

Committee Substitute for  
Committee Substitute for Senate Bill No. 1100

An act relating to the Department of Highway Safety and Motor Vehicles; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing for the implementation of a certain litigation settlement; providing eligibility and procedures to collect a credit on new or renewal registrations; providing a funding mechanism for the credit; requiring the credit amounts to be deducted from specified moneys deposited into the General Revenue Fund; providing that the credits are contingent on court approval of a final settlement; providing for expiration; amending s. 316.126, F.S.; requiring drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; amending s. 316.2085, F.S.; revising requirements for motorcycle and moped license tags; prohibiting devices and methods that conceal or obscure the license tag; amending s. 316.2122, F.S.; authorizing mini truck operation on local roads and urban minor arterial roads with specified restrictions; amending s. 320.01, F.S.; revising the definition of "motorcycle"; defining the term "mini truck"; creating s. 320.0847, F.S.; providing for issuance of unique license plates for low-speed vehicles and mini trucks; amending s. 320.0848, F.S.; providing an exemption for certain person obtaining a disabled parking permit; amending s. 322.0261, F.S.; requiring the department to screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; providing for content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; amending s. 322.03, F.S.; providing for part-time residents of the state to be issued a license that is valid within this state only and continue to hold such license until the next regularly scheduled renewal; providing a termination date for "Florida only" licenses; amending s. 322.08, F.S.; prohibiting the department from issuing a driver's license or identification card to an applicant if the applicant holds a valid driver's license or identification card issued by any state; amending s. 322.125, F.S.; authorizing the department to adopt rules relating to the Medical Advisory Board; amending s. 322.271, F.S.; authorizing the department to modify a revocation, cancellation, or suspension order; providing that the department may waive the hearing process for suspensions and revocations upon request by the driver under certain circumstances; amending s. 322.64, F.S.; providing for disqualification of a driver of a commercial motor vehicle for certain violations; providing effective dates.

WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida Government Accountability Act, subjects the Department of Highway Safety and Motor Vehicles and its respective advisory committees to a sunset review process in order to determine whether the agency should be retained, modified, or abolished, and

WHEREAS, the Department of Highway Safety and Motor Vehicles produced a report providing specific information, as enumerated in s. 11.906, Florida Statutes, and

WHEREAS, upon receipt of the report, the Joint Legislative Sunset Committee and committees of the Senate and the House of Representatives assigned to act as sunset review committees reviewed the report and requested studies by the Office of Program Policy Analysis and Government Accountability, and

WHEREAS, based on the department's report, studies of the Office of Program Policy Analysis and Government Accountability, and public input, the Joint Legislative Sunset Committee and legislative sunset review committees made recommendations on the abolition, continuation, or reorganization of the Department of Highway Safety and Motor Vehicles and its advisory committees; on the need for the functions performed by the agency and its advisory committees; and on the consolidation, transfer, or reorganization of programs within the Department of Highway Safety and Motor Vehicles, and

WHEREAS, this Legislature wishes to retain the Department of Highway Safety and Motor Vehicles and continue the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 20.24, Florida Statutes, is reenacted and amended to read:

20.24 Department of Highway Safety and Motor Vehicles.—There is created a Department of Highway Safety and Motor Vehicles.

(1) The head of the Department of Highway Safety and Motor Vehicles is the Governor and Cabinet.

(2) The following divisions, and bureaus within the divisions, of the Department of Highway Safety and Motor Vehicles are established:

- (a) Division of the Florida Highway Patrol.
- (b) Division of Driver Licenses.
- (c) Division of Motor Vehicles.

1.—~~Bureau of Motor Vehicle Inspection.~~

Section 2. Implementation of litigation settlement provisions of Collier v. Dickinson.—

(1) Any person who held a driver's license, identification card, or motor vehicle registration that was valid between June 1, 2000, and September 30, 2004, is eligible to receive a single \$1 credit on a new or renewed motor vehicle registration between July 1, 2009, and June 30, 2010.

(2) Notwithstanding the provisions of s. 320.08046, Florida Statutes, the 58 percent of the surcharge levied under s. 320.08046, Florida Statutes, which is to be deposited into the General Revenue Fund pursuant to that section shall be used to fund the \$1 credit authorized in subsection (1).

(3) The Department of Highway Safety and Motor Vehicles may allow the credits authorized in subsection (1) only if the United States District Court for the Southern District of Florida grants an order finally approving the settlement agreement in Collier, et al. v. Dickinson, et al., case number 04-21351-DV-JEM.

(4) This section expires July 1, 2011.

Section 3. Subsection (1) of section 316.126, Florida Statutes, is amended to read:

316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.—

(1)(a) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, or visible signals by the use of displayed blue or red lights, yield the right-of-way to the emergency vehicle and shall immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by any law enforcement officer.

(b) When an authorized emergency vehicle making use of any visual signals is parked or a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle or wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle or wrecker, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour

or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(c) The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Move Over Act. The department shall provide information about the Move Over Act in all newly printed driver's license educational materials after July 1, 2002.

This section ~~does shall~~ not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 4. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed ~~horizontally~~ to the vehicle ground and may not be adjusted or capable of being flipped up. No device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used.

Section 5. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle or mini truck on certain roadways.—The operation of a low-speed vehicle, as defined in s. 320.01(42) or a mini truck as defined in s. 320.01(45), on any road as defined in s. 334.03(15) or (33), is authorized with the following restrictions:

(1) A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02 and titled pursuant to chapter 319.

(4) Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver's license.

(5) A county or municipality may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Section 6. Subsection (27) of section 320.01, Florida Statutes, is amended, and subsection (45) is added to that section, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(27) “Motorcycle” means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, ~~but excluding a tractor, a moped, or a vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle. The term “motorcycle” does not include a tractor or a moped.~~

(45) “Mini truck” means any four-wheeled, reduced-dimension truck that does not have a National Highway Traffic Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.

Section 7. Section 320.0847, Florida Statutes, is created to read:

320.0847 Mini truck and low-speed vehicle license plates.—

(1) The department shall issue a license plate to the owner or lessee of any vehicle registered as a low-speed vehicle as defined in s. 320.01(42) or a mini truck as defined in s. 320.01(45) upon payment of the appropriate license taxes and fees prescribed in s. 320.08.

(2) The license plate for a low-speed vehicle or mini truck shall comply with the provisions of s. 320.06.

Section 8. Effective November 1, 2009, paragraph (a) of subsection (2) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(2) **DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—**

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant’s driver’s license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. In those cases where the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office to obtain a driver’s license or identification card, a certifying physician may sign the exemption section of the department’s parking permit application to exempt the disabled person from being issued a driver’s license or identification card

for the number to be displayed on the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

Section 9. Effective January 1, 2010, section 322.0261, Florida Statutes, is amended to read:

322.0261 Driver improvement course; requirement to maintain driving privileges; failure to complete; department approval of course.—

(1) The department shall screen crash reports received under s. 316.066 or s. 324.051 to identify crashes involving the following:

(a) A crash involving death or a bodily injury requiring transport to a medical facility; or

(b) A second crash by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500; or

(c) A third crash by the same operator within 36 months after the first crash.

(2) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash identified in paragraph (1)(a) or paragraph (1)(b) pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a department-approved driver improvement course in order to maintain his or her driving privileges. If the operator fails to complete the course within 90 days after ~~of~~ receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

(3) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash identified in paragraph (1)(c), the department shall require that the operator, in addition to other applicable penalties, attend a department-approved driver improvement course in order to maintain his or her driving privileges. The course must include behind-the-wheel instruction and an assessment of the operator's ability to safely operate a motor vehicle. Successful completion of a behind-the-wheel examination is required in order to receive completion credit for the course. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

~~(4)~~<sup>(3)</sup> The department shall identify any operator convicted of, or who pleaded nolo contendere to, a second violation of s. 316.074(1) or s. 316.075(1)(c)1., which violation occurred within 12 months after the first violation, and shall require that operator, in addition to other applicable penalties, to attend a department-approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the

course within 90 days after receiving notice from the department, the operator's driver license shall be canceled by the department until the course is successfully completed.

~~(5)~~(4) In determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 10. Effective November 1, 2009, subsection (1) of section 322.03, Florida Statutes, is amended to read:

322.03 Drivers must be licensed; penalties.—

(1) Except as otherwise authorized in this chapter, a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued ~~under the provisions of this chapter~~.

(a) A person who drives a commercial motor vehicle ~~may~~ shall not receive a driver's license unless and until he or she surrenders to the department all driver's licenses in his or her possession issued to him or her by any other jurisdiction or makes an affidavit that he or she does not possess a driver's license. Any such person who fails to surrender such licenses or who makes a false affidavit concerning such licenses commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(b) A person who does not drive a commercial motor vehicle is not required to surrender a license issued by another jurisdiction, upon a showing to the department that such license is necessary because of employment or part-time residence. Any person who retains a driver's license because of employment or part-time residence shall, upon qualifying for a license in this state, be issued a driver's license which shall be valid within this state only. All surrendered licenses may be returned by the department to the issuing jurisdiction together with information that the licensee is now licensed in a new jurisdiction or may be destroyed by the department, which shall notify the issuing jurisdiction of such destruction. A person may not have more than one valid Florida driver's license at any time.~~

~~(c) Part-time residents of this state issued a license that is valid within this state only under paragraph (b) as that paragraph existed before November 1, 2009, may continue to hold such license until the next issuance of a Florida driver's license or identification card. Licenses that are identified as "Valid in Florida Only" may not be issued or renewed effective November 1, 2009. This paragraph expires June 30, 2017.~~

Section 11. Effective November 1, 2009, present subsection (6) of section 322.08, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

322.08 Application for license.—

(6) The department may not issue a driver's license or identification card, as described in s. 322.051, to an applicant if the applicant holds a valid driver's license or identification card issued by any state.

Section 12. Subsection (7) is added to section 322.125, Florida Statutes, to read:

322.125 Medical Advisory Board.—

(7) The Department of Highway Safety and Motor Vehicles shall adopt such rules as are required to carry out the purpose of this section.

Section 13. Subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2)(a) ~~At Upon~~ such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation of his or her license causes a serious hardship and precludes the person from ~~person's~~ carrying out his or her normal business occupation, trade, or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family.

(a) Except as otherwise provided in this subsection, the department shall require proof of the successful completion of the applicable department-approved driver training course operating pursuant to s. 318.1451 or DUI program substance abuse education course and evaluation as provided in s. 316.193(5). Letters of recommendation from respected business persons in the community, law enforcement officers, or judicial officers may also be required to determine whether the ~~such~~ person should be permitted to operate a motor vehicle on a restricted basis for business or employment use only and in determining whether such person can be trusted to so operate a motor vehicle. If a driver's license has been suspended under the point system or under ~~pursuant to~~ s. 322.2615, the department shall require proof of enrollment in the applicable department-approved driver training course or licensed DUI program substance abuse education course, including evaluation and treatment, if referred, and may require letters of recommendation described in this paragraph ~~subsection~~ to determine if the driver should be reinstated on a restricted basis. If the ~~such~~ person fails to complete the approved course within 90 days after reinstatement or subsequently fails to complete treatment, ~~if applicable~~, the department shall cancel his or her driver's license until the course and treatment, if applicable, is successfully completed, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may temporarily reinstate the driving privilege on a restricted basis upon verification from the DUI program that the offender has reentered and is currently participating in treatment and has completed the DUI education course and evaluation requirement. If the DUI program notifies the department of the second failure to complete treatment, the department shall reinstate the driving privilege only after notice of completion of treatment from the DUI program. The privilege of driving on a limited or restricted basis for business or employment use may ~~shall~~ not be granted to a person who has been convicted of a violation of s. 316.193 until completion of the DUI program substance abuse education course and evaluations as provided in s.



316.193(5). Except as provided in paragraph (c) (b), the privilege of driving on a limited or restricted basis for business or employment use may shall not be granted to a person whose license is revoked pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and who has been convicted of a violation of s. 316.193 two or more times or whose license has been suspended two or more times for refusal to submit to a test pursuant to s. 322.2615 or former s. 322.261.

(b) The department may waive the hearing process for suspensions and revocations upon request by the driver if the driver has enrolled or completed the applicable driver training course approved under s. 318.1451 or the DUI program substance abuse education course and evaluation provided in s. 316.193(5). However, the department may not waive the hearing for suspensions or revocations that involve death or serious bodily injury, multiple convictions for violations of s. 316.193 pursuant to s. 322.27(5), or a second or subsequent suspension or revocation pursuant to the same provision of this chapter. This paragraph does not preclude the department from requiring a hearing for any suspension or revocation that it determines is warranted based on the severity of the offense.

(c)(b) A person whose license has been revoked for a period of 5 years or less pursuant to s. 322.28(2)(a) may, ~~upon the expiration of 12 months after the date the said~~ revocation was imposed, petition the department for reinstatement of his or her driving privilege on a restricted basis. A person whose license has been revoked for a period of more than 5 years under s. 322.28(2)(a) may, ~~upon the expiration of 24 months after the date the revocation was imposed,~~ petition the department for reinstatement of his or her driving privilege on a restricted basis. Reinstatement ~~under of the driving privilege pursuant to this subsection is shall~~ be restricted to business or employment purposes only. In addition, the department shall require such persons upon reinstatement to have not driven and to have been drug free for at least 12 months immediately before the ~~prior to such~~ reinstatement, to be supervised by a DUI program licensed by the department, and to report to the program at least three times a year as required by the program for the duration of the revocation period for supervision. Such supervision ~~includes shall include~~ evaluation, education, referral into treatment, and other activities required by the department. Such persons shall assume reasonable costs of supervision. If ~~the such~~ person fails to comply with the required supervision, the program shall report the failure to the department, and the department shall cancel ~~the such~~ person's driving privilege. This paragraph does not apply to any person whose driving privilege has been permanently revoked.

(d)(e) For the purpose of this section, a previous conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related offense outside this state or a previous conviction of former s. 316.1931, former s. 316.028, or former s. 860.01 ~~is shall~~ be considered a previous conviction for violation of s. 316.193.

(e)(d) The department, based upon review of the licensee's application for reinstatement, may require use of an ignition interlock device pursuant to s. 322.2715.

Section 14. Subsection (1), paragraph (b) of subsection (7), and subsection (8) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; persons operating a commercial motor vehicle; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 or s. 316.1932 arising out of the operation or actual physical control of a commercial motor vehicle. A law enforcement officer or correctional officer shall, on behalf of the department, disqualify the holder of a commercial driver's license from operating any commercial motor vehicle if the licensee, while operating or in actual physical control of a motor vehicle, is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or refused to submit to a breath, urine, or blood test authorized by s. 322.63 or s. 316.1932. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day temporary permit for the operation of noncommercial vehicles only if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified under this section ~~as a result of a refusal to submit to such a test; or~~

b. The driver was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher, and his or her driving privilege shall be disqualified for a period of 1 year for a first offense or permanently disqualified if his or her driving privilege has been previously disqualified under this section.

2. The disqualification period for operating commercial vehicles shall commence on the date of issuance of the notice of disqualification.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of issuance of the notice of disqualification.

4. The temporary permit issued at the time of disqualification expires at midnight of the 10th day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the disqualification.

(7) In a formal review hearing under subsection (6) or an informal review hearing under subsection (4), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the disqualification. The scope of the review shall be limited to the following issues:

(b) If the person was disqualified from operating a commercial motor vehicle for refusal to submit to a breath, blood, or urine test:

1. Whether the law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, in this state while he or she had any alcohol, chemical substances, or controlled substances in his or her body.

2. Whether the person refused to submit to the test after being requested to do so by a law enforcement officer or correctional officer.

3. Whether the person was told that if he or she refused to submit to such test he or she would be disqualified from operating a commercial motor vehicle for a period of 1 year or, if previously disqualified under this section in the case of a second refusal, permanently.

(8) Based on the determination of the hearing officer pursuant to subsection (7) for both informal hearings under subsection (4) and formal hearings under subsection (6), the department shall:

(a) Sustain the disqualification for a period of 1 year for a first refusal, or permanently if such person has been previously disqualified from operating a commercial motor vehicle under this section as a result of a refusal to submit to such tests. The disqualification period commences on the date of the ~~arrest or~~ issuance of the notice of disqualification, ~~whichever is later.~~

(b) Sustain the disqualification:

1. For a period of 1 year if the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher; or

2. Permanently if the person has been previously disqualified from operating a commercial motor vehicle under this section or his or her driving privilege has been previously suspended for driving or being in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher.

The disqualification period commences on the date of the ~~arrest or~~ issuance of the notice of disqualification.

Section 15. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 16, 2009.

Filed in Office Secretary of State June 16, 2009.