle is owned *or* controlled by the person whose driving privilege has
6 been restricted.

7 (h) In addition to the penalties provided in this Section, a violation
8 of this Section is a traffic violation, punishable as a nonmoving violation as
9 provided in Title 16 GCA, Chapter 9.

10 **§18402. Ignition Interlock Devices, Certification; Warning Label.** (a)
11 The Department of Revenue and Taxation *shall* certify *or* cause to be
12 certified the accuracy and precision of the breath-testing component of the
13 ignition interlock devices as required by §18401 of this Article, and *shall*
14 publish a list of approved devices, together with rules governing the
15 accuracy and precision of the breath-testing component of such devices as
16 adopted by rule in compliance with §18401 of this Article. The cost of
17 certification *shall* be borne by the manufacturers of ignition interlock
18 devices.

19 (b) No model of ignition interlock device *shall* be certified *unless*
20 it meets the accuracy requirements specified by rule of the Department.

21 (c) The Department of Revenue and Taxation *shall* design and
22 adopt by rule, a warning label which *shall* be affixed to each ignition
23 interlock device upon installation. The label *shall* contain a warning that
24 *any* person tampering, circumventing *or* otherwise misusing the device is
25 guilty of a violation of law and may be subject to civil liability.”