

## Minnesota's Ignition Interlock Program

Minnesotans arrested for driving while impaired (DWI) will now be required to have an alcohol ignition interlock installed on their vehicle to reduce the revocation period. This is an additional costly consequence for DWI offenders. Its greatest negative impact is on first offenders who, prior to the new legislation, were not required to have an alcohol interlock installed to drive on a limited license. The ignition interlock program does have some positive characteristics, however, in that it allows people with multiple violations the opportunity to regain their driving privileges sooner by participating in the Minnesota Ignition Interlock Program.

Specifically, the program allows eligible DWI offenders the opportunity to have ignition interlock devices installed in their vehicles to ensure they are driving without consuming alcohol.

### A. THE IGNITION INTERLOCK DEVICE.

The ignition interlock device itself is the approximate size of a hand-held calculator that is cabled to your vehicle. The device requires any driver of the vehicle to provide a breath sample before starting the ignition. If the device detects a certain alcohol-concentration level after the driver blows into its tube, the vehicle will not start. The device also calls for retests after the initial test. If you fail a retest, the failure is recorded, however, the vehicle is not stopped if the engine has been started.

The alcohol interlock testing apparatus is not infallible. This may lead to challenges to the accuracy of the test results. For example, some mouthwash brands and sprays have up to 30 percent alcohol. Use of such products may result in a positive test on an interlock device.

Additionally, certain foods may cause the ignition interlock device to fail including certain candies and certain bread products where sugar and active yeast can combine to create an alcohol reading. Alcohol-filled chocolates will also increase the likelihood of a fail reading.

Finally, many perfumes and colognes contain alcohol. Testing companies claim that their devices can discern between alcohol content in ambient air from that contained in a breath sample, however, reliable evidence would have to be presented in that regard when a failure is challenged.

### B. PARTICIPATING IN IGNITION INTERLOCK

The steps that are necessary to participate in the Minnesota Alcohol Ignition Interlock Program will depend on the level of your DWI offense. Additionally, the type of driver's license you receive by participating in the program will depend on the number of offenses.

- *Restricted License.* With a restricted license, you may drive anywhere as long as the device is installed in your vehicle. After a license cancellation, a person with a restricted license will have a notation on their driver's license stating "ignition interlock required" — meaning a person must drive a vehicle with an ignition interlock installed.
- *Limited License.* With a limited license, you will be allowed to drive to work, school, treatment, and support programs such as Alcoholics Anonymous, to court and probation appointments.

To participate, the following steps must be taken:

- the vehicle on which the ignition interlock is installed must be validly insured;
- the driver must pass the DWI driver's license exam
- the driver must fill out an application for a new driver's license;
- the driver must pay \$680 reinstatement fee and keep receipt;

- the driver must review, sign and date the [Minnesota Ignition Interlock Program Participation Agreement](#). (This is the Agreement spelling out the terms of the program. Any violation would result in license cancellation or revocation.)

After necessary documents are sent to the Department of Public Safety to participate in the ignition interlock program, the driver must call an approved ignition interlock vendor to schedule an installation appointment. The driver must also attend a necessary training session along with anyone else who will be driving the vehicle. The vehicle must be brought in monthly for maintenance visits and to check the computerized system for compliance.

### **C. COSTS OF PROGRAM**

DWI is already one of the most expensive offenses in Minnesota Statutes. In addition to fines ranging from \$300 to thousands of dollars, a driver must also pay \$680 as a license reinstatement fee, plus surcharges. The cost of the installation and maintenance for the Alcohol Ignition Interlock Program is additional to those expenses. Generally, there is an application fee, the cost of installation ranges from \$90 to \$100 and the maintenance fees amount to \$60 to \$125 per month.

### **D. IGNITION INTERLOCK: Level of Offense**

#### ***First DWI Offense - Restricted License.***

After a first offense, the individual driver may not drive for 15 days once the revocation takes effect. Generally, the revocation occurs after a seven day temporary license expires.

The ignition interlock is installed for one year with a restricted license. The person gets full driving privileges with the restriction that they must drive a vehicle with an ignition interlock installed.

#### ***Second and Third DWI Offense - Restricted License.***

After a second or third offense, the driver may not drive for 30 days after the license revocation occurs. The ignition interlock system is installed for a minimum time frame of a year and a half with a restricted license. The driver must have no failed tests recorded on device.

#### ***First Cancellation as Inimical to Public Safety - Limited/Restricted License***

If a driver receives their first cancellation as inimical to public safety, he/she may no drive at all for 30 days. The ignition interlock is installed for two years. During the first year, the driver will have a limited license allowing the person to drive to/from work, treatment, or support group. In the second year, the person receives a restricted license.

#### ***Second Cancellation as Inimical to Public Safety - Limited/Restricted License***

If a driver receives their second cancellation as inimical to public safety, he/she may no drive at all for 30 days. The ignition interlock is installed for four years. During the first year, the driver will have a limited license allowing the person to drive to/from work, treatment, or support group. In the next three years, the person receives a restricted license.

#### ***Third Cancellation as Inimical to Public Safety - Limited/Restricted License***

If a driver receives their third cancellation as inimical to public safety, he/she may no drive at all for 30 days. The ignition interlock is installed for six to seven years. During the first year, the driver will have a limited license

allowing the person to drive to/from work, treatment, or support group. In the next five years, the person receives a restricted license.

#### **E. CONSEQUENCES OF TEST FAILURE**

Any failed breath test will be recorded on the interlock device. The failure will be downloaded at the monthly maintenance appointment. Information that is recorded includes the following:

- instances where the driver had an alcohol concentration of 0.02 or higher;
- instances where the driver tried to start the vehicle without taking the test;
- instances where the driver failed the rolling retest or refused to take it;
- any attempt to bypass or tamper with the device;
- The number of times the vehicle was started and stopped;
- The distance traveled by the vehicle.

A report is generated by the vendor that installed the device and is transmitted monthly to your probation officer or a representative from DVS to verify compliance.

If a driver has **three** non-compliant tests between service appointments, the device will notify the user of a pending “lock out” that will take effect after 72 hours. The user will need to call the interlock vendor for a code within 48 hours of this notice, key this code into the handset and follow up with a service appointment with the interlock installation service center. The user will be required to pay the \$50 “lock out” fee. The driver is responsible for ALL TESTS. This would include any tests by others who may seek to drive the vehicle. Any driver must use the alcohol interlock device.

If a driver has a B card and the device registers failing tests, it is possible that the report to the Department of Public Safety would result in another license cancellation and potential new criminal charges.