

# Ignition Interlocks Laws in the United States of America



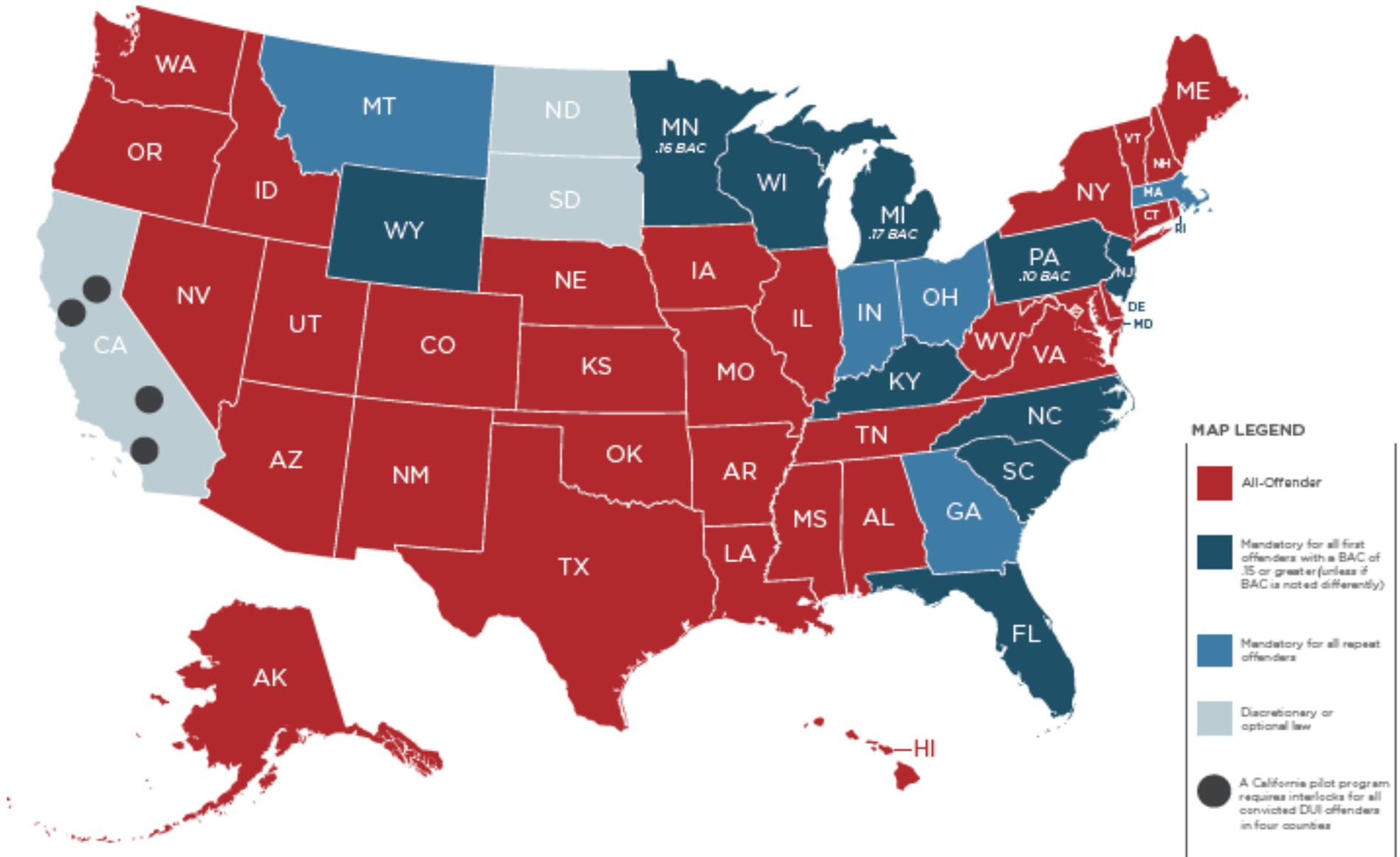
**A look at how States implement ignition interlock laws**

**208 legislative recommendations by Mothers Against Drunk Driving to improve lifesaving ignition interlock laws**

Revised April 11, 2018

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# Status of Ignition Interlock Laws



Revised April, 2018

## MADD Ignition Interlock Law Recommendations

|   |  |
|---|--|
| <b>Enact an all-offender interlock law</b>  | <b>32 states plus DC have an all-offender ignition interlock laws</b> meaning that an arrested or convicted drunk driver must use an interlock in order to drive during a court or driver license agency license suspension.   |
| <b>Require interlock use for first-time refusals</b>  | <b>31 states require interlock use for refusals</b> meaning that the only way a first-time offender who refuses can drive during a license suspension is via an ignition interlock.  |
| <b>Compliance based removal of ignition interlock Use</b>   | <b>27 states have compliance based removal laws</b> meaning an interlock user must prove sobriety before exiting use of the device. These are important in changing behavior.  |
| <b>Day for day credit for early installation</b>  | <b>11 states allow users the credit/time served for early installation of interlocks</b> meaning a person can install an interlock as soon as legally possible after a drunk driving arrest. The time the person spends on the interlock is credited toward any DMV or Judicial interlock restriction. This aspect of an interlock is important as it incentivizes the use of interlocks for drunk drivers by replacing route or time restricted driving privileges. |
| <b>Do plea agreements or reductions in the original drunk driving charge include the requirement of an interlock?</b> | <b>3 states require interlock use in plea agreements</b> meaning that if an original drunk driving arrest is plead down to a lesser charge that person still must use an interlock. This helps hold drunk drivers accountable but also allows for an opportunity for a drunk driver to learn how drive sober and not become a repeat offender.   |
| <b>Indigent Program</b>   | <b>30 states plus DC allow poor interlock users the opportunity to use a device at a reduce rate</b> meaning Y. These are important because of Z.  |
| <b>Interlock user fees</b>  | <b>Most states provide an additional funding mechanism for states to help implement the interlock law.</b> These are important to ensure interlock programs can be implemented by the courts and drive license agency.   |

## Why MADD supports all-offender ignition interlock laws?

Research and data prove that ignition interlocks are the best way to stop a drunk driver from continuing to drive drunk. These devices offer the only technology available that overrides the dangerous decision to drink and drive. For that reason, in 2006, Mothers Against Drunk Driving (MADD) launched its Campaign to Eliminate Drunk Driving. The Campaign focuses on encouraging more widespread use of high-visibility law enforcement efforts, as well as technology designed to stop offenders from driving drunk.

As part of the Campaign, MADD recommends the mandatory installation of ignition interlocks in every state for every convicted drunk driving offender. Interlocks must be installed for a minimum of six months. States should provide strong incentives for interlock use and compliance by drunk drivers.

The first state ignition interlock pilot program began in California in 1986. When MADD launched the Campaign in 2006, there were only 100,000 interlocks installed in the United States. As of August 2016, there were nearly 337,000 interlocks in use.

Today, 32 states plus Washington, DC require or highly incentivize the use of an ignition interlock for every convicted offender and California has an all offender law in four counties covering more than 13 million people.

# Alabama

Effective July 2014, Alabama enacted an all-offender interlock law. As of August 2016, there were 742 interlocks installed in Alabama. Between December 2006 to December 2016, interlocks stopped 1,943 attempts to drive drunk in Alabama.

**Why MADD calls the law all-offender? We call it all-offender as the only way a first-time convicted drunk driver can drive from day 1 to 90 of a license suspension is by using an interlock equipped vehicle or the person can not drive a vehicle at all.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock   | Legislative Recommendation  |
|--|--------------------------|--|---|
| First offense                                    | Upon conviction          | A person can go an interlock for 6 months in lieu of a 90 day license suspension | <b>Allow for the use of interlock upon revocation or conviction. Additionally, either require the use of interlocks for six months for all first-time offenders or ban them from driving for six months</b> |
| First offense .15 BAC or more                    | 45 days after conviction | 1 to 2 years   |   |
| Second offense                                   | 45 days after conviction | 2 to 4 years   |   |
| First refusal                                    | 45 days after conviction | 2 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.

### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

**Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.**

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

**Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.**

### Indigent Program?

**Yes**

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.

### Interlock user fees (not including leasing costs of the device)

**Yes**

\$75 a month for the first four months paid to the Court upfront.

#### Legislative Recommendation

**These costs disincentivize drunk drivers from using an interlock and undermine the DUI law. The fees would be better spread out over a monthly time period as opposed to a one time cost.**

# Alaska

Alaska's all-offender ignition interlock law went into effect on January 1, 2009. As of August 2016, there were 1,411 interlocks installed in Alaska. Between December 2006 to December 2016, interlocks stopped 11,137 attempts to drive drunk in Alaska.

**Why MADD calls the law all-offender? We call it all-offender as Judges must order ignition interlocks for six months for any first-time convicted drunk driver.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| First offense   | 30 days after conviction   | 6 months                       | <i>Eliminate the waiting period to install an interlock and allow for the use of an interlock upon revocation or conviction and for first-time offenders</i> |
| Second offense  | 90 days after conviction   | 12 months                      |  |
| First refusal   | 30 days after conviction   | 6 months                       |  |
| <b>Compliance Based Removal?</b>  |  | <b>No</b>                      |  |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |  | <b>No</b>                      |  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> |  | <b>No</b>                      |  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>  |  | <b>No</b>                      |  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>                                      |  | <b>Yes</b>                     |  |
| Must pay \$100 to the DMV for an interlock restricted license.  |  |                                |  |

# Arizona

Arizona’s all-offender ignition interlock law went into effective in September 2007. As of August 2016, there were 16,583 interlocks installed in Arizona. Between December 2006 to December 2016, interlocks stopped 78,849 attempts to drive drunk in Arizona.

**Why MADD calls the law all-offender? We call it all-offender as any first-time drunk driver must show proof of compliance with 6 to 12 months on an interlock before ever obtaining a regular unrestricted drivers license.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                 | Duration on ignition interlock |
|--|-----------------|--------------------------------|
| First offense                                    | Upon Conviction | 6 to 12 months                 |
| Second offense                                   | Upon Conviction | 12 months                      |
| First refusal                                    | Upon Conviction | 12 months                      |

**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.

**Day-for-Day Credit for early installation? No**

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? No**

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program? No**

**Legislative Recommendation** *Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

**Interlock user fees (not including leasing costs of the device) Yes**

An applicant for an interlock restricted driver license shall pay an application fee in an amount to be determined by the DMV director.

# Arkansas

Arkansas' all-offender ignition interlock law went into effect in April 2009. As of August 2016, there were 4,248 interlocks installed in Arkansas. Between December 2006 to December 2016, interlocks stopped 50,969 attempts to drive drunk in Arkansas.

**Why MADD calls the law all-offender? We call it all-offender as any first-time drunk driver can only drive legally during the six months following a DUI license suspension if he or she installs an interlock.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock |
|--|--|--------------------------------|
| First offense                                    | Immediately following license restriction from the Department of Driver Control. | 6 to 12 months                 |
| Second offense                                   |  | 2 years                        |
| First refusal                                    |  | 12 months                      |

**Compliance Based Removal?** No

**Legislative Recommendation** *Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

**Day-for-Day Credit for early installation?** No

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** No

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program?** No

**Legislative Recommendation** *Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

**Interlock user fees (not including leasing costs of the device)** Yes

Must pay \$150 to the DMV after interlock period to obtain non-interlock restricted driving privileges.

## California

Effective January 1, 2019, ignition interlocks are required for all repeat offenders and all first-time offenders are incentivized to use the device. Until then, interlocks are required for all convicted drunk drivers in a four county pilot program including: Tulare, Los Angeles, Sacramento and Alameda. Judges outside the Pilot have discretion to order interlocks. As of August 2016, there were 17,688 interlocks installed in California. Between December 2006 to December 2016, interlocks stopped 195,687 attempts to drive drunk.

**Why MADD does not call the law all-offender? We do not classify the law as all-offender as first-time offenders can obtain a time/route restricted license 30 days after revocation.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock   | Legislative Recommendation  |
|--|--|--|---|
| First offense                                    | Upon arrest                                      | Offender's choice between using an interlock for 6 months or receiving a 1 year license suspension with the possibility of route-restricted non-interlock driving privileges after 30 days | <b><i>Eliminate the option to obtain a route/time restricted license in lieu of an interlock license during a license suspension. Additionally, allow for the use of interlocks for any refusal</i></b> |
| Second offense                                   | Upon arrest                                      | 12 months  |   |
| First refusal                                    | Interlocks not available for first-time refusals |  |   |

#### 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.

#### Day-for-Day Credit for early installation?

**Yes**

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

***Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.***

#### Indigent Program?

**Yes**

The cost is determined by the interlock user family's income in comparison to the federal poverty guidelines. Interlock user will pay installers according to the following: if the offender's family income is \_\_\_\_ of the federal poverty level, the person pays \_\_\_\_ percent of the IID cost. A) 100 percent or below: Offender pays 10% of costs. B) 101 to 200 percent: Offender pays 25% of costs. C) 201 to 300 percent: Offender pays 50% of costs. D) 301 to 400 percent: Offender pays 90%

#### Interlock user fees (not including leasing costs of the device)?

**Yes**

Must pay \$45 to the DMV.

# Colorado

Colorado's all-offender ignition interlock went into effect on January 1, 2009. As of August 2016, there were 24,403 interlocks installed in Colorado. Between December 2006 to December 2016, interlocks stopped 87,058 attempts to drive drunk in Colorado.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender to drive legally from the 31st day to the end of nine months of a license revocation he or she must install an interlock.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                           | Duration on ignition interlock | Legislative Recommendation  |
|--|---------------------------|--------------------------------|---|
| First offense                                    | 30 days after revocation  | At least 8 months              | <i>Eliminate the waiting period to install an interlock and allow for the use of an interlock upon revocation for any drunk driver.</i> |
| Second offense                                   | 30 days after revocation  | 2 years                        |   |
| First refusal                                    | 2 months after revocation | 2 years                        |   |

### Compliance Based Removal?

**Yes**

A person can exit the program if the interlock reports show that for four consecutive months, 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.

### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**Yes**

The DMV oversees the program 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)

**Yes**

Must pay \$95 application fee to the DMV.

## Connecticut

Connecticut's all-offender ignition interlock law went into effect in December 2012. As of August 2016, there were 5,726 interlocks installed in Connecticut. Between December 2006 to December 2016, interlocks stopped 43,790 attempts to drive drunk in Connecticut.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock for six months following a drunk driving conviction.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation                                   |
|--|--------------------------|--------------------------------|--|
| First offense                                    | 45 days after revocation | 6 months                       | <i>Eliminate the waiting period to install an interlock.</i> |
| Second offense                                   |                          | 1 year                         |  |
| First refusal                                    |                          | 1 year                         |  |

**Compliance Based Removal? Yes**

If an interlock user commits any of the following violations, 30 days per violation will be added on an interlock: 1) Failing to appear for interlock service within 5 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).

**Day-for-Day Credit for early installation? No**

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? Yes**

**Indigent Program? No**

**Legislative Recommendation** *Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

**Interlock user fees (not including leasing costs of the device) Yes**

\$175 restoration fee plus a \$100 fee for an interlock installation application. Both of these are paid to the DMV.

## Delaware

Delaware's all-offender ignition interlock law went into effect on January 1, 2015. As of August 2016, there were 604 interlocks installed in Delaware. Between December 2006 to December 2016, interlocks stopped 3,861 attempts to drive drunk in Delaware.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock for at least four months following a drunk driving conviction.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation  |
|--|--|--------------------------------|---|
| First offense                                    | 30 days after revocation, but a person in diversion can go an interlock right away | 4 to 23 months                 | <i>Eliminate the waiting period to install an interlock and allow for the use of an interlock upon revocation for any drunk driver.</i> |
| Second offense                                   | 60 days after revocation   | 22 months                      |   |
| First refusal                                    | 45 days after revocation   | 23 months                      |   |

#### Compliance Based Removal?

**Yes**

The DOT extends the user's revocation period for the following actions: 1) BAC of .05 or above, 2) Running retest violation, 3) 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 for any combination of 3 of the above actions. A 4 month extension for any combination of 5 of the above actions. A 6 month extension for any combination of 8 of the above actions. An additional 1 month shall be required for each action listed greater than 8.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**Yes**

#### Indigent Program?

**Yes**

The DMV shall establish a payment plan for users. The plan shall be administered by the service provider. The DMV 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)

**Yes**

Must pay \$143.75 reinstatement fee to the DMV.

## Washington, DC

Washington DC's all-offender ignition interlock law went into effect on November 29, 2016. As of August 2015, there were 9 interlocks installed in Washington, DC. Between December 2006 to December 2016, interlocks stopped 60 attempts to drive drunk in Washington, DC.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock for at least six months following a revocation for a drunk driving conviction.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation                             |
|--|--|--------------------------------|--|
| First offense                                    | Upon Revocation                                  | 6 months                       | <i>Allow for the use of interlocks for any refusal</i> |
| Second offense                                   | Upon Revocation                                  | 12 months                      |  |
| First refusal                                    | Interlocks not available for first-time refusals |                                |  |

#### 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.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**Yes**

The DMV shall determine whether a user is indigent. If indigent, the DMV shall pay all costs associated with that person's enrollment and participation in the Program. The term "indigent" means a person who receives an annual income, after taxes, of 150% or less of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to section 673(2) of the Community Services Block Grant Act, approved October 27, 1998 (1 12 Stat. 2729;42 U.S.C. 5 9902(2)).

#### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay \$50 application fee to the DMV for an ignition interlock permit.

# Florida

Effective October 2008, Judges must order interlocks for all repeat and 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. As of August 2016, there were 11,103 interlocks installed in Florida. Between December 2006 to December 2016, interlocks stopped 68,236 attempts to drive drunk in Florida.

**Why MADD does not call the law all-offender? We do not classify the law as all-offender as first-time offenders can obtain a time/route restricted license 30 days after revocation and judges are not required to order interlocks for all first-time offenders.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| First offense                           | 30 days after conviction                         | 6 months if ordered by a Judge | <i>Require interlocks use during any court ordered or DMV license suspension. Eliminate waiting periods before a person goes on an interlock. Allow for the use of interlocks for any refusal.</i> |
| First offense .15 BAC or more           | 30 days after conviction                         | Mandatory 6 months             |  |
| Second offense                          | 1 year after conviction                          | 1 year                         |  |
| First refusal                           | Interlocks not available for first-time refusals |                                |  |

### Compliance Based Removal?

**Yes**

A user may have their time an interlock extended as a result of a third or subsequent violation by the DHSMV. Violations are sent to DUI programs. A violation includes: 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) Missed rolling retest.

### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**No**

Currently, if a court determines that the convicted person is unable to pay for the installation an interlock, the court may order that a portion of the fine paid by the person be allocated to defray the costs of installing the device.

#### Legislative Recommendation

*Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay a one-time \$12 fee to the DMV. A user must also pay fees to attend a DUI school for appointments regarding any interlock violations

## Georgia

Since May 1999, Judges are required to order an interlock for all repeat offenders for a period of 12 months. Effective July 2017, first-time offenders and first refusals have an option to go on an interlock in lieu of a restricted or suspended license. Users who choose the interlock experience reduced reinstatement fees, avoid the costs of a DUI school and Administrative License Suspension hearing fees. As of August 2016, there were 2,185 interlocks in use in Georgia. Between December 2006 to December 2016, interlocks stopped 26,074 attempts to drive drunk in Georgia.

**Why MADD does not call the law all-offender? We do not classify the law as all-offender as first-time offenders can obtain a time/route restricted license for the duration of a four month license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |   | Duration on ignition interlock | Legislative Recommendation   |
|---|---|--------------------------------|--|
| First offense   | Upon arrest   | 4 months                       | <b><i>Only allow interlock driving privileges and eliminate route/time restricted option for first-time offenders.</i></b> |
| Second offense  | 120 days after conviction   | 12 months                      |  |
| First refusal   | Upon arrest   | 12 months                      |  |
| <b>Compliance Based Removal?</b>  |   |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b><i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i></b>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |   |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b><i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i></b>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>     |   |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b><i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i></b> |                                |  |
| <b>Indigent Program?</b>  |   |                                | <b>No</b>  |
| Currently, Judges can waive the interlock order if an offender can prove it causes an undue financial hardship. |   |                                |  |
| <b>Legislative Recommendation</b>   | <b><i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i></b>  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>  |   |                                | <b>Yes</b>   |

Ignition Interlock Driving Permit fee is \$25.00. Upon completion of interlock program, person must also pay a \$100 fee. Both of these fees go to DDS (DMV).

# Hawaii

Hawaii's all-offender ignition interlock law went into effect on January 1, 2011. As of August 2016, there were 1,383 interlocks installed in Hawaii. Between December 2006 to December 2016, interlocks stopped 7,358 attempts to drive drunk in Hawaii.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock for one year in order to drive during a license revocation period.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |             | Duration on ignition interlock |
|--|-------------|--------------------------------|
| First offense                                    | Upon arrest | 1 year                         |
| Second offense                                   | Upon arrest | 18 months                      |
| First refusal                                    | Upon arrest | 2 years                        |

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|                                   |  |
|-----------------------------------|--|
| <b>Compliance Based Removal?</b>  | <b>No</b>  |
| <b>Legislative Recommendation</b> | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i> |

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|   |  |
|---|--|
| <b>Day-for-Day Credit for early installation?</b> | <b>No</b>  |
| <b>Legislative Recommendation</b>                 | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i> |

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|   |  |
|---|--|
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |

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|  |            |
|--|------------|
| <b>Indigent Program?</b>   | <b>Yes</b> |
| 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 users' interlocks. |            |

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|  |             |
|--|-------------|
| <b>Interlock user fees (not including leasing costs of the device)</b> | <b>None</b> |
|--|-------------|

# Idaho

Effective January 1, 2019, ignition interlocks are required for all convicted drunk drivers for a duration of at least one year. As of August 2016, there were 998 interlocks installed in Idaho. Between December 2006 to December 2016, interlocks stopped 5,607 attempts to drive drunk in Idaho.

**Why MADD calls the law all-offender? Judges are required to an interlock for at least one year unless if a Judge finds mitigating circumstances not to order the device.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?   |  | Duration on ignition interlock | Legislative Recommendation                           |
|--|--|--------------------------------|--|
| First offense  | 45 days after conviction   | 12 months                      | <i>Eliminate waiting periods for interlock users</i> |
| Second offense   | 45 days after conviction   | 12 months                      |  |
| First refusal  | Upon revocation  | 12 months                      |  |
| Compliance Based Removal?  |  |                                | No   |
| Legislative Recommendation   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| Day-for-Day Credit for early installation?   |  |                                | No   |
| Legislative Recommendation   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? |  |                                | No   |
| Legislative Recommendation   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| Indigent Program?  |  |                                | Yes, but administered county by county               |
| Legislative Recommendation   | <i>Create a statewide indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>   |                                |  |
| Interlock user fees (not including leasing costs of the device)                                      |  |                                | None   |

# Illinois

Illinois' all-offender ignition interlock law went into effect on January 1, 2009. As of August 2016, there were 8,504 interlocks installed in Illinois. Between December 2006 to December 2016, interlocks stopped 101,255 attempts to drive drunk in Illinois.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock in order to drive during a license revocation period.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock |
|--|--|--------------------------------|
| First offense                                    | Upon suspension of driving privileges. | 6 to 12 months                 |
| Second offense                                   |  | 1 to 5 years                   |
| First refusal                                    |  | 1 year                         |

**Compliance Based Removal? Yes**

If a violation(s) is detected, the user will receive a letter from the Secretary of State's office requesting an explanation. A recordable violation is: 1) 10 or more unsuccessful attempts to start the vehicle within a 30-day period, 2) 5 or more unsuccessful attempts to start the vehicle within a 24-hour period, 3) BAC 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, 8) Obscuring the camera. If the user does not respond to the request or the explanation is insufficient, the suspension maybe extended for an additional 3 months per violation and/or the interlock license may be cancelled. 3 extensions may result in the car being impounded for a period of at least 30 days. A 4th extension may result in the vehicle being seized.

**Day-for-Day Credit for early installation? No**

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? No**

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program? Yes**

A user may be declared indigent by the Secretary if the user's total monthly income is 150% or less of the federal poverty guidelines per their federal or state tax return. For a person who has not filed a 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 user's vehicle without charge, and seek reimbursement from the Indigent Fund. Any monetary charges, like a lockout or reset fee, is paid by the indigent user.

**Interlock user fees (not including leasing costs of the device) Yes**

\$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

## Indiana

Since January 1, 2015, Judges have the option to order interlocks for first-time offenders and are required to order these device for all repeat offenders. As of August 2016, there were 1,388 interlocks installed in Indiana. Between December 2006 to December 2016, interlocks stopped

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for first-time offenders**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation   |
|--|--|--------------------------------|--|
| First offense                                    | Upon Arrest                                      | Six months                     | <i>Require interlocks use for all first-time drunk drivers as a condition of Specialized Driving Permit. Allow for the use of interlocks for any refusal</i> |
| Second offense                                   | Unclear  | Unclear                        |  |
| First refusal                                    | Interlocks not available for first-time refusals |                                |  |

#### Compliance Based Removal?

**Yes**

An interlock provider 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 or higher if the person does not register a test result indicating a BAC of .04 within 10 minutes of the initial test, 2) Absent a documented failure of the interlock, failure to take or pass any required test, 3) Failure of the person ordered to use an interlock to appear at the interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the interlock, (4) Any violations of restrictions imposed by the court.

#### Day-for-Day Credit for early installation?

**Yes**

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**Yes**

A user 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**

## Iowa

Effective July 1, 2018, Iowa's all-offender ignition interlock law will go into effect. As of August 2016, there were 5,594 interlocks installed in Iowa. Between December 2006 to December 2016, interlocks stopped 104,243 attempts to drive drunk in Iowa.

**Why MADD calls the law all-offender? In order for any to drive during a driver license agency administered drunk driving license suspension, the person must install an interlock for at least six months.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock |
|---|--|--------------------------------|
| <b>First offense</b>  | Upon Revocation  | 6 months                       |
| <b>Second offense</b>   | Upon Revocation  | 12 months                      |
| <b>First refusal</b>  | Upon Revocation  | 12 months                      |
| <b>Compliance Based Removal?</b>  |  | <b>No</b>                      |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |
| <b>Day-for-Day Credit for early installation?</b>   |  | <b>No</b>                      |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> |  | <b>No</b>                      |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |
| <b>Indigent Program?</b>  |  | <b>No</b>                      |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |
| <b>Interlock user fees (not including leasing costs of the device)</b>                                      |  | <b>Yes</b>                     |
| \$20 application fee. \$200 reinstatement fee of regular license.   |  |                                |

# Kansas

Effective July 1, 2011, Kansas implemented an all-offender ignition interlock law. As of August 2016, there were 10,833 interlocks installed in Kansas. Between December 2006 to December 2016, interlocks stopped 81,126 attempts to drive drunk in Kansas.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock in order to drive during a six month license revocation period.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?   |  | Duration on ignition interlock | Legislative Recommendation   |
|--|--|--------------------------------|--|
| <b>First offense</b>   | Upon revocation  | Six months                     | <i>Eliminate any waiting period for a person before he or she installs an interlock.</i> |
| <b>Second offense</b>  | 45 days after revocation   | 1 year                         |  |
| <b>First refusal</b>   | 1 year after revocation  | 1 to 2 years                   |  |
| <b>Compliance Based Removal?</b>   |  |                                | <b>Yes</b>   |
| DMV to determine compliance based removal requirements per 2017 legislation.   |  |                                |  |
| <b>Day-for-Day Credit for early installation?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>  | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>  | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>   |  |                                | <b>Yes</b>   |
| 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. |  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>   |  |                                | <b>Yes</b>   |
| An application fee of \$100 and \$25.  |  |                                |  |

# Kentucky

Effective September 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. As of August 2016, there were 547 interlocks installed in Kentucky. Between December 2006 to December 2016, interlocks stopped 2,289 attempts to drive drunk in Kentucky.

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for all first-time offenders and interlocks are not mandatory as a condition of driving privileges for all first-time offenders.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation   |
|--|--|--------------------------------|--|
| First offense .08 to .14 BAC                     | Pre-Trial arraignment if ordered by the courts | 6 months                       | <i>Require interlocks use for all first-time drunk drivers for six months.</i> |
| First offense .15 BAC or more                    |  | 6 months                       |  |
| Second offense                                   | Upon conviction                                | 12 months                      |  |
| First refusal                                    | Upon conviction                                | 6 months                       |  |

### Compliance Based Removal?

No

### Legislative Recommendation

*Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

### Day-for-Day Credit for early installation?

Yes

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

No

### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

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 interlock provider the amount ordered by the court under this subsection, the provider shall accept the amount as payment in full. The Government is not responsible for payment of any costs associated with an interlock.

### Interlock user fees (not including leasing costs of the device)

Yes

A fee of no more than \$200 the Kentucky Transportation Cabinet.

# Louisiana

The use of ignition interlocks are required for all convicted drunk drivers since July 2007. As of August 2016, there were 5,154 interlocks installed in Louisiana. Between December 2006 to December 2016, interlocks stopped 74,398 attempts to drive drunk in Louisiana

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock in order to drive as a condition of a hardship permit.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| First offense   | Upon conviction  | 12 months                      | <i>DMV or legislature must clarify that the only way a convicted drunk driver can drive as a condition of a hardship permit is if an interlock is installed.</i> |
| Second offense  | Unclear  | 24 months                      |  |
| First refusal   | Upon conviction  | 1 to 2 years                   |  |
| <b>Compliance Based Removal?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>                                      |  |                                | <b>None</b>  |

## Maine

Maine's all-offender ignition interlock law went into effect on December 1, 2013. As of August 2016, there were 574 interlocks installed in Maine. Between December 2006 to December 2016, interlocks stopped 11,670 attempts to drive drunk in Maine.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock in order to drive during a license suspension period.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| First offense   | 30 days after revocation   | 5 months                       | <i>Eliminate any waiting period for a person before he or she installs an interlock. Allow for the use of interlocks for refusals.</i> |
| Second offense  | 9 months after revocation  | 2 years                        |  |
| First refusal   | Interlocks not available for refusals  |                                |  |
| Compliance Based Removal?   |  |                                | No   |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| Day-for-Day Credit for early installation?  |  |                                | No   |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?  |  |                                | No   |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| Indigent Program?   |  |                                | Yes  |
| A person certified by the Secretary of State to install an interlock shall provide for a reduction of costs, inclusive of the total fees and charges assessed to the individual having the interlock installed, of at least 50% if the individual demonstrates, using the individual's most recent federal income tax return, that the 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)   |  |                                | Yes  |
| An application fee of \$50 to the Secretary of State.   |  |                                |  |

# Maryland

Maryland’s all-offender interlock law, Noah’s Law, went into effect October 1, 2016. As of August 2016, there were 8,248 interlocks installed in Maryland. Between December 2006 to December 2016, interlocks stopped 42,163 attempts to drive drunk in Maryland.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock in order to drive during a court or DMV issued license revocation period.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |             | Duration on ignition interlock |
|--|-------------|--------------------------------|
| First offense                                    | Upon Arrest | 6 months                       |
| Second offense                                   |             | 1 year                         |
| First refusal                                    |             | 270 days                       |

**Compliance Based Removal? Yes**

Participant must prove to MVA that during the last three months on the program the person has not: 1) An attempt to start the vehicle with a BAC of .04 or more unless a subsequent test performed within 10 minutes registered a BAC lower than .04. 2) A failure to take or pass a random test with a BAC of .025 or lower unless a subsequent test performed within 10 minutes registered a BAC lower than .025. 3) A failure of the participant to appear at the approved service provider when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device causing the device to cease to function.

**Day-for-Day Credit for early installation? Yes**

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? No**

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program? Yes**

The MVA’s interlock participation fee may be waived for participants experiencing financial hardship. Interlock providers are required to reduce the cost of an interlock if they are indigent. 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) Yes**

\$47 to DMV to participate in the program.

## Massachusetts

Since January 1, 2006, Massachusetts requires the use of interlocks for repeat offenders. As of August 2016, there were 5,634 interlocks installed in Massachusetts. Between December 2006 to December 2016, interlocks stopped 31,845 attempts to drive drunk in Massachusetts.

**Why MADD does not call the law all-offender? Interlocks are not available for first-time offenders.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? | Duration on ignition interlock                    | Legislative Recommendation   |
|--|---|--|
| First offense                                    | Interlocks not available for first-time offenders | <i>Require interlocks for all convicted drunk drivers. Eliminate any waiting period for a person before he or she installs an interlock.</i> |
| Second offense                                   | 1 year after conviction   2 years                 |  |
| First refusal                                    | Interlocks not available for refusals             | <i>Allow for the use of interlocks for refusals.</i>   |

#### 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.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**No**

#### Legislative Recommendation

*Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

#### Interlock user fees (not including leasing costs of the device)

**None**

# Michigan

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. As of August 2016, there were 9,843 interlocks installed in Michigan. Between December 2006 to December 2016, interlocks stopped 24,193 attempts to drive drunk in Michigan.

**Why MADD does not call the law all-offender? Interlocks are not required for all first-time offenders**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                                       | Duration on ignition interlock | Legislative Recommendation   |
|--|---------------------------------------|--------------------------------|--|
| First offense .17 BAC or greater                 | 45 days after conviction              | 1 year                         | <i>Require interlocks for all convicted drunk drivers. Eliminate any waiting period for a person before he or she installs an interlock. Allow for the use of interlocks for refusals.</i> |
| Second offense                                   | 45 days after conviction              | 1 year                         |  |
| First refusal                                    | Interlocks not available for refusals |                                |  |

### Compliance Based Removal?

**Yes**

If the interlock records 3 start-up test failures in a monitoring period, or 1 rolling retest failure, or if it detects tampering, the vehicle must be taken to a service center immediately. 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.

### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**Yes**

Low income persons to pay 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 federal poverty guidelines. A copy of the Michigan state income tax form filed for the previous year will be required to verify 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)

**Yes**

Must pay \$125 to the Secretary of State upon application for full license reinstatement.

# Minnesota

Since July 1, 2011, Minnesota requires the use of interlocks for all repeat and first-time convicted drunk drivers with a BAC of .16 or greater. First offenders with a BAC of .08 to .15 are eligible to go an interlock for a 90 day license revocation. However, 80 percent of first offenders plead down their DWI to a 30 day license revocation and avoid an interlock. As of August 2016, there were 11,492 interlocks installed. Between December 2006 to December 2016, interlocks stopped 58,216 attempts to drive drunk in Minnesota.

**Why MADD does not call the law all-offender? Interlocks are not required for all first-time offenders in order to drive.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                         | Duration on ignition interlock          | Legislative Recommendation  |
|--|-------------------------|---|---|
| First offense .08 to .15 BAC                     | Upon License Revocation | 90 days                                 | <b><i>Require interlocks for all convicted drunk drivers. Require the use of interlocks for refusals.</i></b> |
| First offense .17 BAC or greater                 |                         | 1 year                                  |   |
| Second offense                                   |                         | 1 year                                  |   |
| First refusal                                    |                         | 1 year IID or 1 year restricted license |   |

**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 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.

**Day-for-Day Credit for early installation?** **Yes**

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** **No**

**Legislative Recommendation** ***Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.***

**Indigent Program?** **Yes**

To apply, the participant must complete a Form available on the Department’s website. A participant may only apply for once per tax year and must reapply yearly. The reduced fee is effective on the date of approval. The reduced fee applies to only one vehicle.

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

Any DWI offender must pay a \$680 reinstatement fee to the DMV that is not exclusive to ignition interlock use.

# Mississippi

Mississippi's all-offender ignition interlock law goes into effect October 2014. Judges have the option to order interlocks as part of diversion agreements for 120 days. As of August 2016, there were 1,161 interlocks installed in Mississippi. Between December 2006 to December 2016, interlocks stopped 3,862 attempts to drive drunk in Mississippi.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender can drive during a diversion agreement is via an ignition interlock or the person can not drive at all.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |             | Duration on ignition interlock | Legislative Recommendation   |
|--|-------------|--------------------------------|--|
| First offense                                    | Upon arrest | 120 days                       | <i>Require interlock use for any non-adjudication (diversion agreement and allow for the use of interlock upon arrest for repeat/refusals.</i> |
| Second offense                                   | Unclear     | 1 year                         |  |
| First refusal                                    | Unclear     | 90 to 180 days                 |  |

### Compliance Based Removal?

**Yes**

Interlocks users must prove to Department of Public Safety (DPS) that none of the following incidences occurred within the last 30 days: 1) an attempt to start the vehicle with a BAC of .04 or more, 2) failure to take or pass any required retest, 3) Failure of the person to appear at the interlock vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

### Day-for-Day Credit for early installation?

**Yes**

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

### Legislative Recommendation

*As part of any non-adjudication agreement, allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**Yes**

The Court determines indigency based of enrollment in any of the following programs: 1) Temporary Assistance for Needy Families (TANF), 2) Medicaid assistance, 3) The Supplemental Nutritional Assistance Program (SNAP), 4) Supplemental security income (SSI), 5) Participation in a federal food distribution program, 6) Federal housing assistance, 7) unemployment compensation. No more than 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.

### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay a \$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.

# Missouri

Missouri's all-offender ignition interlock law has been in effect since March 2014. As of August 2016, there were 8,706 interlocks installed in Missouri. Between December 2006 to December 2016, interlocks stopped 83,097 attempts to drive drunk in Missouri.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender can drive during a 90 day administrative license suspension period is via an ignition interlock.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                                       | Duration on ignition interlock | Legislative Recommendation                      |
|--|---------------------------------------|--------------------------------|---|
| First offense                                    | Upon revocation by DMV                | 90 days                        | <i>Allow for interlock use for any refusal.</i> |
| Second offense                                   | Unclear                               | Unclear                        |   |
| First refusal                                    | Interlocks not available for refusals |                                |   |

**Compliance Based Removal?** Yes

A violation is defined as any incident of device tampering, circumvention, or a BAC of .025 or greater. 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.

**Day-for-Day Credit for early installation?** No

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** No

**Legislative Recommendation** *As part of any non-adjudication agreement, allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program?** Yes

**Legislative Recommendation** *Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

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

\$20 reinstatement fee to the DOR (DMV).

# Montana

Since May 2009, Judges have the option to order interlocks for first-time offenders and must order these devices for all repeat offenders. As of August 2016, there were 337 interlocks installed in Montana. Between December 2006 to December 2016, interlocks stopped 5,230 attempts to drive drunk in Montana.

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for first-time offenders.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?   |  | Duration on ignition interlock | Legislative Recommendation   |
|--|--|--------------------------------|--|
| First offense  | Upon conviction  | 6 months                       | <i>Require interlocks for all first-time drunk drivers. Eliminate waiting time for repeat offenders to install an interlock. Allow for the use of interlocks for any refusal</i> |
| Second offense   | 45 days after conviction   | 1 year                         |  |
| First refusal  | Interlocks not available for first-time refusals   |                                |  |
| Compliance Based Removal?  |  |                                | No   |
| Legislative Recommendation   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| Day-for-Day Credit for early installation?   |  |                                | No   |
| Legislative Recommendation   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? |  |                                | No   |
| Legislative Recommendation   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| Indigent Program?  |  |                                | No   |
| Legislative Recommendation   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| Interlock user fees (not including leasing costs of the device)                                      |  |                                | None   |

# Nebraska

Nebraska’s all-offender ignition interlock law has been in effect since January 1, 2009. As of August 2016, there were 4,219 interlocks installed in Nebraska. Between December 2006 to December 2016, interlocks stopped 26,210 attempts to drive drunk in Nebraska.

**Why MADD calls the law all-offender? We call it all-offender as judges must order the use of interlocks for first-time offenders.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation   |
|--|--------------------------|--------------------------------|--|
| First offense                                    | Upon arrest              | At least 6 months              | <i>Eliminate any waiting periods for repeat/refusals before installation of an interlock</i> |
| Second offense                                   | 45 days after revocation | At least 1 year                |  |
| First refusal                                    | 90 days after revocation | 1 year                         |  |

### Compliance Based Removal?

**No**

However, 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.

### Legislative Recommendation

***Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).***

### Day-for-Day Credit for early installation?

**Yes**

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

### Legislative Recommendation

***Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.***

### Indigent Program?

**Yes**

If the DMV 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 DMV Ignition Interlock Fund if such funds are available. A person is determined indigent if: 1) meets 150 percent or less of the federal poverty guidelines. 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.

## Nevada

In June 2017, Nevada passed a law requiring interlocks for first-time offenders with a blood alcohol concentration (BAC) of .08 or greater for 90 days after an arrest in order to drive. Upon conviction, a judge must order an ignition interlock for at least six months unless the judge determines this would not serve the interests of justice. As of August 2016, there were 1,239 interlocks installed in Nevada. Between December 2006 to December 2016, interlocks stopped 6,222 attempts to drive drunk in Nevada.

**Why MADD calls the law all-offender? We call it all-offender as the only way a first-time offender can drive during an administrative license revocation is via an interlock. Judges are required to an ignition interlock for any drunk driver, except if it would not serve the interests of justice.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                 | Duration on ignition interlock |
|--|-----------------|--------------------------------|
| First offense                                    | Upon revocation | At least 90 days               |
| Second offense                                   | Unclear         | At least 1 year                |
| First refusal                                    | Upon revocation | 1 year                         |

**Compliance Based Removal?** Yes

The court can extend the order of a person required to install an ignition interlock device if the court receives a report from the Department of Motor Vehicles or the manufacturer of the device that the person has committed certain violations.

**Day-for-Day Credit for early installation?** Yes

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** No

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program?** Yes

Interlock companies must provide discounts and waive certain costs for persons whose income is at or below certain federal poverty levels.

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

## New Hampshire

New Hampshire's all-offender ignition interlock law went into effect January 1, 2016. As of August 2016, there were 1,079 interlocks installed in New Hampshire. Between December 2006 to December 2016, interlocks stopped 9,419 attempts to drive drunk in New Hampshire.

**Why MADD calls the law all-offender? We call it all-offender as judges must order the use of interlocks for first-time offenders.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation  |
|--|--|--------------------------------|---|
| First offense                                    | 45 days after conviction                         | 1 year                         | <i>Eliminate any waiting periods before installation of an interlock. Allow for interlock use for refusals.</i> |
| Second offense                                   | Unclear  | Unclear                        |   |
| First refusal                                    | Interlocks not available for first-time refusals |                                |   |

#### Compliance Based Removal?

**Yes**

If it is found that a person required to drive a motor vehicle equipped with an interlock 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. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**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)

**Yes**

Must pay \$50 fee to the DMV for an interlock restricted license.

# New Jersey

Since January 2010, Judges are required to order ignition interlocks for all refusals, repeat and first-time offenders with a BAC of .15 or greater. Judges have the option to order interlocks for first-time offenders with a BAC of .08 to .14. As of August 2016, there were 4,643 interlocks installed in New Jersey. Between December 2006 to December 2016, interlocks stopped 56,143 attempts to drive drunk in New Jersey.

**Why MADD does not call the law all-offender? Judges are not required to order ignition interlocks for first-time offenders with a BAC of .08 to .14.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                                  | Duration on ignition interlock | Legislative Recommendation   |
|--|----------------------------------|--------------------------------|--|
| First offense .08 to .099 BAC                    | 3 months after conviction        | 6 to 12 months                 | <i>Require interlocks for all first-time convicted drunk drivers. Eliminate any waiting periods before installation of an interlock.</i> |
| First offense .10 to .14 BAC                     | 7 to 12 months after conviction  | 6 to 12 months                 |  |
| First offense .15 BAC plus                       | 7 to 12 months after conviction* | 6 to 12 months                 |  |
| Second offense                                   | 2 years after conviction*        | 1 to 3 years                   |  |
| First refusal                                    | 7 to 12 months after conviction* | 6 to 12 months                 |  |

*\*Interlock is required to be installed during suspension but the user cannot legally drive until the suspension period concludes.*

|                                   |  |
|-----------------------------------|--|
| <b>Compliance Based Removal?</b>  | <b>No</b>  |
| <b>Legislative Recommendation</b> | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i> |

|   |  |
|---|--|
| <b>Day-for-Day Credit for early installation?</b> | <b>No</b>  |
| <b>Legislative Recommendation</b>                 | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i> |

|   |  |
|---|--|
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |

|   |            |
|---|------------|
| <b>Indigent Program?</b>  | <b>Yes</b> |
| <i>If a 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 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 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.</i> |            |

|  |             |
|--|-------------|
| <b>Interlock user fees (not including leasing costs of the device)</b> | <b>None</b> |
|--|-------------|

## New Mexico

New Mexico's all-offender interlock law went into effective on June 17, 2005. As of August 2016, there were 11,821 interlocks installed in New Mexico. Between December 2006 to December 2016, interlocks stopped 63,911 attempts to drive drunk in New Mexico.

**Why MADD calls the law all-offender? We call it all-offender as judges must order the use of interlocks for first-time offenders and offenders must use an interlock in order to drive during a license suspension period.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?   |  | Duration on ignition interlock | Legislative Recommendation                   |
|--|--|--------------------------------|--|
| First offense  | Upon conviction  | 1 year                         | <i>Allow for interlock use for refusals.</i> |
| Second offense   | Unclear  | 2 years                        |  |
| First refusal  | Interlocks not available for first-time refusals   |                                |  |
| <b>Compliance Based Removal?</b>   |  |                                | <b>No</b>                                    |
| However, 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.   |  |                                |  |
| <b>Legislative Recommendation</b>  | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>  |  |                                | <b>No</b>                                    |
| <b>Legislative Recommendation</b>  | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>  |  |                                | <b>No</b>                                    |
| <b>Legislative Recommendation</b>  | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>   |  |                                | <b>Yes</b>                                   |
| Indigent 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, 3)-SSI: Supplemental Security Income, 4) FDPIR: Food Distribution Program on Indian Reservations. The NMDOT Traffic Safety Bureau shall pay for one vehicle per offender, up to: \$50for the cost of installation; \$30 monthly for verified active usage of the interlock device, and \$50 for the cost of removal. The person is responsible for all other charges associated with the installation, servicing and removal of the interlock. |  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>   |  |                                | <b>Yes</b>                                   |
| Must pay \$113 to the DMV for an interlock restricted license.   |  |                                |  |

## New York

New York's all-offender ignition interlock law went into effect August 15, 2010. As of August 2016, there were 8,393 interlocks installed in New York. Between December 2006 to December 2016, interlocks stopped 85,523 attempts to drive drunk in New York.

**Why MADD calls the law all-offender? We call it all-offender as judges must order the use of interlocks for first-time offenders.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation                   |
|---|--|--------------------------------|--|
| First offense   | Upon arrest  | 1 year                         | <i>Allow for interlock use for refusals.</i> |
| Second offense  | Upon arrest  | 1 year                         |  |
| First refusal   | Interlocks not available for first-time refusals   |                                |  |
| <b>Compliance Based Removal?</b>  |  |                                | <b>Yes</b>                                   |
| 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  |  |                                |  |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law through the Department of Motor Vehicles (a user must prove a certain period of sober driving before exiting the interlock program).</i>  |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |  |                                | <b>Yes</b>                                   |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>   |  |                                | <b>No</b>                                    |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>  |  |                                | <b>Yes</b>                                   |
| 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. Interlock companies shall take into consideration and plan a 10% waiver of the fees by sentencing courts due to operator unaffordability. |  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>  |  |                                | <b>None</b>                                  |

# North Carolina

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. As of August 2016, there were 11,654 interlocks installed in North Carolina. Between December 2006 to December 2016, interlocks stopped 16,701 attempts to drive drunk in North Carolina.

**Why MADD does not call the law all-offender? We do not call the law all-offender as judges are not required to order the device for first-time offenders with a BAC of .08 to .14.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  | Duration on ignition interlock   | Legislative Recommendation |        |   |                |   |  |  |  |
|---|--|----------------------------|--------|---|----------------|---|--|--|--|
| <table border="1"> <tr> <td>First offense .15 BAC or more</td> <td rowspan="3">45 days after conviction</td> <td rowspan="3">1 year</td> <td rowspan="3"><i>Require interlocks for all first-time convicted drunk drivers. Eliminate any waiting period before interlock installation.</i></td> </tr> <tr> <td>Second offense</td> </tr> <tr> <td>First refusal</td> </tr> </table> | First offense .15 BAC or more  | 45 days after conviction   | 1 year | <i>Require interlocks for all first-time convicted drunk drivers. Eliminate any waiting period before interlock installation.</i> | Second offense | First refusal   |  |  |  |
| First offense .15 BAC or more   | 45 days after conviction   |                            |        |   | 1 year         | <i>Require interlocks for all first-time convicted drunk drivers. Eliminate any waiting period before interlock installation.</i> |  |  |  |
| Second offense  |  |                            |        |   |                |   |  |  |  |
| First refusal   |  |                            |        |   |                |   |  |  |  |
| <b>Compliance Based Removal?</b>  |  | <b>No</b>                  |        |   |                |   |  |  |  |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                            |        |   |                |   |  |  |  |
| <b>Day-for-Day Credit for early installation?</b>   |  | <b>No</b>                  |        |   |                |   |  |  |  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                            |        |   |                |   |  |  |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>   |  | <b>No</b>                  |        |   |                |   |  |  |  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                            |        |   |                |   |  |  |  |
| <b>Indigent Program?</b>  |  | <b>No.</b>                 |        |   |                |   |  |  |  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                            |        |   |                |   |  |  |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>  |  | <b>None</b>                |        |   |                |   |  |  |  |

## North Dakota

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, but no Judges order an ignition interlock. As of August 2016, there were two interlocks installed in North Dakota. Between December 2006 to December 2016, interlocks stopped 314 attempts to drive drunk in North Dakota.

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for first-time offenders.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?   |  | Duration on ignition interlock | Legislative Recommendation   |
|--|--|--------------------------------|--|
| First offense  | 30 days after revocation   | Unclear                        | <i>Require interlocks for all first-time drunk drivers. Eliminate waiting time for repeat offenders to install an interlock. Allow for the use of interlocks for any refusal</i> |
| Second offense   | Unclear  | Unclear                        |  |
| First refusal  | Interlocks not available for first-time refusals   |                                |  |
| Compliance Based Removal?  |  |                                | No   |
| <b>Legislative Recommendation</b>  | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| Day-for-Day Credit for early installation?   |  |                                | No   |
| <b>Legislative Recommendation</b>  | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| Do plea agreements or reductions in the original DUI charge include the requirement of an interlock? |  |                                | No   |
| <b>Legislative Recommendation</b>  | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| Indigent Program?  |  |                                | No   |
| <b>Legislative Recommendation</b>  | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| Interlock user fees (not including leasing costs of the device)                                      |  |                                | None   |

# Ohio

Ohio requires judges to order interlocks for repeat offenders and allows judges the option to order interlocks for first-time offenders. As of August 2016, there were 2,656 interlocks installed in Ohio. Between December 2006 to December 2016, interlocks stopped 20,535 attempts to drive drunk in Ohio.

**Why MADD does not call the law all-offender? Judges are not required to order the use of interlocks for any first-time offender**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation  |
|--|--|--------------------------------|---|
| First offense                                    | 15 days after conviction                         | 6 to 18 months                 | <i>Require interlocks for all first-time convicted drunk drivers. Allow for interlock use for refusals. Eliminate any IID waiting period.</i> |
| Second offense                                   | 45 days after conviction                         | 1 to 4 years                   |   |
| First refusal                                    | Interlocks not available for first-time refusals |                                |   |

**Compliance Based Removal?** Yes

Any interlock violation committed by a person during the last 60 days of the suspension extends the interlock use and suspension for another 60 days from the violation. A person has a right to appeal any interlock extension. Compliance-based removal of an interlock is important in making sure drunk driving behavior changes. An interlock violation is defined as: 1) Tampering or circumventing the device and 2) Registering a reading of .025 BAC or greater while on the device.

**Day-for-Day Credit for early installation?** No

**Legislative Recommendation** *Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** No

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program?** Yes

\$50 of the reinstatement fee paid by a drunk driver is 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

## Oklahoma

Since November 2011, Judges must order the use of ignition interlocks for all repeat and first-time convicted drunk drivers with a BAC of .15 or greater. First offenders with a BAC of .08 to .14 can choose to drive during a license suspension period. As of August 2016, there were 9,763 interlocks installed in Oklahoma. Between December 2006 to December 2016, interlocks stopped 51,719 attempts to drive drunk in Oklahoma.

**Why MADD calls the law all-offender? In order for any first-time offender with a BAC of .08 to .14 to be able to drive during a 180 day license suspension following a DUI, he or she must install an interlock or not drive at all.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                      | Duration on ignition interlock | Legislative Recommendation  |
|--|----------------------|--------------------------------|---|
| First offense .08 to .14 BAC                     | 30 days after arrest | 6 months                       | <i>Eliminate waiting time for interlock installation. Allow for the use of interlocks for any refusal</i> |
| First offense .15 BAC plus                       | 30 days after arrest | 18 months                      |   |
| Second offense                                   | 30 days after arrest | 4 years                        |   |
| First refusal                                    | Upon revocation      | 18 months                      |   |

#### Compliance Based Removal?

No

#### Legislative Recommendation

*Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

#### Day-for-Day Credit for early installation?

No

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

No

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

No

However, the Department may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the interlock.

#### Legislative Recommendation

*Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

#### Interlock user fees (not including leasing costs of the device)

Yes

Must pay \$50 to the DMV for a restricted license.

# Oregon

Oregon’s all-offender ignition interlock law went into effect on January 1, 2008. As of August 2016, there were 5,606 interlocks installed in Oregon. Between December 2006 to December 2016, interlocks stopped 40,100 attempts to drive drunk in Oregon.

**Why MADD does call the law all-offender? Judges are required to order an interlock for a period of one year for first-time convicted drunk drivers and for six months for any diversion agreement.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation  |
|--|--|--------------------------------|---|
| <b>First offense</b>                             | Upon agreeing to a diversion agreement           | 6 months                       | <i>Eliminate waiting period for interlock installation. Allow for interlock use for refusals.</i> |
| <b>Second offense</b>                            | 1 year after conviction                          | 1 year                         |   |
| <b>First refusal</b>                             | Interlocks not available for first-time refusals |                                |   |

### Compliance Based Removal?

**Yes**

A person must remain on an interlock until Pennsylvania DOT receives a declaration from the person’s interlock vendor, in a form provided or approved by the department, certifying that the following incidents have not occurred in the two prior consecutive months: 1) An attempt to start the vehicle with a BAC of .08 or more, not followed within five minutes by a subsequent attempt with a breath alcohol concentration lower than .08., 2) Failure to take or pass any required retest. 3) Failure of the person to appear at the ignition interlock system vendor when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device such that the ignition interlock

### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**No**

However, 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.

#### Legislative Recommendation

*Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

### Interlock user fees (not including leasing costs of the device)

**Yes**

\$65 fee to Penn DOT for applying for an ignition interlock license. Offenders must pay a \$27.50 reinstatement fee.

# Pennsylvania

Effective August 25, 2017, Pennsylvania requires the use of ignition interlocks for refusals, repeat and first-time offenders with a BAC of .10 or greater. Until then, interlocks are required for all repeat offenders. As of August 2016, there were 5,650 interlocks installed in Pennsylvania. Between December 2006 to December 2016, interlocks stopped 65,575 attempts to drive drunk in Pennsylvania.

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for first-time offenders with a BAC of .08 to .099.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                           | Duration on ignition interlock | Legislative Recommendation   |
|--|---------------------------|--------------------------------|--|
| First offense .10 BAC or more                    | Upon arrest               | 1 year                         | <i>Require interlocks for all first-time convicted drunk drivers. Eliminate interlock waiting periods.</i> |
| Second offense                                   | 6 months after revocation |                                |  |
| First refusal                                    |                           |                                |  |

**Compliance Based Removal?** Yes

A person must remain on an interlock until Pennsylvania DOT receives a declaration from the person's interlock vendor, in a form provided or approved by the department, certifying that the following incidents have not occurred in the two prior consecutive months: 1) An attempt to start the vehicle with a BAC of .08 or more, not followed within five minutes by a subsequent attempt with a breath alcohol concentration lower than .08., 2) Failure to take or pass any required retest. 3) Failure of the person to appear at the ignition interlock system vendor when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device such that the ignition interlock system no longer functions.

**Day-for-Day Credit for early installation?** Yes

**Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?** No

**Legislative Recommendation** *Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

**Indigent Program?** 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.

**Legislative Recommendation** *Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

**Interlock user fees (not including leasing costs of the device)** Yes

\$65 fee to Penn DOT for applying for an ignition interlock license. Offenders must pay a \$27.50 reinstatement fee.

## Rhode Island

Effective June 24, 2016, Rhode Island's all-offender interlock law went into effect as Judges must order interlocks for first-time offenders who apply for a hardship license following a DUI conviction. Judges must order an interlock for all repeat and first-time offenders with a BAC of .15 or greater after the hardship license concludes. As of August 2016, there were 808 interlocks installed in Rhode Island.. Between December 2006 to December 2016, interlocks stopped 2,565 attempts to drive drunk in Rhode Island.

**Why MADD does calls the law all-offender? Judges must order interlocks for first-time offenders with a BAC of .08 or greater who apply for a hardship license following a DUI conviction.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation  |
|--|--------------------------|--------------------------------|---|
| First offense                                    | Upon conviction          | 30 days to one year            | <i>Require interlocks for at least six months for first-time offenders.</i> |
| Second offense                                   | 45 days after conviction | 6 months to 2 years            |   |
| First refusal                                    | Upon conviction          |                                |   |

#### Compliance Based Removal?

**Yes**

Interlock companies submit quarterly reports concerning proof of installation and proper use of interlocks to the DMV. 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 has fulfilled the specific requirements as set forth by the sentencing judge or magistrate. Upon verification conditions have been satisfied, a license shall be reinstated.

#### Legislative Recommendation

*Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**No**

#### Legislative Recommendation

*Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.*

#### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay \$100 administrative fee to the DMV upon installation.

## South Carolina

Effective October 1, 2014, first-time offenders with a 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 or go on a non-interlock restricted license limited to driving only to an Alcohol Drug Safety Action Program. Repeat and first-time offenders with a BAC of .15 or greater are required to install an interlock. As of August 2016, there were 1,508 interlocks installed. Between December 2006 to December 2016, interlocks stopped 4,987 attempts to drive drunk in South Carolina.

**Why MADD does not call the law all-offender? Judges are not required to order interlocks for all first-time offenders and an interlock is not required as a condition of a restricted license during a license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation  |
|--|--------------------------|--------------------------------|---|
| 1st offense .08 to .14 BAC                       | Upon revocation          | 6 months                       | <i>Require interlocks for all convicted drunk drivers. Eliminate any Interlock waiting time-period.</i> |
| 1st offense .15 BAC or more                      | 30 days after revocation | 6 months                       |   |
| Second offense                                   | Unclear                  | 2 years                        |   |
| First refusal                                    | Unclear                  | 6 months                       |   |

#### Compliance Based Removal?

**Yes**

Depending on the violation, an offender's time on an interlock can be extended two to six months.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**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 (PPP) for a determination of indigency as it pertains to the cost of the device. Funds remitted to the PPP for the Ignition Interlock Device Fund also may be used by PPP to administer the program. PPP determines indigency based of the federal poverty level and other factors concerning the person's financial conditions including, but not limited to, income, debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation.

#### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay \$100 to the DMV for an interlock restricted license. Must pay \$30 fee per month to PPP which is used to pay for the use of interlocks for indigent offenders and to administer the program.

## South Dakota

Effective July 2011, repeat and first-time offenders with a BAC of .17 or greater have the option to enter the state's 24/7 program and have the choice to use an interlock. As of August 2016, there were 51 interlocks installed in South Dakota. Between December 2006 to December 2016, interlocks stopped 1,542 attempts to drive drunk in South Dakota.

**Why MADD does not call the law all-offender? Judges are not required to order an interlock for first-time offenders or as a condition of driving privileges for participation in the 24/7 program.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| 1st offense .17 BAC or more   | As soon as bond is granted or participation into the 24/7 program  | Unclear                        | <i>Require interlocks for all first-time drunk drivers. Eliminate waiting time for repeat offenders to install an interlock. Allow for the use of interlocks for any refusal</i> |
| Second offense  |  | Unclear                        |  |
| First refusal   | Interlocks not available for first-time refusals   |                                |  |
| <b>Compliance Based Removal?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Add a compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>                                      |  |                                | <b>Yes</b>   |

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.

## Tennessee

Tennessee's all-offender interlock law went into effect on July 1, 2013. First-time offenders who refuse can choose to go an interlock instead of being restricted to driving in certain locations at specific times. As of August 2016, there were 6,057 interlocks installed in Tennessee. Between December 2006 to December 2016, interlocks stopped 44,966 attempts to drive drunk in Tennessee.

**Why MADD does calls the law all-offender? Judges must order interlocks for first-time offenders with a BAC of .08 or greater as condition of any driving privileges during a license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                 | Duration on ignition interlock | Legislative Recommendation   |
|--|-----------------|--------------------------------|--|
| First offense                                    | Upon conviction | 6 months                       | <i>Require interlocks for any driving privileges during after a refusal.</i> |
| Second offense                                   | Upon conviction | Unclear                        |  |
| First refusal                                    | Unclear         | Unclear                        |  |
| <b>Compliance Based Removal?</b>                 |                 |                                | <b>Yes</b>   |

During the final 120 days on an interlock, a person can not violate any of the following conditions: 1) Tampering with, circumventing, or attempting to start the vehicle with a BAC in excess of a .02 BAC; provided, however, that a person shall not be in violation for attempting to start the vehicle, if a subsequent retest within 10 minutes shows a BAC of .02 or less and review of the digital images associated with each test confirms that the same person performed both tests; 2) Failing to take or skipping a rolling retest; provided, however, that a person shall not be in violation for failing to take or skipping a rolling retest if a review of the digital images associated with the test confirms that the vehicle was not occupied by the driver at the time of the retest; 3) Failing a rolling test with a BAC in excess of .02 BAC; provided, however, that a person shall not be in violation of this subdivision for failing a rolling test, if a subsequent retest within 10 minutes shows a BAC of .02 or less and review of the digital images associated with each test confirms that the same person performed both tests; 4) Removing or causing to be removed the interlock at any time during the 365 consecutive day period; and 5) Failing to appear at the interlock provider when required for calibration, monitoring, or inspection of the device.

|   |  |            |
|---|--|------------|
| <b>Day-for-Day Credit for early installation?</b>   |  | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |            |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> |  | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |            |
| <b>Indigent Program?</b>  |  | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |            |
| <b>Interlock user fees (not including leasing costs of the device)</b>                                      |  | <b>Yes</b> |

Must pay \$100 administrative fee to the DMV upon installation.

## Texas

Effective September 2015, any arrested drunk driver can go an interlock occupational license following arrest or choose not to drive. Since September 2005, Judges are required to order ignition interlocks for all repeat offenders for first-time offenders with a BAC of .15 or greater as a condition of probation. As of August 2016, there were 47,220 interlocks installed in Texas. Between December 2006 to December 2016, interlocks stopped 244,991 attempts to drive drunk in Texas.

**Why MADD calls the law all-offender? Any arrested drunk driver can go an interlock occupational license during a license suspension following arrest or choose not to drive.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation                             |
|---|--|--------------------------------|--|
| First offense .08 to .14 BAC  | Upon revocation  | 90 days to 1 year              | <b>Allow for the use of interlocks for any refusal</b> |
| First offense .15 BAC plus  | Upon revocation  | 1 year                         |  |
| Second offense  | Unclear  | 1 year                         |  |
| First refusal   | Interlocks not available for first-time refusals   |                                |  |
| Compliance Based Removal?   |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b>Add a statewide compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</b>   |                                |  |
| Day-for-Day Credit for early installation?  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</b>   |                                |  |
| Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <b>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</b> |                                |  |
| Indigent Program?   |  |                                | <b>No</b>  |
| However, the Department may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the interlock. |  |                                |  |
| <b>Legislative Recommendation</b>   | <b>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</b>  |                                |  |
| Interlock user fees (not including leasing costs of the device)   |  |                                | <b>Yes</b>   |

Must pay \$10 to the DMV for an interlock restricted license.

# Utah

Utah’s all-offender ignition interlock went into effect in July 2009. As of August 2016, there were 1,917 interlocks installed in Utah. Between December 2006 to December 2016, interlocks stopped 13,683 attempts to drive drunk in Utah.

**Why MADD does calls the law all-offender? Judges must order interlocks for first-time offenders with a BAC of .08 or greater.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed?  |  | Duration on ignition interlock | Legislative Recommendation   |
|---|--|--------------------------------|--|
| <b>First offense</b>  | 30 days after conviction   | 18 months                      | <i>Eliminate waiting time for offenders to install an interlock.</i> |
| <b>Second offense</b>   | Unclear  | Unclear                        |  |
| <b>First refusal</b>  | Unclear  | 18 months                      |  |
| <b>Compliance Based Removal?</b>  |  |                                | <b>No</b>  |
| However, offenders caught driving a non-interlock equipped vehicle will have their license suspended one year and their interlock restriction extended three years. |  |                                |  |
| <b>Legislative Recommendation</b>   | <i>Add a statewide compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).</i>   |                                |  |
| <b>Day-for-Day Credit for early installation?</b>   |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.</i>   |                                |  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>   |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i> |                                |  |
| <b>Indigent Program?</b>  |  |                                | <b>No</b>  |
| <b>Legislative Recommendation</b>   | <i>Create an indigent program so low-income interlock users have access to these devices. This program should be paid for by interlock vendors or non-indigent interlock users.</i>  |                                |  |
| <b>Interlock user fees (not including leasing costs of the device)</b>  |  |                                | <b>None</b>  |

## Vermont

Vermont's all-offender interlock law went into effect July 1, 2016. As of August 2016, there were 893 interlocks installed in Vermont. Between December 2006 to December 2016, interlocks stopped 6,083 attempts to drive drunk in Vermont.

**Why MADD does calls the law all-offender? All drunk drivers must use an interlock in order to drive during an driver license agency imposed license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation   |
|--|--------------------------|--------------------------------|--|
| First offense                                    | Upon Revocation          | 6 months                       | <i>Eliminate waiting time for refusal offenders to install an interlock.</i> |
| Second offense                                   | Upon Revocation          | 18 months                      |  |
| First refusal                                    | 30 days after revocation | 9 months                       |  |

#### Compliance Based Removal?

**Yes**

If a person makes 3 attempts to start a vehicle with a BAC of .04 or above, the interlock requirements will be extended for a period of 3 months. Any subsequent 3 attempts to start a vehicle with a BAC of .04 or above, will result in additional 3 month extensions which will run consecutively. 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 3 months. Any subsequent random retest failures due to a BAC of .04 or above, but less than .08, will result in additional 3 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 6 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.

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**Yes**

In order for DMV to approve an interlock vendor, the manufacturer must agree to reduce the cost of the device by at least 50% for persons who prove that they receive 3Squares, LIHEAP, or Reach Up benefits or like benefits in another state.

#### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay \$125 to the DMV for an interlock restricted license and \$150 for a GPS enabled interlock license. For offenders on an interlock longer than one year, the interlock license must be renewed with the \$125/\$150 cost each year.

## Virginia

Virginia's all-offender interlock law went into effect July 1, 2012. As of August 2016, there were 8,584 interlocks installed in Virginia. Between December 2006 to December 2016, interlocks stopped 17,044 attempts to drive drunk in Virginia.

**Why MADD calls the law all-offender? Judges must order an interlock for all convicted drunk drivers and an interlock is required as a condition of a driver license agency imposed drunk driving license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |  | Duration on ignition interlock | Legislative Recommendation                             |
|--|--|--------------------------------|--|
| First offense                                    | Upon revocation                                  | 6 months                       | <i>Allow for the use of interlocks for any refusal</i> |
| Second offense                                   | Unclear  | 1 year                         |  |
| First refusal                                    | Interlocks not available for first-time refusals |                                |  |

#### Compliance Based Removal?

**Yes**

A recordable violation extends the interlock time period by six months. Legislative Recommendation

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**Yes**

All interlock 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)

**Yes**

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.

## Washington

Washington's all-offender ignition interlock law went into effect on January 1, 2009. As of August 2016, there were 19,170 interlocks installed in Washington. Between December 2006 to December 2016, interlocks stopped 90,425 attempts to drive drunk in Washington.

**Why MADD does calls the law all-offender? All drunk drivers must use an interlock in order to drive during a court ordered or driver license agency imposed license suspension.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |              | Duration on ignition interlock |
|--|--------------|--------------------------------|
| First offense                                    | Upon arrest* | 1 year                         |
| Second offense                                   | Upon arrest* | 5 years                        |
| First refusal                                    | Upon arrest* | 1 year                         |

*\*If a person foregoes an administrative license revocation hearing.*

#### 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.

#### Day-for-Day Credit for early installation?

**Yes**

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**Yes**

This program is funded by DUI offenders who can afford to pay an extra \$20.00 per month (this process funds the indigent program). The indigent driver just needs to complete a DOL Assistance program form to apply for indigence and DOL will approve or disapprove the applicant)

#### Interlock user fees (not including leasing costs of the device)

**Yes**

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. Offender must also pay \$10 fee upon installation to Washington State Patrol (WSP) plus an additional \$5 monthly fee to WSP.

## West Virginia

West Virginia's all-offender ignition interlock law went into effect in July 2008. As of August 2016, there were 3,986 interlocks installed in West Virginia. Between December 2006 to December 2016, interlocks stopped 24,331 attempts to drive drunk in West Virginia.

**Why MADD calls the law all-offender? The only way a first-time arrested drunk driver can drive during a driver license agency imposed license suspension is via an ignition interlock.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation                                      |
|--|--------------------------|--------------------------------|---|
| 1st offense .08 to .14 BAC                       | Upon arrest*             | 4 months                       | <b><i>Eliminate interlock waiting periods for refusals.</i></b> |
| 1st offense .15 BAC or more                      | Upon arrest*             | 6 months                       |   |
| Second offense                                   | Unclear                  | 2 years                        |   |
| First refusal                                    | 45 days after revocation | 1 year                         |   |
| <b>Compliance Based Removal?</b>                 |                          |                                | <b>Yes</b>  |

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 DMV'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 BAC 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 DMV, 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.

|   |   |
|---|---|
| <b>Day-for-Day Credit for early installation?</b>   | <b>Yes</b>  |
| <b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b> | <b>No</b>   |
| <b>Legislative Recommendation</b>   | <b><i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i></b> |

|   |            |
|---|------------|
| <b>Indigent Program?</b>  | <b>Yes</b> |
| 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. |            |

|  |            |
|--|------------|
| <b>Interlock user fees (not including leasing costs of the device)</b> | <b>Yes</b> |
| Must pay \$100 to the DMV upon application.                            |            |

## Wisconsin

Since July 1, 2010, Judges must order ignition interlocks for all refusals, repeat and first-time convicted drunk drivers with a BAC of .15 or greater. As of August 2016, there were 13,788 interlocks installed in Wisconsin. Between December 2006 to December 2016, interlocks stopped 211,972 attempts to drive drunk in Wisconsin.

**Why MADD does not call the law all-offender? Judges are not required or allowed to order an interlock for first-time offenders with a BAC of .08 to .14.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation  |
|--|--------------------------|--------------------------------|---|
| 1st offense .15 BAC plus                         | Upon conviction          | 1 year                         | <i>Require interlocks for all convicted drunk drivers. Eliminate waiting time to go an interlock.</i> |
| Second offense                                   | 45 days after conviction | 1 year                         |   |
| First refusal                                    | 30 days after conviction | 1 year                         |   |

#### Compliance Based Removal?

**No**

However, 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 install 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.

#### Legislative Recommendation

*Add a statewide compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**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.

#### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay \$50 fee to the court.

## Wyoming

Since July 1, 2009, interlocks are required for all refusals, repeat and first-time convicted drunk drivers with a BAC of .15 or greater. As of August 2016, there were 1,234 interlocks installed in Wyoming. Between December 2006 to December 2016, interlocks stopped 15,028 attempts to drive drunk in Wyoming.

**Why MADD does not call the law all-offender? Judges are not required or allowed to order an interlock for first-time offenders with a BAC of .08 to .14.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

| How soon can an ignition interlock be installed? |                          | Duration on ignition interlock | Legislative Recommendation  |
|--|--------------------------|--------------------------------|---|
| 1st offense .15 BAC plus                         | 45 days after conviction | 6 months                       | <i>Require interlocks for all convicted drunk drivers. Eliminate waiting time to go an interlock.</i> |
| Second offense                                   | Unclear                  | 1 year                         |   |
| First refusal                                    | Unclear                  | 6 months                       |   |

#### Compliance Based Removal?

**No**

However, circumventing or disconnecting the device will result in additional legal action, driving penalties and additional ignition interlock required time

#### Legislative Recommendation

*Add a statewide compliance based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).*

#### Day-for-Day Credit for early installation?

**No**

#### Legislative Recommendation

*Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.*

#### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

#### Legislative Recommendation

*Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

#### Indigent Program?

**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)

**Yes**

Must pay \$100 to the DMV for an interlock restricted license plus a \$50 reinstatement fee.

