

Overview



Interlocks for all first-time offenders

Laws in 25 states require or highly incentivize the use of ignition interlocks for all convicted drunk drivers, including all first-time offenders with a blood alcohol concentration (BAC) or .08 or greater. These laws typically require convicted drunk drivers to use an interlock if the offender seeks driving privileges during a license suspension or as a condition of license reinstatement.

Administrative state agency or Court run? or both?

Interlock programs usually are run mainly through a court or administratively through a driver licensing agency such as a DMV or some other administrative state agency. Many times a court and driver license agency work together in implementing the law. The implementation of first-time offender interlock laws are as follows:

- Court run program: 2 states: Montana, South Dakota.
- Administrative state agency run program: 14 states: Arkansas, California, Colorado, Connecticut, Washington DC, Hawaii, Illinois, Kansas, Minnesota, Maine, Oklahoma, South Carolina, Vermont, West Virginia.
- Both Court and administrative state agency run: 30 states (*Please see the chart on the next page*)

Soonest an interlock can be installed

First-time offenders can obtain interlock driving privileges in the following ways following a drunk driving incident:

- Immediately after the arrest: 8 states.
- Upon revocation or suspension by a driver license agency or court: 10 states plus DC.
- After a waiting period following revocation by a driver license agency: 7 states. (*waiting ranges from 15 to 30 days*)
- Upon bond: 1 state.
- Upon court conviction: 7 states.
- After a waiting period following a court conviction: 13 states. (*waiting ranges from 30 days to 1 year*)

Interlock for first-time refusals

27 states require the use of interlocks for first-time offenders who refuse a chemical test and seek driving privileges during a license suspension period.

Compliance based removal

27 states plus Washington, DC require offenders to have a period of no violations while on the interlock before the device can be removed. Compliance based removal ensures that a convicted drunk driver has learned how to drive sober.

Indigent fund

30 states have a funding mechanism where offenders determined unable to afford the costs of an interlock are able to obtain an interlock at a reduced cost. Other interlock users or interlock companies cover the cost for offenders unable to afford interlocks in these states.

Interlock user fees

34 states plus Washington, DC require interlock offenders to pay fees to court or driver license agency exclusive to the use of an interlock driving privileges. These fees offset costs to the state in implementing an interlock program.

First-Time Offender Ignition Interlock Laws

Overview of First-Time Offender Ignition Interlock Programs in the USA

	Interlock for all first-time offenders	DMV or court run? or both?	Soonest interlock can be installed	Interlock for first-time refusals	Compliance based removal	Indigent Fund	Interlock user fees	Interlocks Installed (July 2013)
Alabama	All	Both	Upon conviction	Yes	Yes	Yes	Yes	0
Alaska	All	Both	30 days after conviction	Yes	No	No	Yes	1,922
Arizona	All	Both	Upon conviction	Yes	Yes	No	Yes	21,468
Arkansas	All	DMV	Upon revocation by DMV	Yes	No	No	Yes	3,560
California	4 county pilot	DMV	30 days after revocation	No	Yes	Yes	Yes	28,129
Colorado	All	DMV	30 days after revocation	Yes	Yes	Yes	Yes	20,237
Connecticut	All	DMV	45 days after conviction	Yes	Yes	No	Yes	1,162
Delaware	All	Both	30 days after conviction	Yes	Yes	Yes	Yes	297
Washington, DC	Optional	DMV	Upon revocation	No	Yes	No	Yes	0
Florida	.15 BAC	Both	30 days after conviction	No	Yes	Yes	Yes	9,379
Georgia	No	N/A	N/A	No	N/A	N/A	N/A	2,080
Hawaii	All	ADLRO	Upon arrest	Yes	No	Yes	No	1,561
Idaho	No	N/A	N/A	No	No	No	No	876
Illinois	All	SOS	Upon suspension	Yes	Yes	Yes	Yes	9,521
Indiana	Discretionary	Both	Upon arrest	No	Yes	Yes	No	333
Iowa	.10 BAC	Both	Upon revocation	Yes	No	No	Yes	5659
Kansas	All	DMV	Upon revocation	Yes	No	Yes	Yes	15,910
Kentucky	.15 BAC	Both	Upon suspension by court	Yes	No	Yes	Yes	191
Louisiana	All	Both	Upon revocation	Yes	No	No	No	5,440
Maine	All	SOS	30 days after revocation	No	No	Yes	Yes	461
Maryland	.15 BAC	Both	At conviction/revocation	No	Yes	Yes	Yes	10,925
Massachusetts	No	N/A	N/A	No	N/A	N/A	N/A	5,890
Michigan	.17 BAC	Both	45 days after conviction	No	Yes	Yes	Yes	8,197
Minnesota	.16 BAC	DMV	Upon revocation	Yes	Yes	Yes	No	7,176
Mississippi	All	Both	Upon arrest	Yes	No	Yes	Yes	0
Missouri	All	Both	Upon revocation	No	Yes	No	Yes	7,718
Montana	Discretionary	Court	Upon conviction	No	No	No	No	319
Nebraska	All	Both	Upon arrest	Yes	Yes	Yes	Yes	3,973
Nevada	.18 BAC	Both	45 days after conviction	No	No	No	No	994
New Hampshire	All	Both	45 days after conviction	No	Yes	Yes	Yes	537
New Jersey	.15 BAC	Both	90 days after conviction	Yes	No	Yes	No	8,820
New Mexico	All	Both	Upon conviction	No	Yes	Yes	Yes	12,616
New York	All	Both	Upon arrest	No	Yes	Yes	No	6,870
North Carolina	.15 BAC	Both	45 days after conviction	Yes	Yes	No	No	9,500
North Dakota	Discretionary	Both	15 days after revocation	No	No	No	No	18
Ohio	Discretionary	Both	30 days after revocation	No	No	Yes	No	2,407
Oklahoma	.15 BAC	DMV	30 days after revocation	Yes	No	No	Yes	5000
Oregon	All	Both	12 months after conviction	No	No	Yes	Yes	7,100
Pennsylvania	No	N/A	N/A	No	N/A	N/A	N/A	6,759
Rhode Island	.15 BAC	Both	30 days after conviction	No	Yes	No	Yes	50
South Carolina	.15 BAC	PPP	Upon revocation	Yes	Yes	Yes	Yes	707
South Dakota	.17 Optional	Court	Upon Bond	No	No	No	Yes	90
Tennessee	All	Both	Upon conviction	Yes	No	Yes	Yes	3,451
Texas	All	Both	Upon arrest	No	No	No	Yes	39,027
Utah	All	Both	30 days after conviction	Yes	Yes	Yes	No	4,032
Vermont	Optional	DMV	30 days after revocation	Yes	Yes	No	Yes	404
Virginia	All	Both	Upon revocation	No	Yes	Yes	Yes	8,456
Washington	All	Both	Upon arrest	Yes	Yes	Yes	Yes	18,016
West Virginia	All	DMV	Upon arrest	Yes	Yes	Yes	Yes	3,084
Wisconsin	.15 BAC	Both	Upon conviction	Yes	Yes	Yes	Yes	7,683
Wyoming	.15 BAC	Both	45 days after conviction	Yes	Yes	Yes	Yes	869

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Alabama

Overview: Effective July 2014, judges must order an ignition interlock for any first-time convicted drunk driver who chooses to drive during a license suspension period. A first-time offender must go an interlock between six to twenty four months depending on the blood alcohol concentration (BAC).

How soon can an interlock be installed? Upon conviction, a first offender with a .08 to .14 BAC can go an interlock for six months in lieu of a 90 day license suspension. Offenders with a BAC of .15 or greater must wait 45 days after conviction before being eligible to go an interlock.

Interlocks for first-time refusals? Yes, for a period of two years.

Compliance based removal? Yes. Any violation extends the period on an interlock by six months from the date of violation. A violation includes: 1) A breath sample at or above a minimum BAC level of .02 recorded more than four times during a monthly reporting period, 2) Any tampering, circumvention, or bypassing of the device, or attempt thereof, 3) Failure to comply with the servicing or calibration requirements of the interlock every 30 days.

Indigent fund? Yes, the court determines indigency. An indigent offender pays one-half of the costs associated with installing and maintaining an interlock for a period of no more than two years at which time the offender pays the full remaining cost for any sentence left for interlock. Indigent offenders pay fees associated with the driver's license. All interlock providers are required to pay one and one-half percent of all payments collected less any payments made by a defendant determined as indigent for the purpose of interlock to the Alabama Interlock Indigent Fund in the State Treasury (handled by Department of Public Safety). All of the money in the fund shall be used to reimburse interlock providers who have installed devices in vehicles of indigent persons pursuant to court orders. No provider shall be reimbursed for an interlock device installed without the completed affidavit of substantial hardship and the subsequent order of the court granting indigency status. Payments to interlock providers are made every three months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that three-month period, the Comptroller shall make payments on a pro rata basis and those payments shall be considered payment in full for the requests submitted. At the end of each fiscal year, all monies above \$500,000 remaining in the Indigent Fund are divided as follows: 30% to Department of Public Safety, 20% to Dept. of Forensic Sciences, 50% to prosecutors.

Interlock user fees (not including leasing costs of the device): \$75 a month for the first four months paid to the Court. The fee is divided as follows: 45% to an indigent fund, 20% to Courts, 20% to Department of Public Safety (DMV), and 15% to Prosecutors. DMV may charge a one-time \$150 fee to an interlock user (15% of the fee shall be distributed to the county where the person was convicted to be utilized for law enforcement purposes. 85% to the state's general fund). After interlock period is over, offenders must pay \$75 for a regular license. Offenders who claim not to have a car pay the court a \$75 monthly fee for the period of time the offender would have been on an interlock with the money going to impaired driving enforcement and education.

Department of Motor Vehicle's role in implementing interlock law: Offender must show proof of interlock installation to obtain an interlock restricted license. Proof of installation is either a certificate of installation or a copy of the lease agreement in the name of the offender for the designated vehicle with an approved interlock device company. The department suspends or revokes a person's driving privileges until completion of the mandatory suspension or revocation period, and clearance of all other suspensions, revocations, cancellations, or denials, and proof of installation of an interlock is presented to the department.

Court's role in implementing interlock law: A judge orders an interlock and requires offender with a BAC of .15 or greater to only operate on a vehicle for a period of two years from the date of issuance of an interlock-restricted driver's license. Upon conviction, shall notify the Department of Public Safety if the person convicted is required to install and maintain an interlock. If the licensee fails to maintain the interlock as required or is otherwise not in compliance with

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any order of the court, the court shall notify the department of the noncompliance and the department shall suspend the person's driving privileges until the department receives notification from the court that the licensee is in compliance. The requirement that the licensee use an interlock may be removed only when the court of conviction confirms to the department that the licensee is no longer subject to the interlock requirement. The court shall require that the person provide proof of installation of an interlock to the court or a probation officer within 30 days of the date the defendant becomes eligible to receive an interlock-restricted license from the Department of Public Safety. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered into the court record, the court may revoke the person's probation after a petition to revoke probation has been filed and the defendant has been given notice and an opportunity to be heard on the petition. The court in which the defendant is convicted shall notify the department that the defendant is restricted to the operation of a motor vehicle only when an approved ignition interlock device is installed and properly operating. Nothing shall permit a person who does not own a vehicle or otherwise have an interlock installed on a vehicle to operate a vehicle without an interlock installed and properly operating.

Source: Senate Bill 319 (Act No. 2014-222) of 2014 Alabama Legislative Session.

Alaska

Overview: Alaska's all-offender ignition interlock law went into effect on January 1, 2009. Judges must order a first-time convicted drunk driver to use an ignition interlock. The DMV can also order the device after a 30 day hard license suspension. A first-time offender must go an interlock for at least six months. As of July 2013, there were 1,922 interlocks in use.

How soon can an interlock be installed? 30 days after conviction.

Interlocks for refusals? Yes. First-time offenders who refuse a chemical test are required by the court to use an interlock if the court grants restricted driving privileges.

Compliance based removal? No

Indigent Fund? No

Interlock user fees (not including leasing costs of the device): Must pay \$100 to the DMV for an interlock restricted license.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender after a 30 day hard license suspension period. Person must show proof of interlock installation and meet other requirements which include: 1) \$100 processing fee, 2) Pass any required tests, 3) Satisfy the Alcohol Safety Action Program (ASAP) requirements, 5) Provide proof of financial responsibility (filing SR-22 or posting a \$125,000 bond).

Court's role in implementing interlock law: A judge must order an interlock for at least six months. If an offender lives in a remote area not close to an interlock installation center, a judge may waive the interlock order.

Source: Alaska Division of Motor Vehicles: <http://doa.alaska.gov/dmv/reinst/iidinfo.htm>
Alaska Statute 28.01.010

Arizona

Overview: Arizona's all-offender ignition interlock law went into effective in September 2007. Implementation of the state's ignition interlock law falls on the Department of Motor Vehicles as the devices are tied in with obtaining a restricted license following a DUI conviction. A first-time convicted drunk driver must go an interlock for at least twelve months. As of July 2013, there were 21,468 interlocks in use.

How soon can an interlock be installed? Upon conviction.

Interlocks for first-time refusals? Yes, for a period of one year.

Compliance based removal? Yes. If an offender is caught driving a non-interlock equipped vehicle, the duration on an interlock is extended by one year. If there is a report of tampering, circumvention or certain other violations, the time period on interlock is extended from six to twelve months. There is a DMV hearing process so an offender can contest interlock time extensions.

Indigent Fund? No

Interlock user fees (not including leasing costs of the device): An applicant for an interlock restricted driver license shall pay an application fee in an amount to be determined by the director.

Department of Motor Vehicle's role in implementing interlock law: The DMV uses special forms and procedures to monitor drivers required to have the device installed. In order to obtain an interlock restricted license, a person must: 1) contact DMV us to verify eligibility (or have received a notice of eligibility from DMV), 2) Have no other outstanding withdrawal actions pending on your driving record, 3) Installed an interlock and provided proof with a "Verification of Installation" form, 4) Complied with mandatory alcohol treatment programs (if required) and submitted proof of completion to DMV, 5) submitted proof of future financial responsibility to DMV (SR 22), 6) paid all applicable fees.

The interlock must be calibrated and inspected by a certified installer every 30 days for the first three months, then as designated by the certified interlock installer. State law requires that a person's driving privilege remain suspended or revoked until MVD receives proof of a functioning interlock in each motor vehicle the person operates, even though the person is not the registered owner. The law requires use of the interlock for at least one year from the date that the person's driving privilege is reinstated or from the date DMV receives the report of conviction, whichever occurs later. If the person has no vehicle, or do not intend to operate a vehicle, the driving privilege will remain suspended or revoked until the person is ready to install an interlock.

Interlock companies electronically notifies the DMV with 24 hours of installation, the person must apply to the DMV to reinstate an interlock restricted license by showing a copy of the installation verification form provided by the interlock installer. The interlock installer is required to send periodic reports of a person's interlock usage electronically to DMV and violations can lead to extra time on the device.

Court's role in implementing interlock law: A Judge shall require any persons who are convicted of DUI to equip any vehicle the person operates with an interlock. The court nor probation is involved in monitoring or enforcing interlock usage.

Source: Arizona Department of Transportation: <http://www.azdot.gov/mvd/driver-services/ignition-interlock>.

Arizona Statute, Title 28: <http://www.azleg.state.az.us/arizonarevisedstatutes.asp?title=28>

Ignition Interlock: An Investigation Into Rural Arizona Judges' Perceptions:

<http://www.nhtsa.gov/staticfiles/nti/pdf/812025-Ignition-Interlock-Investigation-Rural-AZ-Judges.pdf>

Arkansas

Overview: Arkansas' all-offender ignition interlock law went into effect in April 2009. The Arkansas Department of Driver Control orders ignition interlock for a period of six months for first-time convicted drunk drivers. As of July 2013, there were 3,560 interlocks in use.

How soon can an interlock be installed? Immediately following license restriction from the Department of Driver Control.

Interlocks for first-time refusals? Yes.

Compliance based removal? No

Indigent Fund? Not really. However, the Department may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the interlock.

Interlock user fees (not including leasing costs of the device): Must pay \$150 to the DMV after interlock period to obtain non-interlock restricted driving privileges.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender for the duration of the six month license suspension. The Department of Driver Control must state on the record the requirement for and the period of use on the interlock. In order for a person to obtain an interlock restricted license, he or she must show proof of installation to the Department. Prior to reinstatement of a non-interlock license, a person must show proof of periodic reports (at least every 67 days), have completed an approved drug and alcohol education or treatment program and must pay a reinstatement fee of \$150.00 per offense.

Court's role in implementing interlock law: None.

Source: Arkansas State Statute 5-65-118

Arkansas Department of Driver Control: <http://www.dfa.arkansas.gov/offices/driverServices/Pages/DriverControl.aspx>
Act 299 of 2015: <http://www.arkleg.state.ar.us/assembly/2015/2015R/Acts/Act299.pdf>

California

Overview: Ignition interlocks are required for all convicted drunk drivers in a four county pilot program including: Tulare, Los Angeles, Sacramento and Alameda. The pilot program went into effect July 1, 2010 and will expire at the end of 2015. Judges and the DMV can order an interlock. First-offenders in the pilot program counties must go an interlock for five months or if someone was injured in a DUI crash for period of twelve months. In offenses occurring outside the pilot, judges have the discretion to order an interlock. As of July 2013, there were 28,129 interlocks in use.

How soon can an interlock be installed? 30 days after an administrative license suspension period started.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. If at any time during the person's restriction period that the DMV receives notification from the installer of a recordable violation, the DMV will "pause" the restriction. The person will not be given credit toward the restriction of time during which the person does not have proof of an interlock installation on file with the DMV. The interlock termination date will be extended each time one fails to comply. A notice will be mailed to the person confirming receipt of non-compliance from the interlock installer and the offender will be informed that the interlock restriction was extended. Following a notice of non-compliance, one must provide a new interlock installation

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form to DMV. Upon receipt, DMV will “reset” the interlock restriction and impose the remainder of the interlock restriction period. The offender will be notified in writing of the new interlock restriction termination date.

Indigent Fund? Yes. Interlock installers in all counties are required to offer pilot program participants reduced-fee installations. The installation cost is determined by the interlock user family’s income in comparison to the federal poverty guidelines. The guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services and can be accessed at www.aspe.hhs.gov/poverty/09fedreg.shtml. When installing the device or when calibrating it every 60 days, eligible participants will pay interlock installers according to the following fee schedule:

<i>If the offender’s family income is _____ of the federal poverty level,</i>	<i>the DUI offender pays _____ percent of the IID cost,</i>	<i>and...</i>
100 percent or below	10	The IID provider absorbs the remaining IID cost.
101 to 200 percent	25	
201 to 300 percent	50	
NOTE: The fee schedule above applies only to offenders whose DUI offense occurred in one of the four pilot counties between July 1, 2010, and December 31, 2015.		

Source: California DMV

Interlock user fees (not including leasing costs of the device): Must pay \$45 to the DMV.

Department of Motor Vehicle’s role in implementing interlock law: The pilot program requires the DMV, not the court, to impose/monitor interlock installations. The DMV automatically mails an Order of Suspension or Revocation notice along with information on interlocks, an Order of Installment of an Interlock when the department receives notification of a court conviction for a DUI violation. A person must provide DMV with a Department of Motor Vehicles Ordered Verification of Ignition Interlock (DL 924) form, pay a \$45 administrative service fee (ASF), Proof of Enrollment Certificate (DL 107) or Notice of Completion Certificate (DL 101), California Insurance Proof Certificate (SR 22), and meet all other reinstatement requirements before DMV can reinstate, reissue, or restrict their driver license. An interlock user has no geographic or time restrictions on their interlock restricted driving privilege.

At the end of the five-month period, the person may have the interlock removed by a certified installer. The department will automatically remove the interlock restriction from the person’s driving record and impose a restriction that only allows the person to drive to/from/during the course of your employment and to/from an alcohol treatment program, until the original DUI suspension period ends and the person provides a Notice of Completion Certificate. However, a person can request an extension of the interlock restriction with unlimited driving privileges until the original suspension period ends.

Pilot program participants must arrange service with the installer for each of the vehicles with an interlock at least once every 60 days. When the vehicle is serviced, the installer recalibrates and monitors the operation of the device. An interlock installer must notify DMV if the device is removed or if there is evidence that a person attempted to remove, bypass, or tamper with the device; or if the interlock user fails three or more times to comply with any requirements for the maintenance or calibration of the interlock.

A person can be exempt from installing an interlock if the DMV receives the following: a form that certifies under penalty of perjury that the person: does not own or have access to a vehicle at their residence and no longer have access to the vehicle used when the DUI offense occurred. The request must also indicate the offender acknowledges that he or she is: only allowed to drive an interlock equipped vehicle, required to have a valid driver license before driving, and immediately subject to the interlock installation requirements when the offender purchases or gains access to a vehicle. DMV will only approve signed exemption requests that are submitted within 30 days of the suspension or revocation notice mail date. Upon receipt, DMV will verify if the person qualifies for the exemption and notify them in writing. If the

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exemption is granted, an interlock restriction will still be imposed on the person's driving record but the \$45 administrative payment will not be required. A person does not qualify for an exemption if he or she owns a vehicle(s) that does not run or has an approved planned non-operation on file.

Any person in a pilot county who is required to operate a motor vehicle owned by his/her employer during the course of his/her employment, may operate the vehicle without installation of an approved interlock, if the employer has been notified that the employee's driving privilege is restricted. Upon request, the DMV will provide the person with a form for the employer. The person must keep proof of the employer's notification in your possession or in the vehicle.

If the person does not provide the DMV with the proof of installation forms or \$45 fee, he or she will not be able to reinstate a driving privilege. If an offender drives while suspended or revoked and are stopped by law enforcement, the vehicle may be impounded and the person may likely be convicted for driving on a suspended/revoked driver license. The conviction will result the interlock restriction term not beginning until the person files proof of interlock installation. The restriction will not end until the person completes the required restriction period.

Court's role in implementing interlock law: None in the pilot program. However, if a Judge orders an interlock, the offender must also provide the court with the appropriate proof of installation form.

Source: California DMV: http://apps.dmv.ca.gov/dl/iid_pilot_program_q-a.pdf
https://www.dmv.ca.gov/pubs/brochures/fast_facts/ffd131.htm

Colorado

Overview: Colorado's all-offender ignition interlock went into effect on January 1, 2009. First-time convicted drunk driver with a blood alcohol concentration (BAC) of .15 or greater are required to use an interlock for a period of two years. Offenders with a BAC of .08 to .14 can choose either a nine month license suspension or a 30 day license suspension followed by eight months on an ignition interlock. Interlocks are ordered and administered through the DMV. As of July 2013, there were 20,237 interlocks in use.

How soon can an interlock be installed? 30 days after the revocation of driving privileges.

Interlocks for first-time refusals? Yes, after waiting two months, a first-time offender who refuses a chemical test can go on interlock for two years.

Compliance based removal? Yes. A person with an interlock restricted license is eligible for a license without the restriction if the DMV's monthly monitoring reports show that for four consecutive months, the interlock report shows the person did not interrupt or prevent the normal operation of the motor vehicle due to an excessive BAC or did not detect that there has been tampering with the device, there have been no other reports of circumvention or tampering, and there are no grounds to extend the restriction. If the DMV determines that a person is eligible for a license without the restriction, the department shall serve upon the person a notice of such eligibility.

Indigent Fund? Yes. The DMV oversees a program to assist a person who applies for an interlock restricted license who is unable to pay the full cost of an interlock. The program is funded from the fees paid for by first-time convicted drunk drivers. If a person qualifies for assistance and funds are available, DMV may pay for a portion of the interlock cost. A person must show their Federal Adjusted Gross Income (FAGI) on the State of Colorado tax file falls within a predetermined percentage of the current year Poverty Guidelines established by Health and Human Services.

Interlock user fees (not including leasing costs of the device): \$95 DMV application fee.

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Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for convicted drunk drivers. Once a person has installed an interlock, he or she must obtain an: 1) Restricted License Ignition Interlock Agreement Affidavit, 2) Installation Certificate, 3) Application Form, 4) Payment of \$95, 5) SR22 from the insurance company, 5) Required Alcohol and Drug Education document Certificate or if an offender with a .15 BAC or greater a Discharge Referral Summary (DRS) for a Level II Education and Therapy program showing completion of courses or an Affidavit of Enrollment.

After being reinstated with an interlock, a person must take a road and written test at a DMV office.

In order to obtain an unrestricted license, the person must contact the nearest DMV office. The person can contact an interlock provider and request removal after receiving an unrestricted license. Once this condition of four months of violation free interlock use, the Department will send confirmation by mail with instructions on receiving an unrestricted license. A person who has not been served but who believes he or she is eligible for a license without the restriction may request a hearing on his or her eligibility.

Court's role in implementing interlock law: None.

Source: Colorado Revised Statutes: 42-2-132.5

Colorado DMV: <http://www.colorado.gov/cs/Satellite/Revenue-MV/RMV/1188338057330>

Connecticut

Overview: Connecticut's all-offender ignition interlock law went into effect in December 2012. Ignition interlocks are ordered via the DMV as part of license reinstatement for a period of one year. Effective in July 2015, all first-time offenders who receive diversion must also use an interlock for six months and all convicted drunk drivers must successfully complete the interlock period prior to obtaining unrestricted driving privileges. As of July 2013, there were 1,162 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? Yes.

Compliance based removal? Yes. If an interlock user commits any of the following violations, thirty days per violation will be added to the length of time the interlock restriction: 1) Failing to appear for interlock service within five days of a scheduled service date, 2) Second or subsequent occasion of failing a rolling retest, 3) Failing to submit to a rolling retest, 4) Tampering with or attempting to tamper with or circumventing or attempting to circumvent the interlock, 5) Operating a vehicle without an interlock, 6) Removing an interlock without authorization from the DMV, 7) Requesting or soliciting another person to blow into or otherwise activate the device for the purpose of providing the restricted driver with an operable motor vehicle.

If a violation occurs, the DMV will notify the person via mail. All violations will be reported to the Court Support Services Division of the Judicial Branch (Probation Department). In addition, all instances of being unable to start your car due to having an alcohol level above the threshold will be reported to the Probation Department. If, while participating in the interlock program, the person's license is suspended for any duration of time, the length of time the interlock restriction is required will be extended that amount of time the suspension was served.

Indigent Fund? No

Interlock user fees (not including leasing costs of the device): \$175 restoration fee plus a \$100 fee for an interlock installation application. Both of these are paid to the DMV.

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Department of Motor Vehicle's role in implementing interlock law: A person on an interlock must show the DMV valid registration and have had their license suspended for a conviction of a DUI, Vehicular Manslaughter or Vehicular Assault and have served the required license suspension period. The interlock user must: 1) Complete part one of Ignition Interlock Device Installation Application (P-246) form, 2) Show the DMV that interlock is installed in each vehicle(s) owned or operated.

If you the person is installing an interlock in vehicles(s) a user does not own, the registered owner must complete an Installation Authorization (P-248) form, and return with the P-246 form. Once the device is installed in the vehicle(s), the P-246 form confirming the installation(s) must be returned to the DMV. After the person license is restored, a final approval letter and restoration notice will be mailed. DMV records will indicate that an interlock must be installed in each vehicle(s) owned or operated by the user; law enforcement officials will have access to this information when checking a driver's status.

A person must bring each vehicle(s) to the installer every 30 days for calibration. If the user has a change in personal information, vehicle information or interlock device information he or she must complete the Ignition Interlock Device Change of Application Record (P-247) form and mail it to the DMV within 48 hours of the change.

Court's role in implementing interlock law: None for first-time offenders except in determining indigency, but probation can monitor repeat offenders who are an interlock.

Source: CT DMV: <http://www.ct.gov/dmv/cwp/view.asp?a=813&q=309844>

Public Act 228 of 2014: <http://www.cga.ct.gov/2014/ACT/pa/pdf/2014PA-00228-R00SB-00465-PA.pdf>

Delaware

Overview: Delaware's all-offender ignition interlock law goes into effect on January 1, 2015. Judges must order a first-time convicted drunk driver to use an interlock for a period of four to twenty-three months depending on the blood alcohol concentration (BAC) level. As of July 2013, there were 297 interlocks in use.

How soon can an interlock be installed? Immediately for first-time offender who are in a diversion program, or 30 days for other first-time offenders with a BAC of .08 to .14, or 45 days for offenders with a BAC of .15 or greater.

Interlocks for first-time refusals? Yes. First-time offenders who refuse must serve a 45 day license suspension period followed by 23 months on an interlock.

Compliance based removal? Yes. The Secretary of the Department of Transportation or the Secretary's designee shall extend the participant's revocation period and/or participating requirement in the interlock program for the following actions: 1) Each BAC reading of .05 or above, 2) Running retest violation, 3) Each missed monitoring appointment, 4) Startup violation or lock-out failure, 5) Tampering with or bypassing the interlock system, 6) Intentional circumvention of the interlock system or program requirements, 7) Any other noncompliance of program requirements as deemed by the Secretary or the Secretary's designee.

A 2-month extension shall be required for any combination of 3 of the above actions. A 4-month extension shall be required for any combination of 5 of the above actions. A 6-month extension shall be required for any combination of 8 of the above actions. An additional 1 month shall be required for each action listed greater than 8.

Indigent Fund? Yes. The Division of Motor Vehicles shall establish a payment plan for participants. The plan shall be administered by the service provider and the participant shall make all payments under the plan to the service provider.

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The Division shall further develop and implement an indigent plan for impoverished persons, which shall be available on a lottery basis. For every 20 devices installed at regular prices, at least 1 device shall be provided at approximately half price under this program.

Interlock user fees (not including leasing costs of the device): Must pay \$143.75 reinstatement fee to the DMV.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock license for a first-time offender for the duration of the four to twenty-three month license suspension. A person who enters into the first offender diversion program, must do the following: 1) Provide proof of enrollment in a course of instruction and/or rehabilitation as designated by the court and pay all associated fees related to the course, 2) Complete an Ignition Interlock Program application, 3) Provide proof of insurance for the vehicle to which the interlock is to be installed, 4) Show that the driver's license and/or privilege is not revoked for another violation that would prohibit the issuance of an interlock restricted license, 5) Any person who elects the diversion program must remain on the interlock for 4 months from the date of issuance of the interlock license. Prior to reinstatement, the DMV must have received a satisfactory program completion and the \$143.75 reinstatement fee. The DMV will then authorize removal of the interlock.

First-time offenders who do not enter into the diversion program, must wait 30 days before going on an interlock if their BAC was .08 to .14 and then be restricted to using an interlock for twelve months. First offenders with a BAC of .15 or greater must wait 45 days before being restricted to using an interlock for 17 to 23 months. For these persons, in order to drive with an interlock equipped vehicle, they must show the DMV the following: 1) Provide proof of enrollment in a course of instruction and/or rehabilitation as designated by the Court and pay all fees associated with the course. 2) The offense in question must not have involved death or serious injury to any person, 3) Complete an Ignition Interlock Program application, 4) The offender's driver's license and/or privilege is not revoked for another violation that would prohibit the issuance of an interlock restricted license, and 5) must have a favorable Character Background Review by the Division of Motor Vehicles.

Any first-time offender must install an interlock on all vehicles owned or operated by the individual or may have the device installed on a vehicle owned by another if there are no vehicles owned by the offender.

Court's role in implementing interlock law: A judge shall prohibit the person convicted from operating any motor vehicle unless such motor vehicle is equipped with an interlock.

If the court accepts first offender diversion agreement which results in the offender paying \$250 the costs of prosecution for the case which are imposed as a condition of probation.

Source: Delaware DMV: http://www.dmv.de.gov/services/driver_services/drivers_license/dr_lic_ignition.shtml
HB 212 of 2014: <http://www.legis.delaware.gov/LIS/LIS147.NSF/vwLegislation/HB+212?Opendocument>
Delaware Code: <http://delcode.delaware.gov/title21/c041/sc09/index.shtml#4177F>

Washington, DC

Overview: As of April 2013, any offender who seeks driving privileges during a DMV or court ordered license suspension must apply for the use of ignition interlock.

How soon can an interlock be installed? Immediately following license restriction from the DMV.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. If a person violates the rules of the interlock Program, he or she will either spend more time in the program, or you will have your driver license revoked, depending on the circumstances.

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Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): Must pay \$50 application fee to the DMV for an ignition interlock permit.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender for the duration of the six month license suspension.

Court's role in implementing interlock law: None.

Source: D.C. Code § 50-2201.05a: <http://dcode.org/simple/sections/50-2201.05~P.html>.
Washington, DC DMV: <http://dmv.dc.gov/service/ignition-interlock-device-program>

Florida

Overview: Judges must order ignition interlocks for all first-time convicted drunk drivers with a blood alcohol concentration (BAC) of .15 or greater. Judges have the option to order interlocks for first-time offenders with a BAC of .08 to .14 or in lieu of vehicle impoundment. As of July 2013, there were 9,379 interlocks in use.

How soon can an interlock be installed? 30 days after conviction for first-time offenders.

Interlocks for refusals? No.

Compliance based removal? Yes. A person may have their time an interlock extended as a result of a third or subsequent violation by the Department of Highway Safety and Motor Vehicles. Such information is sent to DUI program and Interlock vendor. A person may also be referred to a treatment provider, which differs from a DUI school. A violation includes any of the following:

- 1) Any two breath tests above the .05 BAC upon initial startup of the vehicle.
- 2) Any retest above a .05 BAC.
- 3) Any evidence of equipment tampering that is determined to be the result of alcohol use.
- 4) Any refusal to submit to a required rolling retest.

Indigent Fund? Yes. If the court determines that the convicted person is unable to pay for the installation of the ignition interlock device, the court may order that a portion of the fine paid by the person for a violation of section 316.193 be allocated to defray the costs of installing the device.

Interlock user fees (not including leasing costs of the device): Must pay a one-time \$12 fee to the DMV. An interlock user must also pay additional fees to attend a DUI school (not a treatment provider) for each of the following.

- 1) \$25 - First Violation Appointment Fee
- 2) \$55 - Second Violation Appointment Fee (Case Management Plan)
- 3) \$45 - Monthly Fee for IID monitoring appointments scheduled after the initial appointment.
- 4) \$55 - Third Violation Appointment Fee (Refer client to Treatment Provider). Additional fee of \$5 if DRI is older than Six months.
- 5) \$25 - First Violation and Monthly Missed Appointment Fee
- 6) \$55 - Second and Third Violation Missed Appointment Fee

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license to offenders ordered to go an interlock by a court.

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Court Role: Judges order interlocks for first-time convicted drunk drivers with a BAC of .15 or greater or who drive drunk with a child passenger in a vehicle. Judges have the option to order for first-time offenders with a BAC of .08 to .14 or in lieu of vehicle impoundment.

Source: Florida State Statutes 316.1937(2)(d).

Florida Department of Highway Safety Motor Vehicles: <http://flhsmv.gov/ddl/IID.html>

Georgia

Overview: Georgia does not utilize ignition interlocks for first-time convicted drunk drivers. Since May 1999, Judges are required to order an interlock for all repeat offenders for a period of 12 months. As of July 2013, there were 2,080 interlocks in use.

How soon can an interlock be installed? Upon conviction for repeat offenders.

Interlocks for refusals? No.

Compliance based removal? No. However, the Department of Driver Services (DDS) can revoke a person's ignition interlock device limited driving permit immediately upon notification from the provider of the failure to report or failure to receive a satisfactory report. A person can pay \$250 fee for an administrative hearing to contest the revocation and then wait 120 days before being able to obtain an interlock restricted driver's license.

Indigent Fund? No. Judges can waive the interlock order if an offender can prove it causes an undue financial hardship.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for repeat offenders. A person must show DDS the following: 1) Proof of installation of an interlock on any vehicle that he or she will be operating, 2) A certificate of completion from a DUI Drug or Alcohol Use Risk Reduction program, 3) Authorization for issuance of such permit by the Court that handled the underlying DUI charge, and enrolled in a drug court or clinical treatment.

An interlock restricted license is restricted to the following uses: 1) Travel to and from work, 2) Travel to and from school, 3) Travel to attend regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, 4) Travel for monthly monitoring visits with the permit holder's ignition interlock device service provider.

Court's role in implementing interlock law: Judges order interlocks for repeat convicted drunk drivers or waives the requirement of an interlock for repeat offenders due to financial hardship.

Source: DDS: <http://www.dds.ga.gov/rules/rules.aspx?chap=375-3-3&rule=375-3-3-.10&head=375-3>

Georgia Code 42-8-112

Hawaii

Overview: Hawaii's all-offender ignition interlock law went into effect on January 1, 2011. A first offender who seeks driving privileges during the one-year license revocation must apply for an ignition interlock license through the Administrative Driver's License Revocation Office. As of July 2013, there were 1,561 interlocks in use.

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How soon can an interlock be installed? Upon arrest.

Interlocks for first-time refusals? Yes. A first time offender who refuses has faces an interlock period of two years.

Compliance based removal? No.

Indigent Fund? Yes. The director of transportation shall contract with the selected interlock vendor to provide partial financial relief for the installation and the periodic calibration charges to offenders who apply for such assistance and who are recipients, at the time of license revocation or suspension, of either food stamps under the Supplemental Nutrition Assistance Program, or free services under the Older Americans Act or Developmentally Disabled Assistance and Bill of Rights Act. The interlock vendor, not the state, pays for the partial costs of indigent offenders' interlocks.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law The DMV does not administer the program but instead another state agency implements the program called the Administrative Driver's License Revocation Office (ADLRO). A person must submit application to the ADLRO along with 1) a copy of Interlock lease agreement as proof of installation of an ignition, 2) proof of motor vehicle insurance or self-insurance for any vehicle in which an ignition interlock has been installed. The ADLRO Issues interlock license for a first-time offender for the duration of the license revocation period.

The director may issue a separate permit authorizing a respondent to operate a vehicle owned by the respondent's employer during the period of revocation without installation of an interlock if the respondent is gainfully employed in a position that requires driving and the respondent will be discharged if prohibited from driving a vehicle not equipped with an ignition interlock device.

If the person does not choose to install an interlock, he or she shall be absolutely prohibited from driving during the revocation period and subject to the penalties provided if the respondent drives during the revocation period

Court's role in implementing interlock law: Judges can order a convicted offender to install interlock if ADLRO has not already done so or if offender has not installed but wishes to drive.

Source: Hawaii Revised Statutes Chapter 291

ADLRO Interlock application: http://www.courts.state.hi.us/docs/form/adlro/IIP_application_07_12.pdf.

Idaho

Overview: Idaho does not utilize ignition interlocks for first-time convicted drunk drivers. Since October 2000, Idaho requires Judges to order interlocks for all repeat offenders for a period of 12 months. As of July 2013, there were 876 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): None.

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Department of Motor Vehicle's role in implementing interlock law: None.

Court's role in implementing interlock law: Judges order interlocks for all repeat convicted drunk drivers.

Source: Idaho State Statutes Chapter 18: <http://legislature.idaho.gov/idstat/Title18/T18CH80SECT18-8008.htm>

Illinois

Overview: Illinois' all-offender ignition interlock law went into effect on January 1, 2009. Any first-time DUI offender who wishes to drive during a license suspension period of five to eleven months is required to use an interlock through the BAIID program administered by the Secretary of State which acts as the state's Department of Motor Vehicles. As of July 2013, there were 9,521 interlocks in use.

How soon can an interlock be installed? After suspension of driving privileges.

Interlocks for first-time refusals? Yes.

Compliance based removal? Yes. If a violation(s) is detected, the person will receive a letter from the Secretary of State's office requesting an explanation of the violation(s). A recordable violation is: 1) Ten or more unsuccessful attempts to start the vehicle within a 30-day period, 2) Five or more unsuccessful attempts to start the vehicle within a 24-hour period, 3) BrAC reading of .05 or higher, 4) Failing a running retest, or failing to take a running retest, 5) Failing to submit the interlock for a monitoring report in a timely manner, 6) Failure to use the interlock as required, 7) Attempts to tamper with or circumvent the interlock.

If the offender does not respond to the request or the explanation is insufficient, the suspension maybe extended for an additional three months per violation and/or the interlock license may be cancelled. Three extensions may result in the car being impounded for a period of at least 30 days. A Fourth extension may result in the vehicle being seized and forfeited

Indigent Fund? Yes. If the Secretary determines that the person seeking the interlock restricted license is indigent, the Secretary shall provide the person with a written document as evidence of that determination, and the person shall provide that written document to an interlock device provider.

A person may be declared indigent by the Secretary if the person's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a copy of the United States or State of Illinois tax return for the most recently completed calendar year. For a person who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if: 1) The person is currently receiving Temporary Assistance to Needy Families (TANF) benefits, 2) The person is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits.

The provider shall install an interlock on that person's vehicle without charge to the person, and seek reimbursement from the Indigent BAIID Fund. If the Secretary has deemed an offender indigent, the interlock provider shall also provide the normal monthly monitoring services and the de-installation without charge to the offender and seek reimbursement from the Indigent BAIID Fund. Any other monetary charges, such as a lockout fee or reset fee, shall be the responsibility of the person on an interlock restricted license. An interlock provider may not seek a security deposit from the Indigent BAIID Fund.

Any person or entity that supplies an interlock shall, for each interlock installed, pay 5% of the total gross revenue received for the device, including monthly monitoring fees, into the Indigent BAIID Fund. This 5% shall be clearly

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indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the fund to determine whether the surcharge is sufficient to provide for indigent users. The Secretary may increase or decrease this surcharge requirement as needed.

The Indigent BAIID Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use all money in the Indigent BAIID Fund to reimburse interlock device providers who have installed devices in vehicles of indigent persons. The Secretary shall make payments to such providers every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted.

Interlock user fees (not including leasing costs of the device): \$30 a month fee plus a one-time \$8 permit fee payable up front to the Secretary of State upon application for an interlock restricted license.

Department of Motor Vehicle's role in implementing interlock law: The Secretary of State's office downloads information from the interlock every 60 days. Following the application process, an interlock will be installed on his/her vehicle through the Secretary of State's office. An interlock restricted license and installation of an interlock allow an offender to drive anywhere at any time as long as he/she is driving a vehicle installed with an interlock. The Secretary of State's office monitors and reads the interlock throughout the duration of the permit. The interlock will alert the Secretary of State's office if the driver attempts any incidents of driving under the influence or tampers with the interlock.

Secretary of State sends an interlock license application to the offender in the mail. A person must complete the application and forward it to the Secretary of State's office. After a complete review of the application, the Secretary of State's office will notify the offender of the required fees and issuance of license.

Once the interlock restricted license is issued, the offender has 14 days to have an interlock installed on all vehicles you wish to drive during the suspension period. It is the interlock user's responsibility to contact an approved vendor. The user is responsible for all fees associated with the license, those proclaimed indigent by this office will have some vendor fees waived.

If the person needs to drive an employer owned vehicle(s) during work hours and the vehicle is not specifically assigned to you, the person may be eligible for a work exemption. To verify eligibility, one must provide your employer's name, address and telephone number to this office. Work exemptions are not granted if you are self-employed or work for a business owned by a family member or if you are allowed to take the vehicle home or use it for personal use.

A person may decline the Secretary of State's offer of an interlock and instead choose to restrain from driving during the suspension period. However, a person who chooses not to participate in the program and is subsequently caught driving a vehicle during the suspension period, is guilty of a Class 4 felony. Additionally, a person who participates in the interlock program and is subsequently caught driving a vehicle without an interlock installed is guilty of a Class 4 felony. Penalties include possible imprisonment of 1-3 years, a minimum 30 days in jail or 300 hours of community service, and fines up to \$25,000.

Court's role in implementing interlock law: None.

Source: Illinois Secretary of State: <http://www.cyberdriveillinois.com/departments/BAIID/>

Illinois Administrative Code: <http://www.ilga.gov/commission/jcar/admincode/092/092010010D04440R.html>

Illinois Code Section 625

Indiana

Overview: The use of ignition interlocks is discretionary for first-time offenders and required for all repeat offenders in Indiana. Judges order ignition interlocks for convicted drunk drivers. As of July 2013, there were 333 interlocks in use.

How soon can an interlock be installed? Upon arrest. A person receives day for day credit for early installation of an interlock against a court order period of interlock use.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. An interlock company is required to notify the judge within two weeks if any of the following occur: 1) Any attempt to start the vehicle with a BAC of .04 grams or higher if the person does not register a test result indicating a BAC of .04 within ten (10) minutes of the initial test, 2) Absent a documented failure of the interlock device, failure to take or pass any required test, 3) Failure of the person ordered to use an interlock device to appear at the interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the interlock device, (4) Any violations of restrictions imposed by the court.

Indigent Fund? Yes. An offender required to go an interlock is required to pay all fees associated with the device unless if the court determines that the person is indigent.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: After expiration of interlock driving privileges, the restriction will automatically be removed from the driver's record when the driver applies for an amended or renewed driver's license at the DMV.

Court's role in implementing interlock law: Judges order the use of an interlock in conjunction with specialized driving privilege permit. A person who has been granted an interlock driving privilege shall: (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges, 2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person, 3) produce the copy of the order granting specialized driving upon request by a police officer.

A person whose driving privileges have been suspended by the bureau may petition a court for an interlock restricted license.

Source: HB 1279 of 2014: <http://iga.in.gov/static-documents/6/0/d/1/60d12b46/HB1279.07.ENRH.pdf>
Indiana Bureau of Motor Vehicles: <http://www.in.gov/bmv/2361.htm>

Iowa

Overview: The use of ignition interlocks are required for all repeat and first-time offenders with a blood alcohol concentration (BAC) of .10 or greater. Interlocks are optional for first-time offenders with a BAC of .08 to .09. DMV or the Court requires the use of an interlock for first-time offenders with a BAC of .10 or greater who apply for a restricted license for a period of six months restricted to driving to and from work. As of July 2013, there were 5,659 interlocks in use.

How soon can an interlock be installed? Upon revocation for an offender with a BAC of .08 to .14. Offenders who caused an injury crash or who had a BAC of .15 or greater, must wait 30 days after notice of revocation to obtain an interlock restricted license.

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Interlocks for first-time refusals? Yes. If a person wishes to obtain a restricted license during a license suspension of 12 months, he or she must wait 90 days before applying for an interlock restricted license.

Compliance based removal? No.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): \$20 application fee. \$200 reinstatement fee of regular license.

Department of Motor Vehicle's role in implementing interlock law: Requires eligible persons to be restricted to an interlock in order to apply for restricted driving privileges. To apply for an interlock restricted license, the person must complete an Application for Temporary Restricted License. If the person meets all requirements, he or she will be sent a notice that the application has been approved. One must then take the notice to a DOT driver's license station where he or she may be required to: 1) Pass all required examinations (vision, written and/or driving test), 2) Pay any civil penalties, 3) File proof of financial responsibility, 4) Pay a \$20 reinstatement fee.

For a person who elects to go an interlock, to be reinstated regular driving privileges he or she must: 1) Pay a \$200 civil penalty, 2) Presents proof of completion of a course for drinking drivers, 3) Present proof of completion of a substance abuse evaluation and treatment or rehabilitation services, 4) Comply with financial responsibility law, if applicable, and 5) comply with interlock requirements.

Court's role in implementing interlock law: Judges order interlocks for first-time convicted drunk drivers with a BAC of .10 or greater.

Source: Iowa DOT <http://www.iowadot.gov/mvd/ods/trl.htm>
Legislative Guide to Operating While Intoxicated (OWI) Law in Iowa:
<https://www.legis.iowa.gov/docs/publications/LG/14964.pdf>

Kansas

Overview: The use of ignition interlocks are required for all convicted drunk drivers. DMV requires the use of an interlocks for a period of at least six months. As of July 2013, there were 9,000 interlocks in use.

How soon can an interlock be installed? Upon issuance of revocation.

Interlocks for first-time refusals? Yes. An offender must wait one year before applying for an ignition interlock license which lasts a period of additional two years.

Compliance based removal? No. As long as an offender shows proof of installation of an interlock during the period, it does matter how many violation he or she incurred.

Indigent Fund? Yes. Offender must qualify for food stamps in order to qualify for interlocks at a lesser cost. Interlock providers pay 2 percent of gross revenue into a fund.

Interlock user fees (not including leasing costs of the device): An application fee of \$100 and \$25.

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Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license to convicted drunk drivers. A person must show proof installation in order to receive an interlock restricted license and also show proof of installation upon completion to obtain unrestricted driving privileges.

Court's role in implementing interlock law: None.

Source: Kansas Department of Revenue: <http://www.ksrevenue.org/dmv-dcinterlock.html>

Kansas Statutes:

http://www.kslegislature.org/li/b2013_14/statute/008_000_0000_chapter/008_010_0000_article/008_010_0014_section/008_010_0014_k/

HB 2479 of 2014: http://www.kslegislature.org/li/b2013_14/asures/documents/hb2479_enrolled.pdf

Kentucky

Overview: Effective June 25, 2015, ignition interlocks are required for all repeat, refusals, DUI child endangerment, and for first-time offenders with a blood alcohol concentration (BAC) of .15 or greater. Interlocks are discretionary for first time-offenders with a BAC of .08 to .14. The time on an interlock in Kentucky is at least six months. As of July 2013, there were 191 interlocks in use.

How soon can an interlock be installed? Upon a court ordered suspension.

Interlocks for first-time refusals? Yes.

Compliance based removal? No.

Indigent Fund? Yes. If the court determines that a defendant is indigent, the court may, based on a sliding scale established by the Supreme Court of Kentucky by rule, require the defendant to pay the costs imposed under this section in an amount that is less than the full amount of the costs associated with the lease, purchase, or installation of an ignition interlock device and associated servicing and monitoring fees. If a defendant pays to an ignition interlock provider the amount ordered by the court under this subsection, the provider shall accept the amount as payment in full. Neither the Commonwealth, Transportation Cabinet, or any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.

Interlock user fees (not including leasing costs of the device): A fee of no more than \$200 the Kentucky Transportation Cabinet.

Department of Motor Vehicle's role in implementing interlock law: Issues ignition interlock license.

Court's role in implementing interlock law: Orders ignition interlock.

Source: Kentucky Department of Transportation: <http://transportation.ky.gov/Driver-Licensing/Pages/DUI-Laws-in-Kentucky.aspx>

<http://transportation.ky.gov/Highway-Safety/Pages/ignition-Interlock.aspx>

SB 133 of 2015: <http://www.lrc.ky.gov/record/15RS/SB133.htm>

Louisiana

Overview: The use of ignition interlocks are required for all convicted drunk drivers since July 2007. DMV requires the use of an interlocks for a period of at least twelve months for first-time offenders who seek driving privileges during a license suspension. Courts can also order interlocks for first offenders and must order the devices for offenders with a blood alcohol concentration (BAC) of .20 or greater. As of July 2013, there were 5,440 interlocks in use.

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How soon can an interlock be installed? Upon conviction as a condition of a hardship license.

Interlocks for first-time refusals? Yes, a first-time offender must use an interlock upon conviction as a condition of a hardship license.

Compliance based removal? No.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted licenses to first-time convicted drunk drivers. A person might have to provide the following documents to obtain an interlock restricted license: 1) SR-22 Filing, 2) Interlock Lease and Installation Agreement, 3) Recommendation letter from Support Services, 4) Court Order/Judgment, 4) If the applicant drives his employer's vehicle in the scope of his employment, the employer must provide a written statement that he (the employer) is aware that the employee is otherwise restricted to driving his personal vehicle that is equipped with an interlock. The statement allows the applicant to drive a company vehicle that does not have the interlock installed. However, if the applicant owns the company and drives the company vehicle, the interlock must be installed in that vehicle, and 5) Appropriate fees.

Court's role in implementing interlock law: Judges can order an interlock for first-time offenders. If the court imposes the use of an interlock as a term of probation on a person whose driving privilege is not suspended or revoked, the court shall require the person to provide proof of compliance to the court or the probation officer within thirty days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered into the court record, the court shall revoke the person's probation. Interlocks are required as a condition of bail for second and subsequent offenses.

Source: Louisiana Statutes 32:378.2, 32.98, 32:414, Code of Criminal Procedure 336.2

Louisiana DPS:

<http://dpsweb.dps.louisiana.gov/omv1.nsf/58c968bd569b099986256cdc000806eb/7dd0a0bb1d4f760d862564b800564ee4?OpenDocument>

Act 413 of 2007: <http://www.legis.la.gov/legis/ViewDocument.aspx?d=450064&n=HB652%20Act%20413>

Maine

Overview: The use of ignition interlocks is required for all convicted drunk drivers as a result of a law that went into effect on December 1, 2013. The Secretary of State (DMV) requires the use of an interlocks for the balance of a license suspension period for first-time offenders, which is around five months. As of July 2013, there were 461 interlocks in use.

How soon can an interlock be installed? 30 days after the beginning of revocation period.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? Yes. A person certified by the Secretary of State to install interlock devices shall provide for a reduction of costs, inclusive of the total fees and charges assessed to the individual having the ignition interlock device installed, of at least 50% if the individual demonstrates, using the individual's most recent federal income tax return, that the

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individual has an adjusted gross household income of not more than 150% of the poverty guidelines for the relevant tax year as established by the United States Department of Health and Human Services for that individual's family size.

Interlock user fees (not including leasing costs of the device): An application fee of \$50 to the Secretary of State.

Department of Motor Vehicle's role in implementing interlock law: Issues an interlock restricted license to convicted drunk drivers. A person who qualifies for restoration with an interlock must file a petition with the Secretary of State and receive written approval prior to having the device installed.

Court's role in implementing interlock law: None.

Source: Maine Secretary of State: <http://www.maine.gov/sos/bmv/licenses/iid.htm>

Maine Statutes: <http://www.mainelegislature.org/legis/statutes/29-a/title29-Asec2508.html>

Maryland

Overview: Since October 2011, Judges must order ignition interlocks for all first-time convicted drunk drivers with a blood alcohol concentration (BAC) of .15 or greater for a period of at least one year. Judges have the option to order interlocks for first-time offenders as part of diversion agreements. Offenders have the option to go an interlock in lieu of license suspension. As of July 2013, there were 10,925 interlocks in use.

How soon can an interlock be installed? Upon notice by DMV of interlock eligibility or when ordered by a judge.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. Each time a person has one or more violations during a monitoring period, a person will receive a letter of notification, and the required time in the program will be extended by one month. If there is a fourth monitoring period containing a violation, a person will be terminated from the program, and the original suspension or revocation will be imposed. A recordable violation includes: 1) Receives a suspension, revocation, refusal, or cancellation of the individual's driving privilege, 2) Has the interlock installed in a vehicle with an expired or invalid registration, 3) Removes the interlock without prior approval from the Administration, 4) Operates a vehicle without an interlock installed in the vehicle, 5) Tampers with, bypasses, damages, or otherwise removes or renders the interlock inoperable, or allows another individual to tamper with, bypass, or render the device inoperable, 6) Attempts to start or operate a vehicle with a BAC greater than 0.025 percent, unless there is a subsequent test reading within 5 minutes that indicates a BAC below 0.026 percent, 7) Fails to submit to a retest after starting the vehicle, 8) Fails to operate the interlock-equipped vehicle at least 50 times during a reporting period as recorded on the interlock device, 9) Fails to take the interlock-equipped vehicle to a scheduled monthly monitoring appointment with the service provider, 10) Fails to abide by the terms and conditions of the participant's agreement with the service provider, 11) Allows another individual to blow into the interlock while the participant is operating the vehicle; or 12) Participates in any other act or use of the interlock that poses a threat to highway safety.

Indigent Funding? Somewhat: The Administration interlock participation fee may be waived for participants experiencing financial hardship. A person can qualify if the person meets the guidelines for Federal Supplemental Nutrition Assistance Program or the Maryland Food Supplement Program.

Interlock user fees (not including leasing costs of the device): \$47 to DMV to participate in the program.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license. In order to be eligible to participate in the program, a person must: (1) Have a valid Maryland license that is not currently suspended, revoked, cancelled, or refused in this or any other state, (2) Notify the Administration, in writing, of the individual's

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choice to participate in the Program, 3) Have an interlock installed in the individual's vehicle by an approved service provider, 4) Surrender all Maryland driver's licenses, including a temporary license, or submit a signed statement certifying no driver's license is in the individual's possession, 5) Submit the service provider's completed sealed enrollment form to a full service Administration office, 6) Pay the required interlock participation fee as set forth in COMAR 11.11.05; and 7) Obtain a driver's license with an interlock-restriction.

A person may apply for a waiver of the interlock restriction under certain conditions: 1) A person does not own or co-own a motor vehicle; or 2) a person does not have access to any other motor vehicle for which the device can be installed; or 3) a person does not intend to drive during the restriction period (with the exception of an employer's vehicle for job related purposes only). Waivers cannot be granted for any other restrictions.

An employer waiver, allowing the participant to drive an employer vehicle in the course of the participant's employment during normal working hours, may be granted by the courts, or by the Administration, with submission of documentation of current employment and the need for the participant to operate the motor vehicle in the course of employment, in a form that is acceptable to the Administration.

Court's role in implementing interlock law: Judges must order interlocks for first-time offenders with a BAC of .15 or greater. Most judges grant diversion for first-time offenders and may also order the use of an interlock for these offenders as part of a diversion agreement.

Source: Maryland Motor Vehicle Administration: <http://www.mva.maryland.gov/About-MVA/INFO/26200/26200-14T.htm>

Maryland Secretary of State: <http://www.dsd.state.md.us/comar/getfile.aspx?file=11.11.13.03.htm>

Massachusetts

Overview: Massachusetts does not utilize ignition interlocks for first-time convicted drunk drivers. Since January 2006, Massachusetts requires the DMV to order interlocks for all repeat offenders for a period of at least two years. As of July 2013, there were 5,890 interlocks in use.

How soon can an interlock be installed? One year after license is suspended.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. Upon completion of the required period, the interlock will not be authorized for removal if the person had any interlock infractions or violations during the past six consecutive months.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Orders ignition interlocks for all repeat offenders. In order to obtain an interlock license a person must 1) Visit an RMV Hearings Officer for a hearing. The Hearings Officer will explain the criteria for hardship or full reinstatement. 2) Once a person has been approved for a hardship or full reinstatement, the Hearings Officer will give a person a list of certified interlock vendors. A person will also be given paperwork and legal statements (affidavits) that must be completed and notarized. By signing these affidavits, the person certifies that he or she, as well as each licensed driver in your household, understand that you are not allowed to drive any vehicle without an interlock and that you cannot try to bypass the interlock in any way. The penalties for these actions are included on the affidavits. 3) Call a certified interlock vendor for an installation appointment. A person cannot drive to the appointment – there are no exceptions to your requirement to drive a car with an interlock. When a

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person goes to an appointment, they must bring proof of identity. The vendor will install the interlock and will give the person detailed instructions on how to use and maintain the interlock. Once the interlock is installed, a person must return to a Hearings Officer with the completed affidavits and proof of installation. A "Z" restriction will be added to the license. This restriction means that the person is only allowed to operate a vehicle equipped with an interlock. At this point, the person will be able to complete the license reinstatement process.

Court's role in implementing interlock law: Judges order an ignition interlock for repeat offenders.

Source: Massachusetts Registry of Motor Vehicles: <http://www.massrmv.com/rmv/melanie/>

Michigan

Overview: Since October 2010, Michigan requires the use of ignition interlocks for all repeat and first-time offenders with a blood alcohol concentration (BAC) of .17 or greater. The Michigan Secretary of State office issues ignition interlocks for these offenders for a period of one year. As of July 2013, there were 8,197 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. If the interlock records three start-up test failures in a monitoring period, or one rolling retest failure, or if it detects tampering, the vehicle must be taken to a service center immediately. If that service is not done, the interlock will go into a "lock-out" mode, and the vehicle cannot be operated. Test failures, tampering, or other interlock related violations will result in an extension of the time before the driver can ask for another driver license appeal hearing, or may require that the original license revocation/denial be reinstated.

A person can request the interlock to be removed if there were none of the following: 1) Instances of interlock test samples with a BAC of .025 or higher, 2) Convictions for operating a vehicle without a properly installed interlock, 3) Evidence of tampering with, or circumventing, the interlock. If the interlock user request is approved, the user must take the order authorizing interlock removal to the provider before the device can be removed. If no other license sanctions are in effect, a person may take the order authorizing interlock removal to a Secretary of State branch office, pay the reinstatement fee, and return to full driving.

If a person is convicted of operating a vehicle without a properly installed interlock during the period of license restriction, the sentencing court must order the vehicle involved to be immobilized for not less than 90 days or more than 180 days.

Indigent Fund? Yes. The law does limit the amount that can be charged to low income persons to a maximum of \$2.00 per day. To qualify for this reduced fee, a person's gross income for the previous tax year must be less than 150% of the current poverty guidelines of the United States Secretary of Health and Human Services. A copy of the Michigan state income tax form you filed for the previous year will be required to verify your gross income. A person contacts the interlock vendor for more details to determine if the he or she qualifies for the reduced fee.

Interlock user fees (not including leasing costs of the device): Must pay \$125 to the Secretary of State upon application for full license reinstatement.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offenders. Proof of installation of an interlock is required before a restricted license will be issued. If a person wants an interlock restricted license, he or she will have 2 months after the interlock is installed to become familiar with the device, and to learn that certain substances, such as mouth wash, may cause the device to record a start-up test failure.

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After the first 2 months, any instance of a .025 or higher BAC reading will result in another 1-year suspension. However, any rolling retest failure will result in an additional 1-year suspension of a driver license. You may be eligible for another restricted license after serving 45 days of suspension if an interlock is properly installed on every vehicle you operate.

Interlock vendors who want to install devices in Michigan must have a statewide network of service locations. There must be a service center within 50 miles (one way) of any location in the state. If a driver lives more than 50 miles from a service center, the interlock company may use a mobile unit to travel to a location within 50 miles of the driver.

An interlock restricted license allows a person to operate a vehicle equipped with an interlock under the following circumstances: 1) To and from residence and employment, and during employment, 2) To and from alcohol or drug education or treatment program, 3) To and from regularly scheduled treatment for serious medical condition, 4) To and from probation, community service and school.

A person can request an Order/Authorization to Remove interlock by submitting a completed request form along with an Ignition Interlock Report from the interlock vendor to the Administrative Hearings Section of the Department of State. If the request is granted, the person will receive an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device. A person must take the Order to the interlock vendor to have the device removed. After a person has been approved to remove the interlock, a person must still pay a reinstatement fee of \$125 to the department before being able to receive your full driving privileges. One should keep a copy of the Order/Authorization to remove an interlock whenever operating a motor vehicle until the person has paid the reinstatement fee and received full driving privileges.

Court's role in implementing interlock law: Upon conviction, the court provides the Secretary of State with an abstract of conviction, and the driving record is updated. An Order of Suspension is automatically generated and mailed to the offender as notification that his or her driving privileges are suspended for one year. The Order of Suspension will also include instructions on how to obtain a restricted driver's license after 45 days. A person's driving record will show the driver's license as suspended for one year.

Source: Michigan Secretary of State: http://www.mi.gov/sos/0,4670,7-127-1627_8665_9070-21501--,00.html
http://www.michigan.gov/documents/sos/APPROVED_Public_High_BAC_FAQs_11-09-10_341399_7.pdf

Minnesota

Overview: Since July 1, 2011, Minnesota requires the use of ignition interlocks for all repeat and first-time convicted drunk drivers with a blood alcohol concentration (BAC) of .16 or greater for a period of one year. First-time offenders with a BAC of .08 to .15 are eligible to go on an interlock for the entire 90 day license revocation. However, 80 percent of first-time offenders plead down their DWI to a 30 day license revocation and therefore are exempt of an interlock restriction. The Minnesota Department of Public Safety administers the ignition interlock program. As of July 2013, there were 7,716 interlocks in use.

How soon can an interlock be installed? Can install an interlock immediately upon license revocation.

Interlocks for first-time refusals? Yes. An offender can install an interlock for the entire one year license revocation period.

Compliance based removal? Yes. Time may be extended for violations; last 90 days must have no failed tests recorded on device. An additional 180 days can be added to the revocation period for the following violations: 1) tampering, circumventing or bypassing the device, 2) Operating a vehicle not equipped with an interlock, 3) violation of an interlock

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license, 4) For canceled drivers, the failure to provide no fewer than 30 initial breath tests each month, 5) Failure to bring the vehicle in for a service appointment every 30 days (or 60 days if the device is wireless), 6) Three failures to take a rolling retest within a seven day period. An additional 90 days can be added to the license revocation for an alcohol reading greater than .02 BAC.

Indigent Fund? Yes. A participant may qualify for reduced fees associated with the service and monitoring of the interlock. To apply for reduced service and monitoring fees, the participant must complete the Reduced Fee for Ignition Interlock Service and Monitoring form available on the Department's website at <http://dvs.dps.mn.gov> or by calling (651) 296-2948. The application must be notarized. After DVS reviews the application, the participant will be notified if he/she is eligible for the reduced service and monitoring fees. A participant may only apply for the reduced service and monitoring fees once per tax year and must reapply yearly. The reduced fee is effective on the date of approval. It is not retroactive to the date of installation or any other service and monitoring fees. The reduced fee applies to only one vehicle.

Interlock user fees (not including leasing costs of the device): No. However, any DWI offender must pay a \$680 reinstatement fee to the DMV that is not exclusive to ignition interlock use.

Driver's License Agency Role: Issues interlock license for a first-time offender for the duration of the license suspension. In order to obtain an interlock restricted license, an offender must 1) Pass the DWI knowledge test (MN residents only), 2) Pay the \$680 reinstatement fee and retain the receipt 3) Apply for a new class D driver's license or instruction permit, pay the application fee and retain the receipt (MN residents only), 4) Sign a Special Review form (if required), 5) Satisfy all requirements for any prior withdrawal.

Court's role in implementing interlock law: None.

Source: Minnesota Department of Public Safety: <https://dps.mn.gov/divisions/dvs/programs/mn-ignition-interlock/Pages/default.aspx>; <https://dps.mn.gov/divisions/dvs/programs/mn-ignition-interlock/Documents/Ignition-Interlock-ProgramGuidelines.pdf>

Mississippi

Overview: Mississippi's all-offender ignition interlock law goes into effect October 2014. If an offender seeks driving privileges during a license suspension, Judges must order an ignition interlock for first-time offenders for a period of 90 days and have the option to order ignition interlocks as part of diversion agreements for 120 days. As of July 2013, there were no interlocks in use.

How soon can an interlock be installed? Upon arrest. Any time on the interlock prior to court sentencing is credited towards overall interlock order.

Interlocks for first-time refusals? Yes. First-time offenders can choose a 90 day license suspension period or 180 days on an interlock.

Compliance based removal? No. However, offenders who enter diversion agreements may be required to show proof of no violations while on an interlock.

Indigent Fund? Yes. The Department of Public Safety determines indigency based of enrollment in one or more of the following types of public assistance programs: 1) Temporary Assistance for Needy Families (TANF), 2) Medicaid

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assistance, 3) The Supplemental Nutritional Assistance Program (SNAP) also known as "food stamps", 4) Supplemental security income (SSI), 5) Participation in a federal food distribution program, 6) Federal housing assistance, 7) unemployment compensation, 8) or Other criteria approved by the department. No more than ten percent (10%) of the money in the Interlock Device Fund in any fiscal year shall be expended by the department for the purpose of administering the fund. Money in the Interlock Device Fund will be appropriated to the department to cover part of the costs of installing, removing and leasing ignition interlock devices for indigent people who are required, pursuant to a conviction or diversion, to install an ignition interlock device in all vehicles driven by the person. The fund is funded through interlock user fees (\$25 reinstatement fee, \$50 conviction fee, \$250 non-adjudication fee).

If money is available in the Interlock Device Fund, the department shall pay to the vendor, for one (1) vehicle per offender, up to Fifty Dollars (\$50.00) for the cost of installation, up to Fifty Dollars (\$50.00) for the cost of removal, and up to Thirty Dollars (\$30.00) monthly for verified active usage of the ignition interlock device. The department shall not pay any amount above what an offender would be required to pay for the installation, removal or usage of an interlock.

Interlock user fees (not including leasing costs of the device): Must pay \$50 interlock license fee to DPS and \$100 reinstatement fee after interlock period is over to DPS. An offender who enters into a diversion agreement must also pay a \$250 fee. If the person chooses not to go an interlock, he or she must pay a \$175 reinstatement fee at the end of license suspension period.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for first-time offenders and administers the indigent fund.

Court's role in implementing interlock law: Orders ignition interlocks for first-time convicted drunk drivers or for offenders who enter into diversion agreements.

Source: HB 412 of 2014: <http://billstatus.ls.state.ms.us/documents/2014/pdf/HB/0400-0499/HB0412SG.pdf>

Missouri

Overview: Missouri's all-offender ignition interlock law has been in effect since March 2014. Judges have the discretion to order interlocks for first-time offenders. Additionally, first-time offenders can apply for an interlock restricted license for 90 days or choose a 90 day license suspension period with no driving privileges. As of July 2013, there were 7,718 interlocks in use.

How soon can interlock be installed? Immediately following license restriction from the Department of Motor Vehicles.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. In order to reinstate driving privilege after a person completes the suspension period, a person must maintain installation of an interlock during the restricted driving privilege period without any violation. "Violation" is defined as any incident of device tampering, circumvention, or breath-alcohol level of .025 percent or above. A person should not remove the device until the installer has certified to the Department of Revenue that a person is violation free. A person must request this certification from the interlock installer. Failure to obtain certification will result in a 30-day extension of interlock restricted driving privilege or an additional 30-day suspension without any driving privileges.

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Indigent Fund? No

Interlock user fees (not including leasing costs of the device): \$20 reinstatement fee to the DOR (DMV).

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender for the duration of 90 day license suspension period. A person must 1) Complete and submit the Request for Immediate 90-Day Restricted Driving Privilege form within 15 days of the date you receive the Notice of Suspension or Revocation of Your Driving Privilege, 2) The request form is contained on the notice that was mailed to the person, or one may use the Request for Immediate 90-Day Restricted Driving Privilege with Ignition Interlock Device and mail the request to: Driver License Bureau, 3) File proof of installation of an approved interlock; and 4) file proof of insurance (an SR-22 form).

A first-time offender can choose a 30 day license suspension followed by sixty days on an interlock as well.

Court's role in implementing interlock law: Judges can order an interlock for first time offenders.

Source: Missouri Department of Revenue: <http://dor.mo.gov/drivers/IID.php#what>
http://dor.mo.gov/drivers/RDP_points_alc.php

Missouri Department of Transportation: <http://www.modot.org/safety/ignitionInterlock.htm>.

Montana

Overview: Judges have the option to order ignition interlocks for first-time offenders in Montana and the devices are required for repeat offenders. As of July 2013, there were 3,560 interlocks in use.

How soon can an interlock be installed? Upon conviction.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? None.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: None.

Court's role in implementing interlock law: A judge can order an interlock.

Source: Montana Department of Transportation:

http://www.mdt.mt.gov/publications/docs/brochures/safety/montana_oui.pdf

https://www.mdt.mt.gov/safety/docs/oui_penalties.pdf

Nebraska

Overview: Nebraska's all-offender ignition interlock law has been in effect since January 1, 2009. Judges are required to order interlocks for first-time offenders and DMV is required to order interlocks as a condition of a restricted license for a period of six months for offenders with a BAC of .08 to .14 and one year for a BAC of .15 or greater. As of July 2013, there were 3,973 interlocks in use.

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How soon can an interlock be installed? Upon arrest if the offender waives the administrative license revocation hearing.

Interlocks for first-time refusals? Yes. Offenders must wait 90 days before being restricted to using an interlock for one year.

Compliance based removal? Yes. Any person who tampers with or circumvents an interlock installed or who operates a motor vehicle not equipped with a interlock is in violation of the purposes for operation indicated on the interlock restricted license shall, in addition to any possible criminal charges, have his or her revocation period and interlock restricted license extended for six months beyond the end of the original revocation period.

Indigent Fund? Yes. If the Department of Motor Vehicles has determined the person to be indigent and incapable of paying for the cost of installation, removal, or maintenance of the interlock, such costs shall be paid out of the Department of Motor Vehicles Ignition Interlock Fund if such funds are available, according to rules and regulations adopted and promulgated by the department. Such costs shall also be paid out of the Department of Motor Vehicles Ignition Interlock Fund if such funds are available and if the court or the Board of Pardons, whichever is applicable, has determined the person to be indigent and incapable of paying for the cost of installation, removal, or maintenance of the interlock in accordance with this section. The Department of Motor Vehicles Ignition Interlock Fund is created. Money in the Department of Motor Vehicles Ignition Interlock Fund may be used for transfers to the General Fund at the direction of the Legislature. Any money in the Department of Motor Vehicles Ignition Interlock Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

A person is determined indigent if: 1) meets 150 percent or less of the federal poverty guidelines published in the Federal Register pursuant to 45 CFR Part 1611.3 setting out income levels for individuals eligible for assistance to qualify as indigent. DMV may also consider income, expenses, and assets as reported on the application. Applicants shall provide documentation of current income with a pay stub, most recent W2, most recent tax return, statement from employer with the application.

Interlock user fees (not including leasing costs of the device): Yes. A fee of 47.50 paid to the Examiner of County Treasurer.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license to convicted drunk drivers or drivers who waive their administrative license hearing. To be eligible for the permit, the driver must be a Nebraska resident and have been issued a license (Provisional Operator's Permit holders are not eligible for an interlock restricted license). To receive a letter authorizing the issuance of the appropriate driving document, the driver must submit the following to the DMV: 1) Call the DMV at 402-471-3985 to verify eligibility for the interlock restricted license, 2) If eligible, submit a certified copy of a Nebraska Court Order and/or Probation Order reflecting the Interlock requirement, 3) Current certificate of installation showing an approved device has been installed for each vehicle driver will be operating (device cannot be installed on a Commercial Motor Vehicle), 4) Surrender current driver license, 5) Meet all other applicable reinstatement requirements for any other withdrawal actions on the driving record, 6) Once the interlock has been authorized – a person can go to any licensing station in Nebraska to get the interlock restricted license issued or a person you may be eligible to [get your IIP online](#), [renew your IIP online](#), or [obtain a duplicate IIP online](#).

Court's role in implementing interlock law: A judge orders ignition interlocks for first-time convicted drunk drivers.

Source: <http://www.dmv.ne.gov/frd/interlock.html>
http://www.dmv.ne.gov/frd/pdf/IIP_Application_2012.pdf
http://www.dmv.ne.gov/frd/pdf/2012_Interlock_chart.pdf

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Nebraska Statute 60-6,211.05: <http://nebraskalegislature.gov/laws/statutes.php?statute=60-6,211.05>

Nebraska Statute 60-498.01: <http://nebraskalegislature.gov/laws/statutes.php?statute=60-498.01>

Nebraska Secretary of State: http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Motor_Vehicles_Dept_of/Title-250/Chapter-1.pdf

Nevada

Overview: Nevada requires Judges to order the use of interlocks for all repeat and first-time offenders with a blood alcohol concentration (BAC) of .18 or greater for a period of at least one year. For first-time offenders with a BAC of .08 to .17, judges have the option to order interlocks for three to six months. As of July 2013, there were 994 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offenders pursuant to court orders.

Court's role in implementing interlock law: A judge can order an interlock for a first-time offender with a BAC of .08 to .17 and must order an interlock for a first-time offender with a BAC of .18 or greater.

Source: Nevada DMV: <http://www.dmvnv.com/pdfforms/dmv021.pdf>

Nevada Statutes 484C.460: <http://www.leg.state.nv.us/NRS/NRS-484C.html>

New Hampshire

Overview: New Hampshire's all-offender ignition interlock law goes into effect January 1, 2016. The new requires all first-time offenders to use an interlock during the license suspension period (which can last up to two years) if the person chooses to drive. Currently, Judges must order interlocks for all repeat and first-time offenders with a blood alcohol concentration (BAC) of .16 or greater. If Judges fail to order interlocks for these offenders, the DMV will require the offenders use an interlock. As of July 2013, there were 537 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed without reasonable cause including, but not limited to, illness, hospitalization, or incarceration, to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the commissioner after a hearing may order a further license suspension or revocation for a period of not more than 12 months. In addition, upon a complaint the court may order a show cause hearing to determine if the person should be held in contempt of court. Upon a finding of contempt, the court may sentence the defendant to up to 6 months in a county department of corrections facility, and may make

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such other orders as necessary to bring about compliance, and in the absence of a license suspension by the commissioner may order a further license suspension or revocation for a period of not more than 12 months. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

Indigent Fund? Yes. If an offender is determined to be indigent or unable to afford the interlock, under current law the interlock company gives a 25 percent discount.

Interlock user fees (not including leasing costs of the device): Must pay \$50 fee to the DMV for an interlock restricted license.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender for the duration of the license suspension period, which could be up to two years.

Court's role in implementing interlock law: Judges can order interlocks for any convicted drunk driver. A person can be issued an interlock restricted license if: 1) That the person must operate a motor vehicle as a requisite of the person's occupation or employment, 2) That the person must operate a motor vehicle to seek employment or to get to and from a place of employment, 3) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program, 4) That the person or a member of the person's immediate family requires medical treatment on a regular basis and the person must operate a motor vehicle in order that the treatment may be obtained, 5) That the person must operate a motor vehicle to continue his or her education, 6) That the person must operate a motor vehicle to attend job training.

An interlock restricted license is limited to the following locations: 1) To the times, places, and days determined to be necessary for the person to seek or retain employment, to attend any alcohol or drug treatment or rehabilitation program, to continue his or her education, to attend job training, or to obtain required medical treatment for the person or a member of the person's immediate family, 2) To times, places, and days that are specifically stated, 3)

A person granted an interlock restricted license shall deliver a copy of the court order granting the limited privilege license to the law enforcement agency in the city or town in which he or she resides. When operating a motor vehicle, a person granted a limited privilege license under this section shall have a copy of the court order granting the limited privilege license upon his or her person or in some easily accessible place within the vehicle.

Source: New Hampshire DMV: <http://www.nh.gov/safety/divisions/dmv/financial-responsibility/fees-fines.htm>

Chapter Law 0263 of 2014: <http://gencourt.state.nh.us/legislation/2014/HB0496.html>

Chapter Law 0118 of 2015: <http://www.gencourt.state.nh.us/legislation/2015/SB0236.pdf>

New Jersey

Overview: Since January 2010, Judges are required to order ignition interlocks for all repeat and first-time offenders with a blood alcohol concentration of .15 or greater for a period of at least 13 months to two years. Judges have the option to order interlocks for first-time offenders with a BAC of .08 to .14 for a period of six months to one year. As of July 2013, there were 4,700 interlocks in use.

How soon can an interlock be installed? For offenders with a BAC of .08 to .14, offenders must wait between three months to one year before starting an interlock period. For offenders with a BAC of .15 or greater, a judge can order interlocks start upon conviction.

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Interlocks for first-time refusals? Yes. Judges shall order the use of interlocks for a period of seven months to two years.

Compliance based removal? No.

Indigent Fund? Yes. If a person is required to install an interlock and that person's family income does not exceed 100% of the federal poverty level, the monthly leasing fee shall be 50% of the fee established by regulation for persons who do not qualify for the reduced fee.

If a person is required to install an interlock and that person's family income does not exceed 149% of the federal poverty level, the monthly leasing fee shall be 75% of the fee established by regulation for persons who do not qualify for the reduced fee. Offenders who qualify for a reduced fee pursuant to the provisions of this section shall not be required to pay the installation fee, the cost for monitoring of the device, or any fees for calibration or removal of the device.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: If the court sentences a person to get an interlock, a person will receive a notice of suspension from MVC with instructions on how to obtain the device. Failure to have an interlock installed when ordered by a Judge could result in an additional one year driving privilege suspension.

The MVC does not have the authority to modify a court order if the offender does not have a vehicle to put an interlock on. You were sentenced to the interlock installation in accordance with the statutes of the State of New Jersey. The interlock device must be installed on every vehicle you intend to operate. If a person does not have access to or plan to operate any vehicle, it is not necessary to restore your New Jersey driving privilege

Court's role in implementing interlock law: Judges can order interlocks for first-time convicted drunk drivers.

Source: New Jersey Motor Vehicle Commission: http://www.state.nj.us/mvc/Violations/dui_ignition.htm
Ricci's Law: http://www.njleg.state.nj.us/2008/Bills/PLO9/201_.PDF

New Mexico

Overview: New Mexico's all-offender interlock law went into effective on June 17, 2005. Judges must order a first-time convicted drunk driver to use an ignition interlock for a period of one year. As of July 2013, there were 12,616 interlocks in use.

How soon can an interlock be installed? Immediately upon conviction.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. The person must have completed a minimum of six months of driving with an interlock and an interlock restricted license with no attempts to circumvent or tamper with the device.

Indigent Fund? Yes. Indigency determined by the Traffic Safety Bureau based on proof of enrollment in one or more of the following types of public assistance: 1) TANF: Temporary Assistance for Needy Families, 2) GA: General Assistance -SNAP: Supplemental Nutritional Assistance Program (Food Stamps), 3)-SSI: Supplemental Security Income, 4) FDP: Food Distribution Program on Indian Reservations. The NMDOT Traffic Safety Bureau shall pay for one vehicle per offender, up to: \$50.00 for the cost of installation; \$30.00 monthly for verified active usage of the interlock device, and

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\$50.00 for the cost of removal. The person is responsible for all other charges associated with the installation, servicing and removal of the interlock.

Interlock user fees (not including leasing costs of the device): Must pay \$113 to the DMV for an interlock restricted license.

Driver's License Agency Role: Issues interlock restricted license for a first-time offender. Any individual whose license was revoked for DWI must meet the following requirements: the license revocation period must be completed; all court ordered ignition interlock requirements must be satisfied; and the driver must have completed a minimum of 6 months of driving with an interlock device and an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device.

Court's role in implementing interlock law: Judges order interlocks for any convicted drunk driver.

Source: New Mexico DMV: <http://www.mvd.newmexico.gov/Drivers/DWI/pages/Interlock-Devices.aspx>
<http://www.mvd.newmexico.gov/what-to-do-after-a-dwi.aspx>

New York

Overview: New York's all-offender ignition interlock law went into effect August 15, 2010. Judges must order a first-time convicted drunk driver to use an ignition interlock for one year. As of July 2013, there were 6,870 interlocks in use.

How soon can an interlock be installed? Upon arrest. Interlocks are able to be installed prior to sentencing with the offender obtaining credit for time already served on the interlock.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. Probation officers and monitoring authorities have the capability of taking the offender back to court and requesting an extension based on their behavior while on an interlock.

Indigent Fund? Yes. Any person who claims financial inability to pay for the device shall submit in advance of sentencing three copies of his or her financial disclosure report, to the sentencing court which shall distribute copies to the district attorney and defense counsel. Here is the affordability report:

<http://www.criminaljustice.ny.gov/opca/pdfs/dpca500iidfrfinancialdisclosurereport.pdf>

Interlock companies shall take into consideration and plan a ten percent (10%) waiver of the fees by sentencing courts due to operator unaffordability.

Interlock user fees (not including leasing costs of the device): No.

Department of Motor Vehicle's role in implementing interlock law: The interlock must remain installed for at least six months. The ignition interlock restriction will be added to the driver license record even if the license is revoked. The restriction will appear on the back of the driver license document as "interlock device". The ignition interlock monitor must give you a form that states that you are no longer required to install and maintain the interlock in vehicles a person owns or operates. A person must take this form to a local DMV office and apply for a new document without the restriction.

Court's role in implementing interlock law: A Judge orders ignition interlock for convicted drunk drivers as a condition of conviction or diversion (conditional discharge). Probation monitors reports of interlock violations.

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Source: New York State Division of Criminal Justice Services: <http://www.criminaljustice.ny.gov/opca/ignition.htm>
<http://www.criminaljustice.ny.gov/opca/pdfs/May-2014-STOP-DWI-Bi-Annual-Meeting.pptx>
<http://www.criminaljustice.ny.gov/opca/pdfs/dwi-offender-management-poa-2013.pdf>
New York DMV: <http://dmv.ny.gov/tickets/leandras-law-ignition-interlock-devices>

North Carolina

Overview: Since December 2007, ignition interlocks are required for all repeat and first-time offenders with a blood alcohol concentration of .15 or greater for a period of at least one year. Courts order the use of ignition interlocks. As of July 2013, there were 9,500 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? Yes.

Compliance based removal? No.

Indigent Fund? No. DMV can waive the interlock order for an offender who cannot afford the device.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock license for a first-time offenders after 45 days after conviction.

Court's role in implementing interlock law: Judges order ignition interlocks for first-time convicted drunk drivers with a BAC of .15 or greater.

Source: North Carolina Statutes: 20-179.3:
http://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_20/gs_20-179.3.html;
20-17.8: <http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=20-17.8>

North Dakota

Overview: Judges have the discretion to order ignition interlocks for first-time convicted drunk drivers or DMV can issue an interlock as part of a restricted license. As of July 2013, there were 18 interlocks in use.

How soon can an interlock be installed? 15 or 30 days after license restriction begins.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: The director may require that an interlock be installed in the offender's vehicle and may require the applicant to submit proof of attendance at a driver training course approved by the director.

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Court's role in implementing interlock law: Judges can order an ignition interlock for any convicted drunk driver.

Source: North Dakota Code: <http://www.legis.nd.gov/cencode/t39c06-1.pdf?20131014131457>

Ohio

Overview: Ohio requires judges to order interlocks for repeat offenders and allows judges the option to order interlocks for first-time offenders for a period of up to one year. As of July 2013, there were 2,407 interlocks in use.

How soon can an interlock be installed? 30 days after the beginning of a license suspension period.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. Some courts require an interlock user to obtain approval from a judge prior to interlock removal.

Indigent Fund? Yes. Fifty dollars of the reinstatement fee paid by a convicted drunk driver shall be deposited into the special projects fund of the court in which the offender was convicted to be used exclusively to cover the cost of interlocks for indigent offenders who are required by a judge to use either of these devices.

Interlock user fees (not including leasing costs of the device): None.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender upon a court order. The restricted license shall be identical to the surrendered license, except that it shall have printed on its face a statement that the offender is prohibited from operating a motor vehicle that is not equipped with an ignition interlock device. The bureau shall deliver the offender's surrendered license or permit to the court upon receipt of a court order requiring it to do so, or reissue the offender's license if the registrar destroyed the offender's license or permit under that section. The offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

Court's role in implementing interlock law: Judges can order an interlock. If a court requires an offender, as a condition of a community control sanction pursuant to operate only a motor vehicle equipped with an interlock, the offender immediately shall surrender the offender's driver's license or permit to the court. Upon the receipt of the offender's license or permit, the court shall issue an order authorizing the offender to operate a motor vehicle equipped with a certified ignition interlock device, deliver the offender's license or permit to the bureau of motor vehicles, and include in the abstract of the case forwarded to the bureau pursuant to the conditions of the community control sanction imposed. The court shall give the offender a copy of its order, and that copy shall be used by the offender in lieu of a driver's license or permit until the bureau issues a restricted license to the offender.

Source: Ohio Code Chapter 2951: <http://codes.ohio.gov/orc/2951>

Oklahoma

Overview: Since November 2011, Judges must order the use of ignition interlocks for first-time convicted drunk drivers with a BAC of .15 or greater for a period of 18 months. First offenders with a BAC of .08 to .14 can also apply for an interlock restricted license. As of July 2013, there were 5,000 interlocks in use.

How soon can an interlock be installed? 30 days after the beginning of revocation.

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Interlocks for first-time refusals? Yes. First-time refusals must use an interlock for a year and a half.

Compliance based removal? No.

Indigent Fund? Not really. However, the Department may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the interlock.

Interlock user fees (not including leasing costs of the device): Must pay \$50 to the DMV for a restricted license.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offenders. As a prerequisite and condition of any modification, the person shall be required to have installed an interlock approved by the Board of Tests for Alcohol and Drug Influence, at the person's own expense, upon every motor vehicle operated by the person. The Department shall require, as a condition of modification, the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the person, except when the employer requests the interlock not be installed.

Court's role in implementing interlock law: None.

Source: Oklahoma Board of Tests: http://www.ok.gov/bot/Ignition_Interlock/

Oklahoma Code 47:6-212-3: <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=442734>

Oklahoma Code 47:67-754.1: <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440152>

Oregon

Overview: Oregon's all-offender ignition interlock law went into effect on January 1, 2008. Judges must order a first-time convicted drunk driver to use an ignition interlock as part of diversion agreements for six months and first-time offenders to use an interlock for one year. As of July 2013, there were 7,100 interlocks in use.

How soon can an interlock be installed? Immediately for DUI diversion agreements and one year for first-time convictions.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? Yes. A person may be eligible for financial assistance if he or she cannot afford to pay the costs associated with the device. To apply for assistance, a person must meet the standard for indigence, which is the possession of a current Food Stamp Identification Card issued by the Oregon Department of Human Services. To request a fee waiver, a person must provide proof of indigence to a vendor who is contracted with the Addictions and Mental Health Division to obtain reimbursement of the device fees.

Interlock user fees (not including leasing costs of the device): \$50 hardship permit fee and \$75 reinstatement fee.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license. For an interlock restricted license, an offender must submit: 1) Signed and dated Hardship Permit Application, 2) \$50 Non-Refundable Hardship Permit Application Fee, 3) \$75 Reinstatement Fee, 4) SR-22 Certificate of Liability Insurance, 5) Employment Verification (a signed and dated letter from the employer stating work days and hours and the need for on-the-job driving, if applicable), 6) Recommendation from convicting judge, 7) An interlock must be installed for the entire length of the hardship permit during a DUII suspension. If driving employer's vehicles, may be eligible for an employer exemption.

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Court's role in implementing interlock law: A Judge orders an interlock as a condition of diversion agreement or for a first-time convicted drunk driver.

Source: Oregon Statutes 813.602: <http://www.oregonlaws.org/ors/813.602>

Oregon DMV: <http://www.odot.state.or.us/forms/dmv/6826.pdf>

<http://www.oregon.gov/ODOT/DMV/Pages/driverid/suspreasons.aspx#interlock>

Pennsylvania

Overview: Pennsylvania does not utilize interlocks for first-time offenders but the DMV requires the devices for repeat offenders for a period of one year. As of July 2013, there were 6,759 interlocks in use.

How soon can an interlock be installed? Repeat offenders must wait one year prior to installation of an interlock.

Interlocks for first-time refusals? No.

Compliance based removal? No

Indigent Fund? No. Individuals whose income is below 200% of the poverty level, may apply for a Hardship Exemption. The hardship exemption allows the individual to have it installed in only one vehicle.

Interlock user fees (not including leasing costs of the device): Yes. Offenders must pay a \$27.50 reinstatement fee.

Department of Motor Vehicle's role in implementing interlock law: Issues interlocks for repeat offenders after a year license suspension period. PennDOT's Suspension Notice will inform the customer that they are required to comply with interlock requirements before they can be restored. If an individual does not own a vehicle, he or she still needs to complete the Ignition Interlock Self-Certification form and take it to an interlock vendor. The interlock vendor will check PennDOT's motor vehicle database to ensure there are no vehicles registered to the individual. The interlock vendor will then certify to PennDOT that the individual owns no vehicles. Once the individual has met all restoration requirements, PennDOT will issue them an interlock restricted license.

PennDOT will issue an "Ignition Interlock" (II) license. This license is unique and easily recognized by law enforcement. If an individual is stopped by the police and presents an interlock restricted license, the vehicle they are operating must be equipped with the device.

An individual convicted of operating a motor vehicle not equipped with interlock is subject to the following penalties: 1) Subject to fines and imprisonment, 2) First Offense: interlock period extended 12 months from conviction date, 3) Second and Subsequent Offense: 12 month suspension and must comply with interlock before they can be restored.

Court's role in implementing interlock law: None.

Source: Pennsylvania DMV: http://www.dmv.state.pa.us/pdotforms/fact_sheets/fs-pub7214.pdf

Pennsylvania Code 75: 3805:

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=75&div=0&chpt=38&sctn=5&subsctn=0>

Pennsylvania DUI Association: <http://padui.org/programs/ignition-interlock/>

Rhode Island

First-Time Offender Ignition Interlock Laws

Overview: Effective January 1, 2015, Judges are required to order interlocks for all repeat and first-time offenders with a blood alcohol concentration (BAC) of .15 or greater for a period of at least 3 to 12 months. Judges can order interlocks for first-time offenders with a BAC of .08 to .14 for a period of 3 to 12 months. A Judge can order an interlock restricted license for first-time offenders who want to drive during a license suspension period following a DUI conviction. As of July 2013, there were 50 interlocks in use.

How soon can an interlock be installed? 30 days after conviction.

Interlocks for first-time refusals? No.

Compliance based removal? Possibly. Interlock companies submit quarterly reports concerning proof of installation and proper use of said ignition interlock systems to the division of motor vehicles, which will be aggregated by the division of motor vehicles. Prior to the reinstatement of an unrestricted license, the division of motor vehicles shall review the person's driving record and compliance with the ignition interlock order to ensure that the person demonstrated behavior which warrants the reinstatement of his or her license.

Indigent Fund? Not really. However, the Department may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the interlock.

Interlock user fees (not including leasing costs of the device): Must pay \$100 administrative fee to the DMV upon installation.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted licenses and receives reports of compliance with court ordered interlocks.

Court's role in implementing interlock law: Judges order interlocks for convicted drunk drivers. In any case where a person is convicted of a first offense, the sentencing judge or magistrate may grant the person a conditional hardship license during the period of license suspension. Said hardship license shall be valid only for twelve hours per day to get to and from employment. A hardship license shall only be granted in conjunction with the installation of an ignition interlock device. Any conditional driving privileges must be set by the sentencing judge or magistrate after a hearing in which the motorist must provide proof of employment status and hours of employment.

Source: Rhode Island DMV: <http://www.dmv.ri.gov/inspections/interlock/index.php>
SB 2231A of 2014: <http://webserver.rilin.state.ri.us/BillText/BillText14/SenateText14/S2231A.pdf>

South Carolina

Overview: Effective October 2014, first-time offenders with a blood alcohol concentration (BAC) of .08 to .14 may elect to use an interlock in order to drive with no geographic restrictions in lieu of a license suspension. These offenders could also elect to go on a provisional license restricted to driving only to an Alcohol and Drug Safety Action Program. First-time offenders with a BAC of .15 or greater are required to install an interlock on any vehicle they drive for a period of six months via a program run by the Department of Probation, Parole and Pardons plus the DMV. As of July 2013, there were 707 interlocks in use.

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How soon can an interlock be installed? Upon revocation by the DMV for offenders with a BAC of .08 to .14. For offenders with a BAC of .15 or greater, the offender must wait 30 days before going an interlock.

Interlocks for first-time refusals? A first time offender who refuses has the option to go an interlock for six months.

Compliance based removal? Yes. Depending on the violation, an offender's time on an interlock can be extended two to six months.

Indigent Fund? Yes. Interlock approved vendors must collect and remit monthly to the Department a \$30.00 fee from each driver required to have an interlock in their vehicle. If the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. 'Net income' means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

The interlock provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

Interlock user fees (not including leasing costs of the device): Must pay \$100 to the DMV for an interlock restricted license. Must pay \$30 fee per month to Probation, Parole and Pardon Services which is used to pay for the use of interlocks for indigent offenders and to administer the program.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock license for a first-time offender for the duration of the six month license suspension.

Court's role in implementing interlock law: None.

Source: South Carolina Department Probation, Parole and Pardon Services:

http://www.dppps.sc.gov/IIDP_program_procedures.html

South Carolina DMV: <http://www.scdmvonline.com/DMVNew/general/IID%20FAQs.pdf>

Emma's Law of 2014: http://scstatehouse.gov/sess120_2013-2014/bills/137.htm

South Dakota

Overview: First-time offenders with a blood alcohol concentration of .17 or greater have the option to enter the state's 24/7 program ran in conjunction through the Office of the Attorney General. Offenders who elect to enter the program have the option of going an interlock where the offender's interlock tests can be immediately submitted to the 24/7 monitoring authority. As of July 2013, there were 90 interlocks in use.

How soon can an interlock be installed? As soon as bond is granted or participation into the 24/7 sobriety program.

Interlocks for first-time refusals? No.

Compliance based removal? No

Indigent Fund? No.

Interlock user fees (not including leasing costs of the device): The participant shall pay an enrollment fee in the amount of not more than fifty dollars at the time of enrollment and monitoring fees in the amount of not more than twenty dollars at intervals to be set by the attorney general.

Department of Motor Vehicle's role in implementing interlock law: Unclear

Court's role in implementing interlock law: Can be issued as a condition of bond.

Source: South Dakota Statute 1-11-30

Interlock agreement forms: <http://apps.sd.gov/atg/dui247/forms/247ParticipationAgreementInterlockDSS.pdf>
<http://apps.sd.gov/atg/dui247/forms/247ParticipationAgreementInterlockDPS.pdf>
<http://apps.sd.gov/atg/dui247/forms/247Bondconditionswithinterlock.pdf>
<http://apps.sd.gov/atg/dui247/forms/247ParticipationAgreementInterlockReg.pdf>

Tennessee

Overview: Tennessee's all-offender interlock law went into effect on July 1, 2013. Judges must order a first-time convicted drunk driver for a period of one year to use an ignition interlock if they grant restricted driving privileges. As of July 2013, there were 3,451 interlocks in use.

How soon can an interlock be installed? Immediately following court order.

Interlocks for first-time refusals? Yes. First-time offenders who refuse can choose to go an interlock instead of being restricted to driving in certain locations at specific times. Judges can also order the use of interlocks for first-time refusals.

Compliance based removal? No.

Indigent Fund? Yes. The costs incurred in order to comply with the interlock requirements shall be paid by the person ordered to install an interlock, unless the court finds such person to be indigent. If a court determines that a person is indigent, the court shall order such person to pay any portion of the costs which the person has the ability to pay, as

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determined by the court. Any portion of the costs the person is unable to pay shall come from the interlock assistance fund.

Whenever a person ordered to install a device asserts to the court that the person is indigent and financially unable to pay for a interlock, it shall be the duty of the court to conduct a full and complete hearing as to the financial ability of the person to pay for such device and, thereafter, make a finding as to the indigency of such person. A person is indigent and financially unable to pay for a functioning ignition interlock device if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. § 9902(2). Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device shall be required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination.

Interlock user fees (not including leasing costs of the device): Must pay \$40 fee which is distributed as follows: 1) \$30.50 to the interlock assistance fund for the purpose of paying for all the costs of interlocks for indigent offenders, 2) \$4.50 to the Tennessee Hospital Association, 3) \$1.25 to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund, 4) \$1.25 to funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol related traffic offenses, 5) \$1.25 to the department of safety to be used to defray the expenses of administering the interlock program, 6) \$1.25 to funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock license for a first-time offender for the duration of the six month license suspension.

Court's role in implementing interlock law: Judges orders ignition interlocks as part of a restricted license for a first-time convicted drunk driver.

Source: Tennessee Statutes 55-10-401 to 55-10-423.

Texas

Overview: As a result of a 2015 law, any arrested drunk driver can go an interlock occupational license following arrest or choose not to drive. For a first-time offender, this interlock restricted period can be 90 days to one year. Since September 2005, Judges are required to order ignition interlocks for all repeat offenders. Judges also required to order interlocks for first-time offenders with a blood alcohol concentration (BAC) of .15 or greater as a condition of probation for a period of one year. Judges can require interlocks for first-time offenders with a BAC of .08 to .14 to go an interlock as a condition of probation. As of July 2013, there were 39,027 interlocks in use.

How soon can an interlock be installed? Upon arrest.

Interlocks for first-time refusals? No.

Compliance based removal? No.

Indigent Fund? Not really. However, if the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule not to extend beyond the first anniversary of the date of installation.

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Interlock user fees (not including leasing costs of the device): Must pay \$10 to the DMV for an interlock restricted license.

Department of Motor Vehicle's role in implementing interlock law: Issues occupational license that is interlock restricted following arrest to any first-time offender who seeks to drive during the administrative license suspension period following arrest. This restriction may be 90 days to one year for first-time offender. Additionally, if DPS receives a court order restricting an individual's ability to operate a motor vehicle equipped with an interlock, the individual's driving privilege will be cancelled unless a restricted interlock license is obtained. The cancellation of regular driving privileges takes effect on the 30th day from the date DPS sends notice to the individual. This cancellation can be removed once DPS receives a court order or vendor removal form signed by a judge or county clerk. All court-ordered installations of ignition interlock devices must be performed by DPS-certified service centers.

Court's role in implementing interlock law: Judges order ignition interlocks as a condition of probation or bond.

Source: Texas Department of Public Safety: <http://www.txdps.state.tx.us/rsd/IgnitionInterlock/>
<http://www.dps.texas.gov/internetforms/Forms/VIE-35.pdf>

Texas Penal Code 521.246 <http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.521.htm#521.344>

Texas Penal Code 49.01: <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.49.htm>

Texas Code of Criminal Procedure 42.12: <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.42.htm>

HB 2246 of 2015: <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB2246>

Utah

Overview: Utah's all-offender ignition interlock went into effect in July 2009. An offender convicted of drunk driving is restricted by the DMV to using an interlock for 18 months. As of July 2013, there were 4,032 interlocks in use.

How soon can an interlock be installed? If convicted in court an offender must wait 30 days prior to installation of an interlock.

Interlocks for first-time refusals? Yes, for a period of 18 months.

Compliance based removal? Yes. Offenders caught driving a non-interlock equipped vehicle will have their license suspended one year and their interlock restriction extended three years.

Indigent Fund? Yes. In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate. The interlock provider shall cover the costs of waivers by the court.

Interlock user fees (not including leasing costs of the device): No fees specific to the use of an interlock, however offenders must pay reinstatement and other DMV administrative fees relating to relicensing.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock license for a first-time offenders. An individual who is interlock restricted license shall have his or her driving privilege suspended until they have had an interlock installed in their vehicle and paid a reinstatement fee to the Driver License Division. If the interlock is removed prior to the ending date of the interlock restriction period, the driver license will be re-suspended until an interlock is installed and an additional reinstatement fee is paid.

Court's role in implementing interlock law: Judges order ignition interlocks as a condition of probation.

Source: Utah Department of Public Safety: <http://publicsafety.utah.gov/dld/IID.html>
<http://publicsafety.utah.gov/dld/dui.html>

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Utah Code: http://le.utah.gov/code/TITLE53/htm/53_03_022000.htm
http://le.utah.gov/code/TITLE41/htm/41_06a050200.htm
http://le.utah.gov/code/TITLE41/htm/41_06a051802.htm

Vermont

Overview: Since July 2011, Vermont allows first-time convicted drunk drivers to choose between a 90 day license suspension or having their license suspended for 30 days followed by six months on an interlock. First-time offenders with a blood alcohol concentration of .16 or greater must install a GPS enabled interlock. The program is administered through the DMV. As of July 2013, there were 404 interlocks in use.

How soon can an interlock be installed? 30 days after revocation.

Interlocks for first-time refusals? After a 30 day license revocation, first-time offenders who refuse a chemical test can go an interlock for nine months.

Compliance based removal? Yes. If a person makes three attempts to start a vehicle with a BAC of .04 or above, the interlock requirements will be extended for a period of three months. Any subsequent 3 attempts to start a vehicle with a BAC of .04 or above, will result in additional three month extensions which will run consecutively (following one after the other).

If a person fails one random retest due to a BAC of .04 or above, but less than .08, the interlock requirements will be extended for a period of three months. Any subsequent random retest failures due to a BAC of .04 or above, but less than .08, will result in additional three month extensions which will run consecutively. If a person fails one random retest due to a BAC of .08 or above, the interlock requirements will be extended for a period of six months.

If a person 1) operates a motor vehicle not equipped with an interlock, or 2) attempt to tamper with or circumvent the device, or 3) failure to pullover after failing a random retest, the interlock requirements will be extended for a period of six months.

If a person misses a required service visit to have the interlock calibrated, the interlock requirements will be extended for a period of sixty days.

Indigent Fund? No

Interlock user fees (not including leasing costs of the device): Must pay \$125 to the DMV for an interlock restricted license and \$150 for a GPS enabled interlock license. Offenders must also take an eye exam (no fee), written exam (\$30) and driving exam (\$18). For offenders an on interlock longer than one year, the interlock license must be renewed with the \$125/\$150 cost each year.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for offenders. A person must show DMV the following: 1) Pay the Reinstatement Fee, 2) Provide proof of Financial Responsibility (SR 22), 3) Provide proof of enrollment in an alcohol and driving education program, approved by Project CRASH, 4) Provide proof of installation of an interlock.

A person will receive a letter from the DMV a short time prior to one's actual release date advising of when a person may procure a corrected license without the interlock restriction. At that time a person may take the vehicle to the installer to have the interlock removed. If a person does not receive a letter, he or she may contact DMV at 802-828-2061 to verify interlock removal eligibility. If a person has met the original reinstatement requirements, DMV will advise the person that the interlock can be removed. A person will also need to re-apply for the restoration of an unrestricted license.

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Court's role in implementing interlock law: May reduce the costs of interlocks for indigent offenders.

Source: Vermont DMV <http://dmv.vermont.gov/sites/dmv/files/pdf/TAVL086%20-%20Ignition%20Interlock%20Program%20FAQs.pdf>

Vermont Statutes: <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=23&Chapter=013&Section=01213>

Virginia

Overview: Virginia's all-offender interlock law went into effect July 1, 2012. Judges are required to order interlocks for all convicted drunk drivers for a period of at least six months and if a judge fails to order an interlock and the driver wishes to obtain driving privileges during a suspension, DMV requires the offender to install an interlock. As of July 2013, there were 8,456 interlocks in use.

How soon can an interlock be installed? Immediately following license suspension.

Interlocks for first-time refusals? No.

Compliance based removal? Yes. A recordable violation extends the interlock time period by six months.

Indigent Fund? Yes. All service providers shall create and maintain an unaffordability fund to provide services for offenders who are eligible for a waiver or reduction of fees based upon a declaration of unaffordability by the Commission.

Interlock user fees (not including leasing costs of the device): Must pay \$20 to the interlock provider each month. The interlock provider remits \$10 to the local ASAP and \$10 will be submitted to the Commission on VASAP state office.

Department of Motor Vehicle's role in implementing interlock law: If the court does not require ignition interlock, DMV will require you to have an ignition interlock device installed on at least one vehicle and any vehicles you operate as a condition of restricted driving privileges.

Court's role in implementing interlock law: Judges are required to order an ignition interlock for a convicted drunk driver.

Source: VASAP:

http://www.vasap.state.va.us/request_for_proposal/Virginia%20Ignition%20Interlock%20Request%20for%20Proposals.pdf

Virginia Code 18.2-270.1 : <https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-270.1>

Virginia DMV: <http://www.dmv.state.va.us/webdoc/pdf/dmv168.pdf>

Washington

Overview: Washington's all-offender ignition interlock law went into effect on January 1, 2009. Judges must order a first-time convicted drunk driver to use an ignition interlock. DMV requires a convicted drunk driver to use an interlock for a period of one year. As of July 2013, there were 18,016 interlocks in use.

How soon can an interlock be installed? Upon arrest if a person foregoes an administrative license revocation hearing. The time on the interlock count towards the overall time ordered on the device by the court.

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Interlocks for first-time refusals? Yes. A first-time offender may go an interlock for a period of one year during the license suspension.

Compliance based removal? Yes. The interlock requirement won't be removed until we receive notice from the interlock company that you haven't done any of the following in the previous 4 months: 1) Tried to start the vehicle with a breath alcohol content of .04 or more, 2) Failed to take or pass any required retest, 3) Failed to get scheduled maintenance, repairs, calibration, monitoring, inspection, or replacement of the device.

Indigent Fund? Yes. A person must submit the following form to DMV: <http://www.dol.wa.gov/forms/500024.pdf>. To qualify as indigent, an offender must receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income; or 1) Involuntarily committed to a public mental health facility; or 2) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or 3) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel. A person must also not exceed monthly income as defined on the DMV website: <http://www.dol.wa.gov/driverslicense/ignitioninterlock.html>

Interlock user fees (not including leasing costs of the device): Must pay \$100 to the DMV for an interlock restricted license. Offender must also pay a \$20 monthly fee to the DMV which helps offset costs of interlocks to indigent offenders.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender. In order to apply for an interlock, an offender must 1) Install an ignition interlock device in your vehicle. The installer will send DMV proof of installation. 2) Get proof of financial responsibility, such as a Certificate of Insurance (SR-22). A car insurance agent can help you with this. 3) Complete a Restricted Driver License Application. 4) Submit the application and fee.

Court's role in implementing interlock law: Judges order ignition interlocks for convicted drunk drivers for a period of one year.

Source: Washington Department of Licensing: <http://www.dol.wa.gov/driverslicense/iil.html>
<http://www.dol.wa.gov/driverslicense/ignitioninterlock.html>
RCW 46.20.308: <http://apps.leg.wa.gov/rcw/default.aspx?cite=46.20.308>

West Virginia

Overview: West Virginia's all-offender ignition interlock law went into effect in July 2008. Offenders who seek driving privileges during a license revocation must use an ignition interlock through the state's Test and Lock Program regulated by the DMV. First-time offenders with a blood alcohol concentration (BAC) of .08 to .14 must use an interlock for a period of four months and offenders with a BAC of .15 or greater must use the device for nine months. As of July 2013, there were 3,084 interlocks in use.

How soon can an interlock be installed? Immediately after arrest if the offender does not request an administrative license hearing.

Interlocks for first-time refusals? Yes. A first-time offender who refuses must wait 45 days before installing an interlock for a period of one year.

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Compliance based removal? Yes. No person will be removed with recorded violations during the last 60 days of scheduled participation and shall be assessed additional penalty time up to 60 days or until final download is violation free. All participants of the WV Interlock Program are governed by the following demerit system. This demerit system has been established to formalize the Division of Motor Vehicle's policy regarding violations occurring during participation of the Interlock Program. Demerit accumulation may cause an extension of the program participation and/or disqualification. For example, participants of the Interlock Program that blow a High BrAC upon initial startup of his/her vehicle may be assessed a \$50 fee by the servicing Interlock provider. Upon verification of this violation by the Division of Motor Vehicles, a demerit assessment, program extension and /or disqualification will be administered in accordance with this policy. The Division shall monitor for program compliance every thirty days from the date of installation. All violations occurring within a monitoring period will be reviewed and the violation causing the greatest demerit value will be assessed.

Demerits will be assigned as follows:

2 Demerit Violations

BrAC reading of .025 to .049

3 Demerit Violations

BrAC reading of .050 to .079

Running Retest Violations

3 missed appointment charges

Failure to enroll in Safety and Treatment within 60 days

4 Demerit Violations

BrAC reading of .080 or higher*

Start up Violation

Penalty time will be assessed as follows:

Acquiring 3-5 Demerits will add 2 months to participant's program length

Acquiring 6-8 Demerits will add 4 months to participant's program length

Acquiring 9-11 Demerits will add 6 months to participant's program length

Any participant who accumulates 12 or more demerits in a 12 month period will be removed from the program

Source: West Virginia DMV

Indigent Fund? Yes. The fee for installation and removal of an interlock shall be waived for persons determined to be indigent by the Department of Health and Human Resources. The commissioner shall establish by legislative rule, procedures to be followed with regard to persons determined by the Department of Health and Human Resources to be indigent.

Interlock user fees (not including leasing costs of the device): Must pay \$100 to the DMV upon application for an ignition interlock.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offenders. In order to be eligible to participate in the Alcohol Test and Lock Program you must meet the following minimum requirements: 1) Not have any other revocations, suspensions, or other driving privilege withdrawals in West Virginia or any other state or jurisdiction, 2) Have an active, alcohol-based DUI revocation on your driving record. Individuals with drug or controlled substance-based DUI revocations are not eligible for interlock 3) Not be appealing the revocation administratively, in Circuit Court, or in Supreme Court, 4) Have completed or be enrolled in the Safety and Treatment Program within 60 days after beginning the Alcohol Test and Lock Program, 5) Not have been convicted or suspended for driving while revoked or suspended within the last six months, 6) Own the vehicle(s) to be used in the Alcohol Test and Lock Program, or have the owner's written approval, for the installation of the interlock, and 7) Be at least 18 years of age.

Once a person is approved for the Alcohol Test and Lock Program and interlock: 1) A person will receive written notification from DMV with an approval number and a list of interlock providers to choose from. One must contact the service provider to schedule an installation. You must have the ignition Interlock device installed within six (6) months of the date of application for the Alcohol Test and Lock Program, 2) A person You must be driven to the appointment for the interlock installation by a licensed driver, 3) Vehicles must be manufactured after 1980 and may require an inspection to verify vehicle is equipped with OBD I (On Board Diagnostics Generation, 4) A person will be required to

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return to the installation center at least every 30-60 days for vehicle monitoring, so data can be downloaded from the device and reported to DMV.

Court's role in implementing interlock law: None

Source: WV DOT: <http://www.transportation.wv.gov/dmv/Forms/DMVForms/Interlock-Application.pdf>

WV Code 17C-5A-3a: <http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=17c&art=5A§ion=3A>

Wisconsin

Overview: Since July 1, 2010, Judges must order ignition interlocks for all repeat and first-time convicted drunk drivers with a blood alcohol concentration (BAC) of .15 or greater. As of July 2013, there were 7,683 interlocks in use.

How soon can an interlock be installed? Courts can order the use of interlocks upon conviction.

Interlocks for first-time refusals? Yes, judges must order an interlock for one year for first-time refusals.

Compliance based removal? Yes. Interlock circumvention, disconnection, removal or tampering results in fines plus a mandatory six-month extension of the interlock order period. Circumvention includes breath samples from sources (human and non-human) other than the offender, manipulation of samples that enable a driver with a prohibited alcohol concentration to start or operate a vehicle equipped with an interlock and failure to complete any servicing.

Failure to install an interlock in each vehicle owned by the offender will result in a fine of \$150-\$600 and/or up to six months in jail at court's discretion, plus a mandatory six-month extension of the interlock order period.

Indigent Fund? Yes. Low-income offenders, with annual incomes less than 150 percent of the Federal Poverty Level (FPL), are entitled to pay only half of the regular cost of interlock installation and monthly service fee. The FPL is adjusted annually and depends on the number of people in the household. For 2010, 150 percent of the FPL for a single-person household is \$16,245 and \$33,075 for a four-person household.

Interlock user fees (not including leasing costs of the device): Must pay \$50 fee to the court.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time convicted drunk driver with a BAC of .15 or greater. If no occupational license is issued, proof of interlock installation is required for all vehicles owned and registered, before DMV can reinstate the offender's driver license (cannot "wait out" interlock). Convicted OWI offenders may choose not to drive, but they cannot simply "wait out" the clock on their interlock order. Offenders may be prosecuted for failure to comply with the interlock order. When and if offenders choose to restore their operating privilege, the clock will start on their interlock order on the day DMV issues them any kind of license.

If a person choose to apply for an Occupational License from DMV, which allows them to drive to/from work or school, or to take care of essential household activities, then their restricted operating privilege will be conditioned on driving a vehicle equipped with an interlock—and it will not matter who owns the vehicle (the offenders, their employer, or whomever loaned them a vehicle). Offenders who are serving a sentence in county jail and qualify for daily work release, will have two weeks in which to show proof of having an interlock installed. Failure to do so will result in revocation of work release privilege. If offenders choose to wait until after their court-ordered license revocation period is completed, the clock starts on their interlock order the day their full operating privilege is reinstated.

Court's role in implementing interlock law: Judges order ignition interlocks for first-time convicted drunk drivers with a BAC of .15 or greater.

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Source: Wisconsin DOT: <http://www.dot.wisconsin.gov/statepatrol/docs/iid-faq.pdf>
<http://www.dot.wisconsin.gov/drivers/drivers/enforce/owi.htm>

Wyoming

Overview: Since July 2009, ignition interlocks are required for all repeat and first-time convicted drunk drivers with a blood alcohol concentration (BAC) of .15 or greater for a period of six months. Wyoming DMV issues an ignition interlock restricted license. As of July 2013, there were 869 interlocks in use.

How soon can an interlock be installed? 45 days after conviction.

Interlocks for first-time refusals? Yes. If a person fails to submit to all required chemical tests requested by the peace officer shall result in the suspension of his Wyoming driver's license or his privilege to operate a motor vehicle for a period of 6 months.

Compliance based removal? Yes. Circumventing or disconnecting the device will result in additional legal action, driving penalties and additional ignition interlock required time

Indigent Fund? Yes. Approval for reimbursement of half the ignition interlock installation fee and monthly service fee(s) is based solely upon enrollment and eligibility for the Wyoming Food Stamps program. If, for any reason, your eligibility is cancelled by Wyoming Department of Family Services, you will not be eligible for continued reimbursement.

Interlock user fees (not including leasing costs of the device): Must pay \$100 to the DMV for an ignition interlock restricted license plus a \$50 reinstatement fee.

Department of Motor Vehicle's role in implementing interlock law: Issues interlock restricted license for a first-time offender with a BAC of .15 or greater. A person will be notified by mail of the interlock requirement once the conviction is entered on their driving record. A person is required to: 1) Have an approved ignition installed, 2) The driver must produce written verification that the interlock has been installed, and verified by the department, 3) File SR-22 insurance with the department; 4) Pay the \$50 reinstatement fee; 5) Apply for a special interlock restricted license. (In addition to regular license fees, the \$100 interlock restricted license fee is required).

Court's role in implementing interlock law: The courts forward to the DMV a copy of the record pertaining to the disposition of any arrest or citation for a DUI conviction within ten days after such record becomes available.

Source: Wyoming Statutes: 31-6-102: <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title31/T31CH6.htm>
Wyoming Statutes: 31-7-401: <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title31/T31CH7AR4.htm>
Wyoming DOT: http://www.dot.state.wy.us/home/driver_license_records/suspensions/ignition_interlock.default.html
http://www.dot.state.wy.us/files/live/sites/wydot/files/shared/Driver_Services/Forms/Application%20for%20IIR%20Assistance.pdf