

## STATEMENT OF PURPOSE

RS27828 / S1389

Idaho's driving while intoxicated law provides that a person refusing evidentiary testing or failing evidentiary testing will automatically have his/her driver's license suspended and be ordered to install ignition interlock devices on the vehicles he/she drives for 12 months. A court may waive the ignition interlock requirement if, by clear and convincing evidence, a court finds that the person will not present a danger to the public or there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary or unwarranted.

This legislation amends Idaho Code Sections 18-8002(12) and 18-8002A(8) to clarify the waiver provision as follows:

- If no civil or criminal case is pending relating to the order to install the ignition interlock device, a person may file a waiver petition in the magistrate court within 30 days of the installation order;
- The installation requirement is stayed while a waiver petition is pending or being appealed;
- The Idaho Transportation Department (ITD) is not a party to the waiver proceeding; and
- A court order granting a waiver petition applies to all statutory installation requirements.

### FISCAL NOTE

By clarifying the waiver procedures, it is anticipated that waiver proceedings will proceed more efficiently, that this legislation will not increase costs for ITD or the courts, might reduce costs, and will not negatively affect the general fund or any dedicated fund.

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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).