



MADD's MODEL IGNITION INTERLOCK LAW PROVISIONS

MADD recommends that all states....

- 1) Have a 30 day hard suspension and no longer than a 45 day hard suspension- as we know 70 percent of DUI offenders will continue to drive on a suspended license.
- 2) Require interlocks for all convicted DUI offenders with a .08 BAC or above
 - a. First conviction- at least six months of interlock usage
 - b. Second conviction- at least one year of interlock usage
 - c. Third conviction- at least five years of interlock usage
- 3) Mandate an alcohol-free blow period while on the interlocks.
- 4) Order offenders to bear the costs of ignition interlocks.
- 5) Charge an administrative fee of between \$30 and \$60 that allows the Department of Motor Vehicles to hire additional employees to administer the interlock program.
- 6) Have an indigent fund allowing the indigent to have access to interlocks.
- 7) Have enhanced penalties for driving on a revoked or suspended license or refusing a breath or blood test.
 - a. Require interlock usage for driving on a revoked/suspended license and refusing to blow
- 8) Have criminal penalties for persons who tamper with an interlock device or assist with circumventing an interlock device.
 - a. Recommend this be at least a Class B misdemeanor
- 9) Prohibit convicted offenders from plea down their charges
- 10) A hybrid judicial and administrative enforcement of program- i.e. court hands down the conviction; DMV administers the interlock program; court has criminal sanctions "with teeth" (jail time, extra time on interlock, heightened fines, and extra charges) if person tampers with the device, does not use the device, or drives on a suspended or revoked license.
- 11) Mandate lengthier interlock sentences for those who commit a DUI with a child in their vehicle.

SECTION 1

"If such person has not had a prior DUI conviction, such person shall be guilty of a Class ____ misdemeanor, and the court shall as part of the judgment of conviction, order that the operator's license of such person be suspended for a period of thirty days from the date ordered by the court, and after that such person shall only be allowed to operate a motor vehicle if it is equipped with an

approved ignition interlock device, and such person drives with the device for a **minimum period of six months with a first conviction, a minimum of one year with a second conviction, and a minimum of five years with a third conviction.** Such suspension and order to operate a motor vehicle only if it is equipped with an ignition interlock device shall be administered upon sentencing, upon final judgment of any appeal or review.

-The following time periods of interlock usage can be substituted for the first conviction where the offender has had multiple offenses, but they have not necessarily resulted in actual recorded convictions.

2nd conviction= 1 year using an interlock-restricted license

3rd conviction= 5 years using an interlock-restricted license

4th conviction= 10 years using an interlock-restricted license

SECTION 3

“If the Court orders an ignition interlock device, the Court shall order the DMV to issue to the Defendant a restricted interlock license which indicates the defendant is allowed to operate a motor vehicle only if it is equipped with an ignition interlock device. Such order shall remain in effect for the prescribed period of interlock usage; such order will end and not be extended if the Defendant blows alcohol-free for the duration of the period he is prescribed to operate a motor vehicle with an ignition interlock device.”

SECTION 4

“The costs incurred in order to comply with the ignition interlock requirements shall be paid by the person ordered to install an ignition interlock device unless the Court has determined the person to be indigent.”

SECTION 5

“A person ordered to install an ignition interlock device shall pay an ignition interlock administrative fee unless the court has determined the defendant to be indigent. The DMV shall establish the fee, of at least thirty dollars and not exceeding sixty dollars. The fee shall be collected at time of installation by the vendor installing the ignition interlock device. The vendor shall remit the fees to the DMV on a quarterly basis. A percentage of the fees shall go towards paying the DMV’s costs to administer the interlock program; a percentage of the fees shall go towards the Ignition Interlock Device Fund.”

SECTION 6

“The Ignition Interlock Device Fund is created, so that all money in the Fund shall be used to install and remove the interlock devices of persons deemed by the

court as indigent. State courts will establish guidelines as to what income level and assets or lack thereof make a person “indigent.”

SECTION 7

“Any person caught driving on a revoked or suspended license that was revoked or suspended as a consequence of driving under the influence, along with any person for whom there is probable cause to believe was driving under the influence and refuses to submit to a blood or breath test emanating from such probable cause, must use an ignition interlock device for a minimum of six months as a condition to maintaining a valid driver’s license.”

SECTION 8

“Any person restricted to operating a motor vehicle equipped with an ignition interlock device who operates a vehicle on the roads of this state without using such device or who tampers with or alters the interlock device in any way shall be punished with a felony and additional time using an ignition interlock device as a condition to getting his or her unrestricted driver’s license reinstated.”

SECTION 9

“Any person who commits the act of driving under the influence must use an ignition interlock device for a minimum of six months. Diversion programs will not substitute for the requirement that a person with a DUI offense be mandated to use an ignition interlock device.”

SECTION 10

“Authority to administer the Ignition Interlock Program should be vested with a state’s Department of Motor Vehicles in conjunction with a state’s judiciary. The Department of Motor Vehicles should set regulations for the Ignition Interlock Program. These regulations include ensuring the presence of licensed interlock providers within the state, requiring use of the most modern anti-circumvention fuel cell technology interlock systems, and maintaining reporting systems for those sentenced to use interlocks.”

SECTION 11

“Any person who drives under the influence while transporting a person under 18 years of age in his or her vehicle will be required to drive with an ignition interlock device for a minimum of six additional months above the period ordinarily prescribed for his or her DUI conviction.”