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# LEGISBRIEF

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## Ignition Interlock Devices: Starting Your Engine Sober

By Anne Teigen

*Ignition interlocks can help decrease the number of drunken drivers.*

*Devices are more accurate and less susceptible to tampering.*

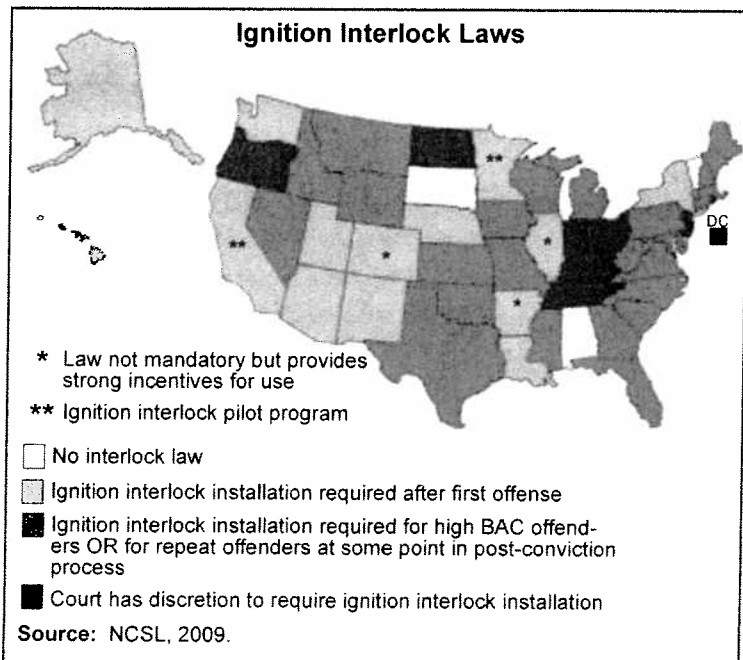
*State ignition interlock laws vary.*

Alcohol-impaired driving fatalities still account for 32 percent of all U.S. traffic deaths. An estimated 11,700 people were killed in alcohol-impaired crashes in 2008, an approximate average of one fatality every 45 minutes. Impaired driving remains a significant public safety issue, and legislators are considering such tools as ignition interlock technology to decrease the number of drunken drivers.

Ignition interlock devices are installed in motor vehicles to prevent them from being started if alcohol is detected on the driver's breath. Most devices require periodic retesting while the car is running to ensure that the driver is not drinking once the car is started. Technological advances have made ignition interlock devices smaller, more accurate and less susceptible to tampering. Many courts include the use of devices when sentencing DUI offenders. During sentencing, an offender whose driver's license has been suspended or revoked may be granted limited driving privileges if an ignition interlock device is installed. About 146,000 ignition interlock devices currently are in use in the United States.

**State Action** State ignition interlock laws vary greatly. Currently, 47 states and the District of Columbia have some type of law. Twenty-five states require installation of an interlock device after some repeat offenders or high BAC offenders are convicted. In some states, the license revocation period may be shortened if an interlock device is installed. Eight states and the District of Columbia allow judicial discretion in sentencing offenders. Alabama, South Dakota and Vermont have no ignition interlock law.

In 2005, New Mexico became the first state to require ignition interlock devices for all convicted drunken drivers, including first-time offenders. As of December



2009, Alaska, Arizona, Hawaii, Louisiana, Nebraska, New Mexico, New York, Utah and Washington had passed legislation to require ignition interlock devices for all convicted drunken driving offenders. New York's law takes effect in August 2010, and Hawaii's law is effective in January 2011.

Three states address interlocks for first-time offenders with certain qualifications. Colorado's ignition interlock law is not mandatory for first-time offenders. The law provides strong incentives to use ignition interlocks by allowing first-time offenders' license suspension to be reduced from nine months to one month if an interlock is installed. Illinois requires first-time offenders to have interlocks installed unless an offender chooses in writing not to do so. Arkansas allows discretion to issue an ignition interlock license to a first-time offender.

In 2009, 32 states considered some sort of ignition interlock legislation, and two passed pilot programs. Minnesota's program—available to all DUI offenders—is administered by the Minnesota Department of Public Safety, Driver and Vehicle Services. The program allows first-time and repeat DUI offenders to regain driving privileges if they participate in the pilot program. First-time offenders must use an ignition interlock device for one year, after a 15-day license suspension. Second- or third-time offenders must use the device for a year and six months after a 30-day license suspension. The pilot project began July 1, 2009, and will end June 30, 2011. The commissioner must submit a final report to the Legislature by Sept. 30, 2011, evaluating the pilot project, including information on participation rates, and recommending whether to continue an ignition interlock program. California's pilot program requires interlocks for all DUI offenders in four counties. The DMV must report to the Legislature on the pilot program's effectiveness in reducing the number of first-time DUI violations and repeat offenses.

Virginia modified its ignition interlock law in 2009, making it a Class 1 misdemeanor for anyone required to have an interlock installed to operate a vehicle without the device. Convicted drivers also are subject to license revocation. Many other states are revising their laws to provide penalties for offenders who violate ignition interlock laws.

**Effects of state laws.** Research shows that installation of these devices reduces recidivism by between 50 percent and 90 percent. A Maryland study of repeat offenders showed that interlock program participation reduced the risk of committing an alcohol traffic violation within the first year by 65 percent. A 2002 Illinois study found offenders who used ignition interlock devices were 20 percent less likely to be re-arrested for a DUI during the first year, compared to offenders who did not install the device. The installation rate of ignition interlocks is key in determining a law's effectiveness. Approximately 1.4 million drunken driving offenders are arrested and convicted each year, yet only 10 percent of convicted DWI drivers ordered to install an interlock device on their vehicle have done so.

**Federal Action** In preparing to reauthorize the surface transportation program (SAFETEA-LU), Congress is considering provisions that would require states to enact and enforce ignition interlock laws. In the provisions under debate, states would have to enact mandatory ignition interlock laws for all those convicted of driving while intoxicated and require the device to be installed for at least six months for the first offense. States would lose a percentage of highway maintenance funds for failing to pass such laws. The bill was introduced in December 2009.

### Contacts for More Information

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The Century Council  
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*New laws in nine states require devices for all DUI offenders.*

*In 2009, two states authorized ignition interlock pilot programs.*

S T A T E   O F F I C E

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February 2, 2010

Senator Kevin Meyer  
Alaska State Senate  
State Capitol  
Juneau AK 99801-1182

Dear Senator Meyer:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing Senate Bill 239, an act relating to ignition interlock devices, to refusal to submit to a chemical test, and to driving while under the influence.

The APOA State Board of Directors recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

John Lucking, Jr.  
State President

**From:** "Schubert, Stacy" <SchubertS@ci.anchorage.ak.us>  
**Subject: RE: Ignition Interlock**  
**Date:** March 31, 2010 1:09:01 PM GMT-08:00  
**To:** "Wheeler, Dennis A." <WheelerDA@ci.anchorage.ak.us>  
**Cc:** "Messick, Jennifer" <MessickJ@ci.anchorage.ak.us>, "Theno, Seneca A." <ThenoSA@ci.anchorage.ak.us>, "Patterson, Al D." <PattersonAD@ci.anchorage.ak.us>, "wendyc@gci.net" <wendyc@gci.net>

Thanks all!

This is a fantastic analysis. I have spoken with Christine in Senator Meyer's office about your concerns and she very much appreciates your approach to resolving them. It is her feeling that the bill may be facing some hurdles in the Senate and to achieve expedited passage she'd prefer to see amendments go in on the House side. For your information, the bill has been referred to Senate Finance; however, it has yet to be scheduled (that's not unusual as the committee is still working on the capital budget and other issues that have been identified as "key"). Upon passage through Finance, it will go to the Senate Floor and then onto the House. I believe we have any ally with Rep. Mike Hawker as he was working on a similar bill earlier in the session.

I'll continue to monitor progress and will notify you as it occurs. Again, I appreciate the team effort.

-Stacy

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**From:** Wheeler, Dennis A.  
**Sent:** Tuesday, March 30, 2010 5:30 PM  
**To:** Schubert, Stacy  
**Cc:** Messick, Jennifer; Theno, Seneca A.; Patterson, Al D.  
**Subject:** Ignition Interlock  
**Importance:** High

Stacy - here are the comments on the CS for SB 239 (version P). Big thanks to Seneca and Jennifer in Prosecution for looking this over and providing the comments on short notice, with a few minor edits of my own. These comments, in order to get them to Juneau ASAP, are not known to or endorsed/opposed by the Mayor. We are generally supportive of the fixes as they relate to mandatory requirements for use of IID, but note the following for consideration.

**Issue:**

The bill ties the IID to regaining the privilege to drive. This is problematic because doing so creates an incentive for people to NOT get their license and it also basically allows them to drive without an IID without incurring any greater penalty than a regular Driving While License Revoked (DWLR) person.

**Suggestions:** either change the IID language or change the DWLR statute

**1) Not just tying the IID to when they 'regain the privilege to drive' but requiring it *whenever they drive*, or a hybrid of both**

**WHY:** A lot of DUI offenders won't ever regain their privilege to drive (either because they don't comply with ASAP or because they don't get the IID) and then when they drive (without the IID) they are simply DWLR without committing any greater crime

for not having the IID. They are simply DWLR in the same way the guy who didn't pay child support is (although child support guy is less of a public safety concern)

The way this draft is written and under the current penalty scheme a person who gets their IID and gets their OL (after their 90 day revocation) and gets caught driving their friend's car without an IID would have a mandatory 30 days of jail and \$1000 fine and 80 hours of community work service, but the guy who never bothered to get the IID and never bothered to get the OL gets caught driving without an IID and he only gets mandatory 80 hours work service. This doesn't make sense, is inequitable and actually provides an incentive NOT to get the IID or your OL.

If you simply require it *whenever they drive up until they get their OL back **and then** for an additional 6-12 months after reinstating their OL.* (Dennis's comment: *this latter part - 6-12 months- may be cost prohibitive for many offenders*) It would be a step toward achieving the goal. However, if we leave this draft as is, then we suggest changing the penalty scheme for DWLR:

**OR**

**2) Change the DWLR statute**

**In order for the IID measure to be effective and have the teeth it needs to accomplish the goal, it must work in conjunction with other laws and penalty schemes, like the DWLR.**

As we understand it there are currently two subsections (but numerous different ways) to be DWLR:

. A) Driving when your OL is suspended, revoked or cancelled This encompasses three basic scenarios:

- a. driving during an active court-ordered (DUI, Reckless etc) revocation
- b. driving during an administrative revocation
- c. driving after a period of revocation but the person never got their OL reinstated

B) Driving in violation of a limitation. This encompasses two main scenarios

- a. Getting your OL back during the 90 period, but for work purposes only, and driving for a purpose other than work
- b. Getting your OL back, having the IID requirement, and driving a vehicle that does not have an IID.

The penalties vary depending on why your OL was revoked, when you were driving and whether there was a limitation. The main difference is that in 1 the person does not have a valid OL, they never bothered, or they aren't eligible. In 2 they got it, they jumped through half the hoops but drive a vehicle without the IID, or outside work purposes etc. but we slap their hands much harder than the people who just thumbed their noses at the system. This should be fixed in order to make the IID scheme work.

**3) Also, current law does not have an exception from the interlock device for**

**.000 DUIs (no alcohol). Is there a policy objective met in requiring an IID on someone who hasn't exhibited an alcohol problem in connection with their driving? Perhaps they were using prescription drugs or illegal drugs, in which cases the IID serves no purpose.**