

SPONSOR STATEMENT FOR HB 175
BY: Representative Norman Rokeberg

Title: An Act relating to issuance of a limited driver's license; relating to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to take a chemical test for consumption of an alcoholic beverage, inhalant, or controlled substance; and providing for an effective date.

Limited Drivers License

[HB 175](#) gives greater flexibility to the courts to grant limited license privileges to those who have had their license revoked for driving under the influence or refusal to submit to a chemical test. Currently, a limited license can only be granted during the last 60 days of the revocation, and only on your first offense. HB 175 would allow the judge or department to grant a limited license during any portion of the revocation period. This will be an extremely useful tool for those who participate in therapeutic courts.

In order for one to be eligible for a limited license under HB 175, the following requirements must be met: (1) the revocation was for a misdemeanor conviction of driving under the influence or refusal to submit to a chemical test; (2) the court or department determines that the person's ability to earn a livelihood would be severely impaired without a limited license; (3) the court or department determines that a limitation can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public; and (4) the court or department determines that the person is enrolled in and is in compliance with, or has successfully completed, the alcoholism screening, evaluation, referral, and program requirements of the Department of Health and Social Service.

“Previously Convicted”

In 2001, the legislature changed the look back provisions for purposes of determining a “previous conviction” for misdemeanor and felony offenses of driving under the influence (DUI). The 10-year look back was removed in the definition of “previously convicted” for misdemeanors, effectively creating a “forever” look back.

This forever look back has created an equity issue within misdemeanor charges for DUIs. For example, someone who was imprudent in their youth and received a DUI, who then 30 years later received another DUI, would be charged as a 2nd DUI misdemeanor offender. This is not consistent with a pattern of conduct and places this offender in a category of more egregious offenders the law was previously intended to effect.

The idea of increased penalties for repeat offenses is to punish those who have a pattern of misconduct. In these cases, we sanction progressively higher levels of punishment upon each repeat offense. A forever look back is not consistent with these principles. Therefore, HB 175 implements a 15-year look back for purposes of determining a “previous conviction” under our misdemeanor DUI statutes.

I encourage your support of this legislation.