AAMVA

American Association of
Motor Vehicle Administrators

Ignition Interlock
Evidence-Based Research
Legislation
Law Enforcement
DMV Program
Training
Standardization

Ignition Interlock Program Best Practices Guide

August 2015

LAW ENFORCEMENT STANDING COMMITTEE & DRIVER STANDING COMMITTEE
IGNITION INTERLOCK PROGRAM BEST PRACTICES WORKING GROUP

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AIIPA = Association of Ignition Interlock Program Administrators (www.aiipa.org)
BAIID = breath alcohol ignition interlock device (both used interchangeably throughout document)

Executive Summary

More than 10,000 people die every year in alcohol-related crashes in the United States.

Research documents the public health benefit of ignition interlocks in reducing offender recidivism. Virtually every jurisdiction has an ignition interlock law of some kind. However, there is no "model program" or national strategy that addresses every component of an ignition interlock program. One of the challenges of creating a "model" ignition interlock program is that some jurisdictions have strictly administrative programs that are the responsibility of the motor vehicle administration, some jurisdictions have judicial programs that are the responsibility of the courts, and still other jurisdictions have hybrid programs that combine administrative and judicial responsibility.

In 2013, the National Highway Traffic Safety Administration (NHTSA) published a *Model Guideline to State Ignition Interlock Programs*, and in 2014, the Association of Ignition Interlock Program Administrators (AIIPA) adopted its *Standardized Vocabulary & Standardized Best Practice Recommendations*. The AIIPA and NHTSA documents are valuable tools, and building on them, American Association of Motor Vehicle Administrators (AAMVA) members identified the need for additional guidance for departments of motor vehicles (DMVs) legislatively charged with administering ignition interlock programs. As a result, in 2014, AAMVA created the Ignition Interlock Program Best Practices Working Group. This publication is the product of the Working Group and is intended to fill the gaps not addressed in either of the aforementioned AIIPA and NHTSA documents.

The Working Group consisted of U.S. and Canadian transportation administrators, law enforcement, judiciary, AIIPA, NHTSA, and ignition interlock industry representatives. The Working Group developed best practices based on review of scientific evidence-based research and practices from various ignition interlock programs administered by motor vehicle administrations and law enforcement.

The aforementioned documents (published by AAMVA, AIIPA, and NHTSA) can be used by jurisdictions that already have an ignition interlock program to benchmark their current program practices against these recommended best practices and make program adjustments as appropriate. For jurisdictions that have not yet adopted an ignition interlock program, these documents can serve as a blueprint for building a best practice–based program from the ground up.

The Working Group also produced a law enforcement roll-call style training video to assist jurisdiction DMVs with their partner outreach. One of the primary weaknesses of any ignition interlock program is the lack of compliance enforcement due in part to a lack of familiarity by law enforcement officers with interlock program requirements. If law enforcement officers at all levels within a jurisdiction are educated, they can serve as a force

multiplier to ensure offenders remain in compliance with their program requirements. Outreach to and education of your law enforcement partners are critical to the success of an ignition interlock program, and this video is provided to assist you in that effort.

As of this 2015 printing, every U.S. jurisdiction makes ignition interlocks available within the construct of an administrative, judicial, or hybrid program. Twenty-four states require ignition interlocks for all offenders, 14 states require ignition interlocks for high blood alcohol content (BAC) (in most cases, 0.15 or higher), seven states require ignition interlocks upon second conviction, and five states and the District of Columbia have other types of ignition interlock programs.[1]

Each jurisdiction should determine what triggers required participation in an ignition interlock program, such as an arrest, a conviction, high BAC, and so on. This document is intended to provide best practices for any ignition interlock program.

The following Canadian jurisdictions responded to the AAMVA's ignition interlock survey and are known to have ignition interlock programs: British Columbia, Manitoba, Northern Territories, Ontario, and Quebec. All of these programs are hybrid in nature with varying triggering levels.

Throughout this document, the word "jurisdiction" is used to describe states, provinces, and territories of the United States and Canada.

1 www.madd.org/drunk-driving/ignition-interlocks/status-of-state-ignition.html

Chapter One Breath Alcohol Ignition Interlock Device: History and Background

History

Interest in technology that would prevent an impaired driver from starting a vehicle dates back to the 1960s. In 1972, the first successful demonstration of the breath alcohol ignition interlock device (BAIID) took place. However, it was not until the human toll caused by impaired drivers created a public outcry and a demand for solutions that ignition interlock devices started to gain traction in the 1980s.

The United States' first program was ordered in Colorado in 1985. In 1987, the NHTSA hosted a public meeting about ignition interlock devices. This meeting focused on the latest technology updates with the devices while also serving to share information across jurisdictions. The meeting focused on what states were doing legislatively to authorize new programs, how effectiveness was being evaluated, and how current programs were being implemented. According to a 1988 NHTSA Report to Congress, there were 120 judges in 12 states authorizing the use of ignition interlock devices at that time.

In Canada, BAIIDs were first introduced in 1990 Alberta. The first device standard was produced by the Alberta Research Council, Electronics Test Centre in 1992 and was a Canadian wide de facto standard until the Transport Canada/National Research Council National Voluntary Standard in 2007. The standard was being updated at the time this Best Practices Guide went to print and is being managed by the Canada Standards Association.

Standards for devices were initially developed in California in 1988. These served as the industry standard until NHTSA released its own model specifications in 1992. In 2013, NHTSA updated these standards, which now provide for alcohol-specific technology that has reduced the number of false positives and tightened circumvention efforts. In Canada, II specifications are similar tothe U.S. standard.

Fueled by legislative language passed by Congress in 1998 that provided states with financial incentives for passing laws requiring ignition interlock devices for repeat offenders, the devices became more widespread. According to Richard Roth, PhD, interlock usage had risen to 101,000 in 2006 and approximately 300,000 in 2013, meaning that ignition interlocks and ignition interlock programs are becoming more common. However, this represents fewer than half those arrested for alcohol-impaired driving annually.

All 50-states, the District of Columbia, most Canadian provinces, and many other countries have some form of ignition interlock legislation that requires a device as a condition of continued driving after a conviction for driving under the influence. The Mothers Against Drunk Driving (MADD) U.S. website at www.madd.org and the MADD Canada website at www.madd.ca provide up-to-date information about jurisdictions' ignition interlock law requirements.

When the ignition interlock device has been installed for one year or less, it has been proven to reduce recidivism, moving violations, and alcohol related crashes *as long as the devices remain installed*. After the device is removed, the driver's recidivism returns to the same level as before the device was installed

(see Centers for Disease Control and Prevention, U.S. Government Accountability Office [GAO], and Insurance Institute for Highway Safety [IIHS] reports in Appendix F). When the device has been installed for two years, evidence suggests that there is a carryover effect in reducing recidivism after the device is removed (see the GAO report); however, further research is needed to determine the long-term impact on recidivism after removal of the ignition interlock device.

In March 2015, the Obama Administration sent Congress its GROW AMERICA Act, a $478 billion transportation reauthorization measure that builds on its predecessor authorization, Moving Ahead for Progress in the 21st Century (MAP-21), signed into law in July 2012. The legislation includes provisions that would directly impact AAMVA members in terms of ignition interlocks, including:

- A grant program to states that have adopted or are enforcing a law that restricts driving under the influence (DUI) offenders to only operate vehicles equipped with an ignition interlock device or mandated participation in a 24/7 sobriety program if a state-certified ignition interlock provider is not available within 100 miles of the individual's residence (Section 4006)
- Minimum penalties for repeat DUI offenders to receive, for one year, one or more of the following penalties: a suspension of all driving privileges, a restriction to operate only ignition interlock-equipped motor vehicles, or participation in a 24/7 sobriety program if an ignition interlock provider is not within 100 miles (Section 4007)

Additional Background

The First Offender Myth

A person can drive more than 200 times while under the influence of alcohol or drugs without being arrested and charged.[2] In short, the term "first offender" is a misnomer and would be more accurately stated as "first time caught."[3] Why is this a concern? The judiciary process allows a judge to consider extenuation in a progressive system of punishment, and courts may view those caught for the first time:

- not as problem drinkers (alcohol dependent or alcohol abuser),
- generally law abiding, or
- social drinkers.

However, empirical evidence suggests that these assumptions are inaccurate and may be influenced by the "first offender" terminology. In a court-ordered two-day clinical evaluation of all first offenders (1,252 First Offenders) conducted by three different alcohol treatment agencies, 1,032 of 1,252 offenders (82%) were assessed as alcoholics or problem drinkers, and only 221 (18%) were assessed as social drinkers.[4] The concept of a first-time offender (regardless of the type of crime) is that the defendant made a mistake or had a moment of indiscretion. This allows for "first offenders" to be granted a lesser sentence or probation and not assigned to an ignition interlock program because they might be viewed as being a lesser risk.

Just the facts: First-time offenders closely resemble multiple offenders

In a review of more than 1,000,000 driver records spanning 25 years, it was found that drivers who had one alcohol offense were six times more likely than drivers with no alcohol offenses to have a second offense. Drivers with two offenses were 10 times more likely to have an additional alcohol offense compared with drivers without any offenses. Although drivers with three or more offenses have a 15 times greater

2 Voas, R. B., & Hause, J. M. (1987). Deterring the drinking driver: The Stockton experience. *Accident Analysis and Prevention, 19*, 81–90. Hingson, R. (1995) Environmental strategies to reduce chronic driving while intoxicated. *Transportation Research Circular, 437*, 25–32.

3 Ahlin, E., Zador, P., Rauch, W., Howard, J., & Duncan, G. (2011). First time DWI offenders are at risk of recidivating regardless of sanctions imposed. *Journal of Criminal Justice, 39*(2), 137–142.

4 Kramer, A. L. (1986). Sentencing the drunk driver: A call for change. *Alcoholism Treatment Quarterly, 3*(2), 25–35.

chance of having an additional offense than drivers with no offenses. The review indicates that a first offense is a useful marker of past high-risk behavior. Therefore, first offenders should not be viewed differently than multiple offenders.[5]

What is an offense, conviction versus events?

Alcohol-related convictions are used and defined as an alcohol offense, which exclude other important alcohol events. The judiciary has the discretion to reduce alcohol offenses using diversionary options such as probation before judgment, deferred sentencing, and so on.

DMVs should consider using all alcohol events (i.e., not just convictions) on the driver record as markers of recidivism risk and higher risk behavior. DMVs are discouraged from purging any alcohol events from a driver record because the complete history of a driver's record is vital in the administrative process in assigning a driver to an ignition interlock program. This practice may eliminate or hide a first offender's extensive history of alcohol-impaired driving.

Having a first alcohol-related event, by itself, is a powerful statistical risk factor of future alcohol-related recidivism.[6] Having even one prior alcohol-related event substantially and significantly increases the risk of a subsequent alcohol-related event, regardless of the way in which the event was handled (administratively, judicially, or through a diversion program).

With more than 10,000 people a year dying in alcohol-related crashes in the United States (10,076 in 2013), there is still much work to be done. Ignition interlocks reduce recidivism[7] and alcohol-related crashes while installed. The desired outcome of reducing alcohol-related crashes while ignition interlocks are installed can be assisted by having an ignition interlock program that follows the recommended best practices in this document.

5 Rauch, W., Zador, P., Ahlin, E., Howard, J., Frissell, K., & Duncan, G. (2010). Risk of alcohol impaired driving recidivism among first offenders and multiple offenders. *Journal of Public Health, 100*(5), 919–924.

6 Ahlin, E., Zador, P., Rauch, W., Howard, J., & Duncan, G. (2011). First time DWI offenders are at risk of recidivating regardless of sanctions imposed. *Journal of Criminal Justice, 39*(2), 137-142..

7 United States Government Accountability Office. (2014). Report 14-559.

Chapter Two Ignition Interlock Program Types

There are generally three types of ignition interlock programs: administrative, judicial, and hybrid. Under an *administrative* program, a jurisdiction licensing authority or similar agency requires the installation of an ignition interlock device as a condition of licensing for a suspended driver, for license reinstatement, and so on. Under a *judicial* program, courts mandate an interlock device for offenders, either pretrial or postconviction. A *hybrid* program is one that has a combination of administrative and judicial requirements. There are several differences between administrative interlock programs managed by the licensing authority and judicial programs managed by the courts. The major differences with respect to interlock implementation and monitoring follow.

Administrative Ignition Interlock Programs

Administrative programs, managed by the DMV agencies, are centralized and can be extended easily to all eligible offenders (even before conviction), and the programs are administered consistently throughout the jurisdiction when implemented promptly. In some jurisdictions, an administrative program can withhold the license. In addition, the DMV can also monitor ignition interlock usage and can impose sanctions, substance abuse treatment, and other conditions. In addition, administrative programs that order the installation of interlocks may manage administrative appeal hearings.

Administrative programs are appealing, at least in part, because they eliminate the challenge created when ignition interlocks can be ordered by any one of hundreds of county court systems. The number of courts and the independence of the judiciary render communicating on a large scale difficult, and achieving anything close to common practice nearly impossible. Administrative programs:

- Are uniform
- Have limited discretion
- Are timely
- Do not require conviction
- Can be holistic (from device installation to treatment)

As in all types of ignition interlock programs, the offender must be motivated to possess a valid driver's license.

Judicial Ignition Interlock Programs

Judicial programs use the powers and resources of the court to ensure program compliance. They have the capacity to address the underlying addictions of ignition interlock program participants through screenings, assessment, and appropriate treatment. Courts have a wide variety of sanctions that they can bring to bear. This ability to provide a flexible response can be a great public safety benefit. Sanctions can be used to address noncompliance regarding ignition interlock installation, tampering, driving vehicles without ignition interlocks, and efforts to circumvent. Jail, the threat of jail, fines, and community service are only a few of the sanctions that courts can typically make use of in their discretion.

In *judicial* programs, the varying circumstances allowed in sentencing based on the judge's discretion to consider extenuation and mitigation make it difficult to provide consistent imposition of sanctions.

Statutes creating court=based ignition interlock programs should include training programs for judges and their staffs. DMVs may have a role in that training.

DUI courts (alcohol and drug) are specialized dockets within existing courts dealing exclusively with DUI cases, especially repeat DWI cases.

Hybrid Ignition Interlock Programs

The success of an interlock program depends on the active participation and full support of a range of agencies within each jurisdiction. In particular, hybrid interlock programs are characterized as programs that combine features of both administrative and judicial programs, which necessitates a great deal of coordination among the various administrative and judicial operations. Increasingly, hybrid programs are emerging. These programs offer the combined strengths of administrative and judicial programs. However, they also have the additional expense and coordination challenge of a dual approach.

Chapter Three Regulatory Standards

The key to administering a successful ignition interlock program is having clearly developed regulatory standards that outline the establishment of, participation in and compliance with the program. Before any jurisdiction develops program standards, it is recommended that legislation or administrative action be sought that designates an agency as the administering authority that has clear authority and responsibility for management of the jurisdiction's ignition interlock program.

The following provides introductory guidance to administrators for establishing regulatory authority and standards critical to having an effective ignition interlock program. The complete model legislation recommendation complements the regulatory standards and can be found in Appendix E.

If administrative rules and regulations do not already exist, it is important that they be created by the jurisdiction. A set of clearly defined rules will limit the amount of questions fielded by a program and provide assistance to manufacturers as they strive to remain in program compliance. Rules and regulations should provide specific details that must be met by a manufacturer to maintain its state certification.

Manufacturer Performance Standards

Although NHTSA model specifications detail device functionality requirements, it is important to establish proper manufacturer performance standards relating to customer service.

For example, some customer service resolution requirements and timeframes include:

- The manufacturer or vendor must provide a 24 hour toll-free phone number for clients with device complaints or problems.
- The manufacturer must provide quarterly reporting of complaints and the associated resolutions.

A manufacturer should also be required to notify a program administrator of device software changes and what effect these changes will have. It is recommended that manufacturers be required to notify program administrators in writing before any software changes or updates are made. Depending on the software modification, an administrator may choose to complete a device test before implementing the new software to ensure the validity of the test results.

Before approval of any new device, administrators should identify requirements for service center locations throughout their jurisdiction. The requirements should take into account product availability for clients while at the same time understanding remote needs of some clients and difficulty of product delivery and service for those clients. Concessions should be made for state-wide delivery where the population is not high enough to economically sustain more than one or two manufacturers. When this occurs, a consistent way of choosing a vendor for these areas should be developed and communicated to all manufacturers. Any changes

to the service center locations must be approved in advance by the program administrator.

Manufacturers should designate a contact person who will be available to field questions from program staff and provide timely answers to jurisdictional contacts. It is recommended that guidelines for times to respond to these questions be provided in writing to the manufacturer and enforced by the jurisdiction.

Service Delivery Standards

When jurisdictions develop rules surrounding service delivery of interlock devices, these rules should provide clear expectations of manufacturers on providing service delivery throughout their jurisdiction to ensure ample coverage for all restricted drivers. The rules should also include an approval process for each location and clear objectives of the jurisdiction's service delivery standards, including the right to unannounced audits of each of the locations as deemed necessary. The Alcohol Interlock Programs: Vendor Oversight document, published by the Traffic Injury Research Foundation (TIRF) under financial assistance from NHTSA, is another tool in developing service requirements for manufacturers.[8]

AAMVA Best Practice Recommendation 3.1: Jurisdictions should require service center locations for installation or service or calibration no more than 100 miles (160 km) from any location within a jurisdiction. When rural locations exist that are farther than 100 miles (160 km), develop rules that identify these rural regions and allow for possible mobile servicing options by a manufacturer. The administering authority should determine a fair process to assure access to devices in areas not within the mileage requirements established.

AAMVA Best Practice Recommendation 3.2: Mail-in calibration should not be allowed. However, if necessary because of the remote location of the participant, such practice should be accompanied by periodic in-person servicing to allow for inspection of wiring and detection of circumvention techniques that cannot be detected remotely.

8 Traffic Injury Research Foundation. Ottawa, Ontario, Canada (2011). *Alcohol Interlock Programs: Vendor Oversight.*

Chapter Four Ignition Interlock Program Architecture: Manufacturer Oversight

Administrators should establish procedures and guidelines that facilitate the approval and oversight of ignition interlock manufacturers and service centers.

AAMVA Best Practice Recommendation 4.1: Program managers should become familiar with the NHTSA Model Specifications and Model Guidelines for Ignition interlock devices.[9]

Certification Standards

NHTSA publishes the model specifications for performance and uniform testing of BAIIDs. The model specifications were published on May 8, 2013, and came into effect on May 8, 2014, revising the 1992 Model Specifications. These guidelines contain a wide variety of test procedures that are recommended for BAIID units. Most U.S. jurisdictions reference these specifications within their administrative rules or statutes when approving BAIID manufacturers and devices for use.

It is the manufacturer's responsibility to submit its devices to an independent laboratory for testing to ensure their instruments are capable of meeting the standards listed within the Model Specifications. A laboratory capable of performing these tests must be one that carries an ISO 17025 certification or equivalent and can provide the proper documentation of this testing to a jurisdiction upon application for device approval.

9 National Highway Traffic Safety Administration (2013, December). *Model Guideline for State Ignition Interlock Programs.* (Report No. DOT HS 811 859). Washington, DC
NHTSA Federal Register. (2014). *Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIID).* Effective date May 8, 2014. Washington, DC

AAMVA Best Practice Recommendation 4.2: The following wording should be used to define these certification requirements correctly:

> The certification documentation must be provided from an independent testing laboratory that is ISO 17025 Laboratory Management Standard accredited. Laboratory test results must be dated on or after May 08, 2014. The test results must verify that the proposed Breath Alcohol Ignition Interlock Device (BAIID) conforms to the Model Specifications of the National Highway Traffic Safety Administration (NHTSA) and the additional requirements set forth by the Administering Authority. The test report must bear the manufacturing date of the BAIID test samples, authorizing signatures and attestation by the corporate officers of the independent laboratory indicating the accuracy of the reported results. In addition, the respondent shall provide the appropriate certification to indicate that the proposed BAIIDS are manufactured in a facility that is ISO 9001 and ISO 14001 Quality Management Systems accredited. The manufacturer shall bear all costs associated with the laboratory analysis and its reporting.

A manufacturer seeking certification in a jurisdiction should submit with its application a detailed description of the device, including the instruction, installation, and troubleshooting manuals; a signed test certificate along with the complete device laboratory results, which include the serial numbers

and firmware (software) versions of the devices tested; and all technical specifications describing the accuracy and reliability of the device. The laboratory results should be reviewed by qualified technical staff who understand the NHTSA standard and can review the results against the standard testing requirements to ensure that they have been completed correctly. Upon receiving an application for device approval, program administrators should describe additional jurisdictional testing standards that will be performed on each BAIID model before its approval. Testing at the local level will allow a jurisdiction to ensure the device is programmed correctly; has the correct device settings; and operates under their rules, laws, and regulations.

AIIPA Best Practices Guide

In 2014, the AIIPA adopted a best practices guide.[10] This guide identifies best practices based on NHTSA model specifications and recommendations for implementation by AIIPA and best practices for use on subjects not covered in the NHTSA model specifications. Each best practice contains a short description of the material found in the NHTSA model specifications followed by the AIIPA recommendation.

The following depicts best practice recommendations from NHTSA, AIIPA, and AAMVA (AAMVA recommendations in bold):

NHTSA Model Specifications:

- Model specifications are intended to apply to performance of BAIID units, not the manner in which states and local jurisdictions conduct their programs.
- Defers to the discretion of states and local jurisdictions regarding programmatic decisions.

AIIPA Recommendation:

- Recommend that states and jurisdictions adopt the NHTSA Model Specifications effective May 8, 2014, for their ignition interlock program.

AAMVA Best Practice Recommendation 4.3:

- Concur with the AIIPA recommendation

Retests

NHTSA Recommendation:

- The model specifications no longer specify how retests should be conducted because NHTSA did not recommend retests be conducted while the vehicle is in motion.
- This is more appropriately a function for states and local jurisdictions to specify how they perceive retests to be conducted to ensure public safety.
- The model specifications were revised to remove this reference.
- After the driver is alerted to retest, if the engine is accidentally or intentionally powered off, the ignition interlock must not allow the vehicle to start without a service call.

AIIPA Recommendation:
An alcohol set-point of 0.025 g/210 L with consideration to drivers younger than the age of 21 years

- First retest: 5 to 15 minutes
- Second and subsequent tests: 15 to 45 minutes (from the conclusion of previous retest)
- Time to test: 6 minutes
- Ignition interlock should accept unlimited samples within the defined retest timeframe.
- Ignition interlock should not temporarily lockout during the retest (to allow for the provision of multiple breath samples.) This helps eliminate mouth alcohol claims.

10 Association of Ignition Interlock Program Administrators. (2014, June 5), *Best Practices Guide.*

AAMVA Best Practice Recommendation 4.4:
An alcohol set point of 0.020 g/210 L (concur with the NHTSA set point recommendation below)
Concur with all other AIIPA recommendations

Alerts

NHTSA Recommendation:

- No recommendations in the model specifications
- Concluded that the decision about the types of alerts that may be required or permitted are programmatic in nature and should be at the discretion of states and local jurisdictions

AIIPA Recommendation:

- Recognizing that flashing headlights may be against state statutes, as such, each state or jurisdiction should require an alert and define the type(s) of alerts to be uses. Examples of potential alert mechanisms include a honking horn, emergency flashing lights, or some other audible tone.

AAMVA Best Practice Recommendation 4.5:

- Concur with AIIPA recommendation

Emergency Override (this section is not applicable to a standard "lock-out" situation)

"Emergency" must be defined by the Jurisdiction.

NHTSA Recommendation:

- No recommendations in the model specifications
- The decision whether to permit the use of an emergency override feature is programmatic in nature and should be left to the direction of jurisdictions.

AIIPA Recommendation:

- If a jurisdiction elects to use the emergency override feature (with or without an authorized code), it is recommended that a breath test be required, the event be recorded in the data logger, and the device function normally after the override.

AAMVA Best Practice Recommendation 4.6:

- There should be a one-time use emergency override feature with an authorized code. In such cases, a breath test should ***not*** be required, the event be recorded in the data logger, and the device function normally after the override.
- Standard Lockout: Emergency lockout procedures apply, except a breath test ***should*** be required.

Calibration

NHTSA Recommendation:

- Current technology now permits ignition interlocks to maintain stable calibration for longer periods of time, and the model specifications provide for a minimum calibration stability period of 37 days (30 days plus the 7-day lockout countdown).
- Decouple the period of calibration stability and the service interval.

AIIPA Recommendation:

- Calibration stability and service interval of the ignition interlock should not exceed 67 days.
- Jurisdictions must consider environmental conditions when setting calibration intervals.

AAMVA Best Practice Recommendation 4.7:

- Concur with the NHTSA recommendation

Set Point [11]

NHTSA Recommendation:

- Recognizes that state breath alcohol concentration (BrAC) levels are not uniform and most are set at 0.02 g/dL, but others are set at other (generally higher) levels
- Recommends a 0.02 g/dL set point for testing but believes that the technology is available for BAIIDs to achieve and maintain a set point at this level
- The change from 0.025 g/dL to 0.020 g/dL will align the BAIID Model Specifications with NHTSA's other Model Specifications, which pertain to evidential breath testing instruments (EBTs), calibrating units, and alcohol screening devices.
- Technology is available for BAIIDS to achieve and maintain a set point at this level (0.02 g/dL).

AIIPA Recommendation:

- An alcohol set-point of 0.025 g/210 L with consideration to drivers younger than the age of 21 years

AAMVA Best Practice Recommendation 4.8:

- Concur with the NHTSA recommendation

Breath Sample Volume [12]

NHTSA:

- Lowering the minimum breath sampling size will make the BAIID available to a larger population of users.
- There is no evidence to indicate that the reduced volume will diminish the integrity of the breath samples.
- Model specifications support states wishing to set minimum breath sampling size at 1.5 L and permit a 1.2 L level upon a medical recommendation.

AIIPA Recommendation:

- Recommend 1.5 L unless granted a medical exemption. If jurisdictions allow for lower volume, it must have a medical review process in place for lowering breath volume. Documentation of lung volume or function should be obtained. The volume should not be less than 1.2 L.

AAMVA Best Practice Recommendation 4.9:

- Concur with the AIIPA and NHTSA recommendations. If an offender cannot provide a volume of at least 1.2 L, then he or she shall be monitored according to the provisions of the jurisdiction.

Warm-Up Time

NHTSA Recommendation:

- The NHTSA Model Specifications provide that BAIIDS must be ready for all tests and retests within a period of 3 minutes.

AIIPA Recommendation:

- Agree with NHTSA and adopt warm up and retest-ready times within 3 minutes

AAMVA Best Practice Recommendation 4.10:

- Concur with the NHTSA recommendation

Anti-circumvention [13]

11 Most countries adapt 0.02 g/dL as the set point to be use as the device set point for participants because this set point has been scientifically proven to be the closest representation of zero tolerance and the relevant beginning level of impairment as further recognized by law enforcement for roadside screening devices and evidential breath testing instruments.

12 European, Australia, and Canadian standards allow for manufacturers to set the minimum breath sampling size to 1.2 L and permit a lower level upon request by the administering authority (provided that the participant has completed the independent medical testing and review).

13 European, Australia, and Canadian standards allow for manufacturers to set the minimum breath sampling size to 1.2 L and permit a lower level upon request by the administering authority (provided that the participant has completed the independent medical testing and review).

NHTSA Recommendation:

- The NHTSA model specifications do not specify the use of any particular type of anti-circumvention feature because this would be tantamount to a design, rather than a performance, standard.
- Will not attempt to establish further minimum performance criteria for this function at this time

AIIPA Recommendation:

- Anti-circumvention should be engaged and demonstrable during the life of the installation.

AAMVA Best Practice Recommendation 4.11:

- Concur with the AIIPA recommendation

Tamper Proof Seals

NHTSA Recommendation:

- The BAIID must have a tamper-proof seal to indicate when a BAIID has been disconnected from the ignition.

AIIPA Recommendation:

- A visual inspection should be done during the service visit to affirm the seal is intact.
- Seals should be on every connection and must be proprietary to the manufacturer.

AAMVA Best Practice Recommendation 4.12:

- Concur with the AIIPA and NHTSA recommendations

Quality Assurance Plan Template

NHTSA Recommendation:

- Recommend calibrating unit(s) (listed on NHTSA's Conforming Products List of Calibrating Units for Breath Alcohol Testers) and instructions for using calibrating unit(s).
- BrAC to be used in the calibration check(s): 0.02 g/dL
- Agreement of the calibration check with the BrAC of the calibrating unit: not greater than 0.005 BrAC
- Description of how to verify the accuracy of the BAIID reading of BrAC (e.g., from an instrument read out, printout, interlock data logger)

AIIPA Recommendation:

- Recommends that a state or jurisdiction require a manufacturer to provide a quality assurance plan in accordance with Appendix A of the NHTSA Model Specifications (May 8, 2013) on a prescribed interval as defined by that entity

AAMVA Best Practice Recommendation 4.13:

- Concur with the AIIPA and NHTSA recommendations

Vehicle-Interlock Interface

NHTSA Recommendation:

- Believes that a common interface in vehicles for ignition interlocks is outside the scope of the model specifications
- Has not included such a requirement in the revised model specifications

AIIPA Recommendation:

- Recommend the NHTSA guideline as listed above

AAMVA Best Practice Recommendation 4.14:

- Concur with the NHTSA recommendation

Additional Recommendations

Cameras

Cameras may be used as an anti-circumvention measure and detection tool. Cameras capture the person who is providing the breath sample, but no

comparison studies are available for the effectiveness of interlocks with or without cameras.

The following is a suggested minimum requirement for the camera components and functionality:

1. The camera shall not impede the field of vision of the driver for safe and legal operation of the vehicle.
2. The camera shall not pose a threat to the driver or passengers of the vehicle in the event of dislodgement during an emergency stop or maneuver of the vehicle to avoid a collision or during a collision.
3. The camera shall operate in the same temperature range as the ignition interlock device standards that are required for certification within the jurisdiction.
4. The camera shall take an image of the driver with sufficient clarity and resolution to allow driver identification.
5. The camera shall operate in all lighting conditions, including extreme brightness, darkness, and low-light conditions, and capture a clear image of the driver for identification.
6. The camera shall focus upon and take an image of the driver while completing a breath alcohol test with the ignition interlock.
7. The contractor shall take a reference image of the driver during the installation appointment for identity comparison purposes with the image captured of the driver conducting a breath alcohol test with the ignition interlock.
8. The camera shall incorporate tamper detection features that will indicate
    a. if the lens is covered or blocked to prevent light from entering the image capture system of the camera.
    b. if the lens is coated or is covered by a material to distort the image capture.
    c. if the field of view of the camera has been altered by repositioning of the camera.
    d. disconnection of communication between the camera and the ignition interlock.
    e. disconnection of power to the camera.
9. The images taken by the camera of the driver conducting the breath alcohol test with the ignition interlock shall be stored with the date and time of image capture, result of the breath test, and the corresponding ignition interlock program identification number.
10. The camera shall capture images of the driver conducting the breath alcohol test with the ignition interlock for the events listed following:
    a. successful completion of the initial breath test sample (when the ignition interlock captures the sample for analysis).
    b. successful completion of any retest breath test sample (when the ignition interlock captures the sample for analysis).
    c. unsuccessful delivery of the initial breath test sample (when the ignition interlock rejects the breath sample delivery because of inadequate pressure, flow, temperature, or other determinant properties of the breath sample of the ignition interlock).
    d. unsuccessful delivery of any retest breath test sample (when the ignition interlock rejects the breath sample delivery because of inadequate pressure, flow, temperature, or other determinant properties of the breath sample of the ignition interlock).

Oversight and Monitoring

A vendor oversight plan should be designed to ensure the reliability and service delivery mandates within the jurisdiction. An oversight plan will identify all expectations of a manufacturer and its manufacturers, service centers, and installation and calibration technicians. Oversight plans are often imbedded within the state's administrative rules. If this is the case, the rules should provide clear and concise expectations to all manufacturers requesting certification (see Chapter 3).

As mentioned in Chapter Three, the TIRF Vendor Oversight reference document for alcohol interlock programs may be a valuable resource and includes recommendations for oversight and different examples of forms from several jurisdictions. It is recommended that jurisdictions refer to this document for detailed descriptions on oversight plan components.

Program Contacts

The administering authority should identify its key contacts, in writing, for manufacturers regarding program compliance, reporting, and general information. Manufacturers must designate a contract manager and program coordinator to communicate with the administering authority for any contractual or operational matters. Changes to the contact information should be communicated in writing within 10-days.

Device Approval Requirements

If specific technology is required within a jurisdiction (e.g., fuel cell, photograph, electronic reporting), then the requirement should be clearly identified in the rules or regulations. Semiconductor-type[14] interlocks are non–alcohol-specific devices and are falling out of use because of advances in technology and are not recommended for use in ignition interlock programs.

Service Center Inspection

AAMVA recommends that program administrators or their designees inspect every service center at least once per year and at any other time at the discretion of the administrator. Inspections may be announced or unannounced. The inspection report should properly document the service center's compliance with the jurisdiction's requirements (e.g., current business license, insurance). In addition, documents surrounding calibrations such as solution certifications or dry gas certification should also be reviewed.

Equipment such as simulator thermometers and tubing length should also be checked to ensure compliance with the rules and regulations. The inspection report must be signed by the service center technician onsite at time of inspection, and a copy must be sent to the manufacturer's contract manager.

AAMVA Best Practice Recommendation 4.15:
Inspect every service center at least once per year.

Technician Approval and Renewal

Technicians who are installing, downloading, repairing, or calibrating devices shall be required to submit an application at least annually to the manufacturer, and that documentation shall be made available to the program manager upon demand. The annual application shall include evidence of annual training and the criminal history of each technician, ensuring that there have been no crimes committed by the individual that preclude him or her from performing these tasks.

The jurisdiction shall either develop or approve the content of any training.

Database Requirements and Retention

AAMVA recommends there be a centralized record repository. Jurisdictions may choose to house the data themselves, and others may have the data housed by the manufacturer to be made available upon demand. If jurisdictions allow retention of these databases by the manufacturer, retention of data should be in compliance with the jurisdiction's record retention regulations.

14 Jurisdiction clarification on what constitutes semiconductor-type interlocks can be ascertained by contacting AAMVA.

Chapter Five Ignition Interlock Program Architecture: Participant Oversight

This section discusses several critical components that jurisdictions should consider when structuring an ignition interlock program.

Resource Requirements

As mentioned in Chapter 4, and according to the NHTSA's Model Guidelines for State Ignition Interlock Programs (Appendix D), states should designate an agency with clear authority and responsibility to manage the program; establish regulation and administrative procedures; and provide oversight of manufacturers, service centers, and program participants. Because the driver's license privilege and restriction placement and removal are important elements of an effective interlock program, it appears that DMVs are an appropriate choice for program oversight.

To ensure that the programs are self-sustaining, long-term reliance on state funds is not recommended. The program should be supported primarily by fees collected from DUI offenders and interlock manufacturers. The importance of sufficient programmatic resources cannot be overstated in the development and management of an interlock program. However, the amount of resources necessary is highly dependent on variables such as the program model, level of participant monitoring, data management system(s), manufacturer oversight, and other critical features.[15] To effectively estimate and procure these resources, jurisdictions must make certain to define the scope and reach of all program components through clearly established administrative rules. Although enabling legislation is critical in establishing a jurisdiction's authority in relation to its ignition interlock program, the ability to maintain flexibility and adaptability is also important.

Application and Enrollment

Regardless of the ignition interlock model, a jurisdiction uses (i.e., administrative, court, or hybrid), the installation of the interlock device and issuance of the restricted driver's license are critical program requirements. Jurisdictions should clearly outline the processes that an individual must complete in order to have an interlock device installed, restricted driver's license issued, and device calibrated throughout program enrollment.

In addition, program participants should have a clear outline of all program rules (e.g., violations, monitoring) and training on the use of the interlock device as part of the program enrollment process. It is also recommended that jurisdictions provide participants with critical contact information for both the interlock coordinating authority and device manufacturer with the enrollment and application materials. The provision of this information early in the interlock installation phase reduces participant confusion and may help support increased program retention rates.

Affordability

Although many jurisdictions have some form of established affordability program for interlock offenders, utilization of such programs by interlock

15 Association of Ignition Interlock Program Administrators (2014, May 5). *AIIPA Ignition Interlock Training Institute Curriculum*. Traffic Injury Research Foundation.

participants varies widely. The determination of unaffordability should be based on a comprehensive review of participant income and assets and not simply on eligibility for public defender representation.

Participant Monitoring

The close monitoring of participants is essential to the effectiveness of a jurisdiction's ignition interlock program. Monitoring helps to prevent recidivism and therefore alcohol-related crashes and other alcohol-related violations by the participants.[16] What follows are two jurisdictions' effective participant monitoring programs; one is an administrative hybrid program, and the other is administered by a state law enforcement agency.

Treatment and Behavior Modification

Education and treatment should be used together with the interlock device to reduce the instances of recidivism. Behavior change can be accomplished through the use of practices that combine education, treatment, and monitoring of the ignition interlock participant.[17]

Some jurisdictions are turning to 24/7 sobriety programs, especially in rural areas where ignition interlock service may not be readily available. In some cases, 24/7 programs are being used in combination with ignition interlock programs. Jurisdictions are best positioned to make their own judgments on when and where each type of program is most viable and effective.

Ignition Interlock Program Treatment Best Practices

Treatment is the management of care for a person with alcohol use disorder. It may encompass a range of interventions, including group and individual counseling, brief interventions, cognitive-behavioral strategies, motivational intervention, and pharmacotherapy. The purpose of treatment in DUI offenders is to identify and alleviate identified problems and substance abuse issues that they may have and interrupting those addictive patterns.[18]

Screening and assessment of DUI offenders can determine which individuals have significant substance abuse issues, will be most likely to reoffend, and will benefit from treatment, as well as what type of treatment would be most beneficial to that individual.

Uniform Driver's License Restrictions

Every jurisdiction should have a clear notation of an ignition interlock restriction on an individual's driver's license (and recorded in the motor vehicle record). This is essential for both licensing authorities and law enforcement agencies. This notation clearly informs law enforcement of the ignition interlock restriction and enables immediate intervention in the event that a participant is observed operating any vehicle without the required interlock device.

It is imperative that ignition interlock require drivers fully understand the application of the restriction and the potential consequences if they violate the conditions of the restricted license. In jurisdictions where multiple agencies have authority to require an ignition interlock, clear communication and coordination among the various entities is essential to ensure that all necessary license restrictions and record entries are accurately posted. The correct and consistent documentation of ignition interlock restrictions is especially necessary in situations in which an individual is likely to travel across jurisdictional boundaries.

16 Zador, P., Ahlin, E., Rauch, W., Howard, J., & Duncan, G. (2011). The effects of closer monitoring on driver compliance with interlock Restrictions. *Accident Analysis & Prevention, 43*(6), 1960–1967.

17 Traffic Injury Research Foundation (2011) *Effective Strategies to Reduce Drunk Driving*, p. 15.

18 Traffic Injury Research Foundation (2011) *Effective Strategies to Reduce Drunk Driving*, p.15.

AAMVA Best Practice Recommendation 5.1: Display of the ignition interlock restriction should be on the front and back of the issued driver's license. As of this printing, work is underway to have an ignition interlock code added to the AAMVA card design standard.

Ignition Interlock in Lieu of Administrative License Suspension/Revocation

Although jurisdictions have designed their individual interlock programs to comply with statute and administrative code, all interlock programs involve some form of license suspension or revocation (or both).[19]

It has been well documented that the more hurdles an individual must overcome to obtain an interlock-restricted driving privilege, the more likely he or she is to choose to drive suspended, revoked, or in violation of his or her license restriction.[20]

In response to these issues, the design of an ignition interlock program should focus on methodologies that permit the driver to more easily and quickly select enrollment and installation of an interlock device and administrative license suspension/revocation (ALS/R).[21] Additionally, compliance-based monitoring and removal practices are increasing in popularity, acceptance, and effectiveness in lieu of immediate ALS/R practices.

Violations, Monitoring, and Compliance-Based Removal

Numerous studies have been conducted regarding the use of compliance-based monitoring and its effectiveness in reducing recidivism rates for DUI offenders.[22] Compliance-based monitoring is a system with a designated time period during which offenders are required to have an ignition interlock installed without alcohol-related violations. Removal of the device and program completion should be based on clearly established compliance guidelines.

Although compliance-based removal is a recommended best practice, more research is needed to determine the optimal amount of time for the designated period.

The NHTSA model guidelines suggest that a key program feature is the establishment of procedures to ensure monitoring of participants. This monitoring may include verification that the ignition interlock device is installed, the vehicle is being driven, and the participant appears for the download of data and servicing of the ignition interlock device. During this monitoring process, instances such as tampering, circumvention, and device calibration should be reviewed. In addition, data contained in the ignition interlock device relating to a participant's failure to provide a test or retest, failure to install, or failing a required breath test should be identified and reported to the appropriate referring authority.

The specific action that a monitoring authority takes in response to a violation must be clearly defined and communicated to participants. Jurisdictions should establish consistent monitoring and reporting guidelines that establish service intervals, violation explanations, and the specific consequence(s) that result from a violation (e.g., time extension, treatment). Additionally, this information should be communicated directly to the interlock user in writing, with a description of the violation event(s) that occurred during that monitoring period.

19 Traffic Injury Research Foundation. (2013). *Alcohol Ignition Interlock Curriculum for Practitioners: Implementation Module*. Accessible at: www.aic.tirf.ca.

20 Association of Ignition Interlock Program Administrators. (2014, May 5). AIIPA Ignition Interlock Training Institute Curriculum. Traffic Injury Research Foundation.

21 Association of Ignition Interlock Program Administrators. (2014, March). *1st Annual Conference Proceedings* (2013). Traffic Injury Research Foundation.

22 www.rothinterlock.org

In implementing this oversight and monitoring model, jurisdictions must also carefully consider the data management framework needed to effectively execute this process. In general, two data models are currently used by most jurisdictions: manufacturer-based reporting and jurisdiction-managed data analysis. Manufacturer-based reporting typically requires the interlock manufacturer to download data elements from the device and provide the monitoring authority with data on specific events. In contrast, jurisdiction-based systems usually involve the monitoring authority using a custom-designed data management system to obtain and analyze device information, required by the DMV, from the manufacturer.[23]

Although manufacturer-based data reporting requires less resource investment, jurisdiction-based systems provide more consistency in event analysis and permit enhanced automation of participant monitoring.[24] Regardless of the system used, jurisdictions must integrate an effective data management process to use compliance-based monitoring.

Program Exemptions

Medical Exemptions

Every effort should be made to make accommodations for participants who have legitimate medical limitations. Jurisdictions should require a minimum breath sample volume for ignition interlock tests. If a participant has a verified medical condition, the required breath sample size (volume) can be reduced. Jurisdictions should develop a standard form for participants to take to their physicians. The form will explain to the physicians exactly what breath sample size and flow rate are required to successfully activate the device. Physicians will have the ability to clearly indicate the patient's capability of giving an adequate breath sample. It is important that the form has the proper section for the participant's consent for release of information.

23 AIIPA Interlock Training Institute (2014). Id 4.

24 Robertson, R., Holmes, E., & Vanlaar, W. (2013). *Alcohol Interlock Programs: Data Management System. Implementation.* Ottawa: Traffic Injury Research Foundation.

Employer Exemption

Some jurisdictions have a requirement within their statute or administrative code that provides for an exemption for employer-owned vehicles while working. Jurisdictions should require documentation from the employer verifying their employment and need to operate a company-owned vehicle. Additionally, jurisdictions may want to have the employer provide specific information regarding the vehicle the employee will be operating and their hours of operation. Participants should be provided documentation to verify this exemption and should be required to have it in their possession whenever operating the employer owned vehicle. This exemption should not apply to businesses owned by the participant.

U.S. jurisdictions should check with their regional NHTSA offices to ensure compliance with federal requirements.

THE VIRGINIA EXAMPLE

The Commission on Virginia Alcohol Safety Action Program (VASAP) is a network designed to provide DUI probationary monitoring, education, treatment, and ignition interlock compliance. It is a hybrid program that receives referrals from both the courts and the Virginia Department of Motor Vehicles. The uniqueness of VASAP is that a single state agency regulates ignition interlock, DUI education, and treatment. VASAP is the only court-related statewide program in the nation related to DUI intervention. Ignition interlock regulations, vendor oversight, reporting, service center inspections, customer service, out-of-state transfers, and reciprocity are all overseen by VASAP. To ensure standardization and equitable access to interlock participants, VASAP has 24 offices strategically located throughout the commonwealth. In addition, there is an interlock service center within a 50-mile radius of every residence in Virginia.

VASAP is an integral part of a "systems approach" in combating the alcohol- and drug-related public safety problem in Virginia. Virginia's system combines education and substance abuse treatment with interlock monitoring. It operates on offender fees, realizing substantial savings to the commonwealth.

The Commonwealth of Virginia's ignition interlock program is monitored through the Traffic Records Electronic Data System (TREDS). This system was created in partnership with the Commission on VASAP and the Virginia DMV primarily as a result of an increase in interlock referrals. Virginia's law requires that as a condition of a restricted license, participants are prohibited from operating motor vehicles that are not equipped with functioning, certified ignition interlock systems. TREDS provides the local VASAPs and the interlock service providers with a tool to electronically relay critical information in a timely and efficient manner.

It is important to quickly install interlock and to minimize installation wait times. The law in Virginia allows participants to "prequalify" with the local VASAPs to have the interlock installation scheduled before the court date, although the actual installation cannot occur until on or after the date of conviction. During the enrollment period, the participant will independently select his or her ignition interlock service provider. VASAP employees are strictly prohibited from influencing the selection of an interlock service provider. When the manufacturer selection has been made, VASAP sends an installation authorization through TREDS.

Program Processes

Upon court conviction or notification from the DMV, participants are required to appear in the local VASAP program within 15 days to validate the license with the interlock restrictions. Virginia code mandates the installation of the interlock device within 30 days of the effective date on the court order.

During intake, participants are informed of the correct ignition interlock process and procedures during an in-person review with their assigned case managers. Participants are classified to determine the appropriate level of education or treatment using the VASAP classification guidelines. Participants classified as needing education or intensive education are required to attend a 10-week VASAP education group in addition to the interlock monitoring. The VASAP education curriculum is evidence based to affect behavioral change. Participants classified as needing treatment are referred to a substance abuse service provider. Treatment plans average between 24 to 36 weeks of individual or group therapy in addition to interlock monitoring.

When the requirements for obtaining a restricted license have been met, ignition interlock installation is authorized by the local VASAP. At installation, offenders are trained by the interlock service provider on the proper use of the interlock system. The interlock must be installed for a minimum of six consecutive months without alcohol-related violations (compliance-based removal).

Because the law requires compliance with the interlock before a full license can be reinstated, provisions are made to remove the "no car" barrier. Participants who are installing ignition interlock in a non-owned vehicle must first execute and notarize the ignition interlock consent to install form. At that point, the device can be installed in a vehicle owned by a friend or family member that will allow the participant to complete the requirement.

Successful interlock compliance rates also rely on the removal of other barriers such as medical limitations and affordability. When participants cannot provide the required breath sample to operate the interlock device, VASAP may approve a reduction in the breath sample required upon receipt of valid medical documentation. When the court has determined that

the participant is indigent, full or partial reduction in ignition interlock fees may be approved after a thorough review and verification of income and expenditures.

Research has shown that a key element to extend the effect of an interlock program is to provide alcohol rehabilitation.[25] Simultaneously, participants are involved in education, treatment, and interlock for at least six months. VASAPs are responsible for monitoring monthly interlock collaborations to ensure that there are no alcohol-related violations. Identified interlock violations result in a six-month extension of the interlock requirement from the date of the violation. Other possible outcomes include a return to court or reclassification, or revocation of the driver's license.

The interlock calibration provides the treatment specialist with data that can be used to create and modify treatment plans and promote recovery. This type of approach requires a large amount of cooperation and communication among VASAP staff, the DMV, and treatment providers. Even if the interlock requirement is completed within the prescribed six-month time period, participants are monitored for at least one year or three years for repeat DUI offenders.

The VASAP system was selected as a model program by the American Probation and Parole Association for its cost effectiveness and success rates. VASAP uses a broad approach of supervision and technology as tools to reduce DUI.[26]

25 American Journal of Preventive Medicine. (2011). *The Effectiveness of Ignition Interlocks for Preventing Alcohol-Impaired Driving and Alcohol Related Crashes: A Community Guide Systemic Review*. St. Louis: Elsevier. Hard Core Drunk Driving, Community Supervision Guide, 2010, The American Probation and Parole Association and the Century Council.

26 National Center for State Courts. (2003). *An Evaluation of the Virginia Alcohol Safety Action Program*. Foundation for Advancing Alcohol Responsibility (FARRS). (2013). Promising Criminal Justice Programs.

THE WASHINGTON STATE EXAMPLE

The Washington State Patrol (WSP) Ignition Interlock Program (IIP) in partnership with the Washington Traffic Safety Commission developed a grant-funded project for monitoring individuals with failed alcohol tests or circumvention cases. The project started in 2009 and continues today.

In Washington, there is no violation of law when an individual provides a breath sample above the ignition interlock fail threshold levels. However, an interlock restriction will remain in place unless the final four months of the installation are free of violations, including failed alcohol tests, skipped random retests, and missed appointments for calibration. Below is the language found in the statute[27] governing removal of an interlock restriction:

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image con firms that the vehicle was not occupied by the driver at the time of the missed test;

27 Revised Code of Washington 46.20.720.

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or
(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

The WSP IIP monitors alcohol failures, refused retests, and circumvention cases that are provided by the manufacturers. The IIP personnel identify participants with these violations and make contact with them, typically at their homes, using teams of two uniformed officers. When offenders are contacted, they are advised that they are not in trouble but that they have been identified as having fails on their ignition interlock. They are educated on the four-month compliance requirement of which they are often unaware.

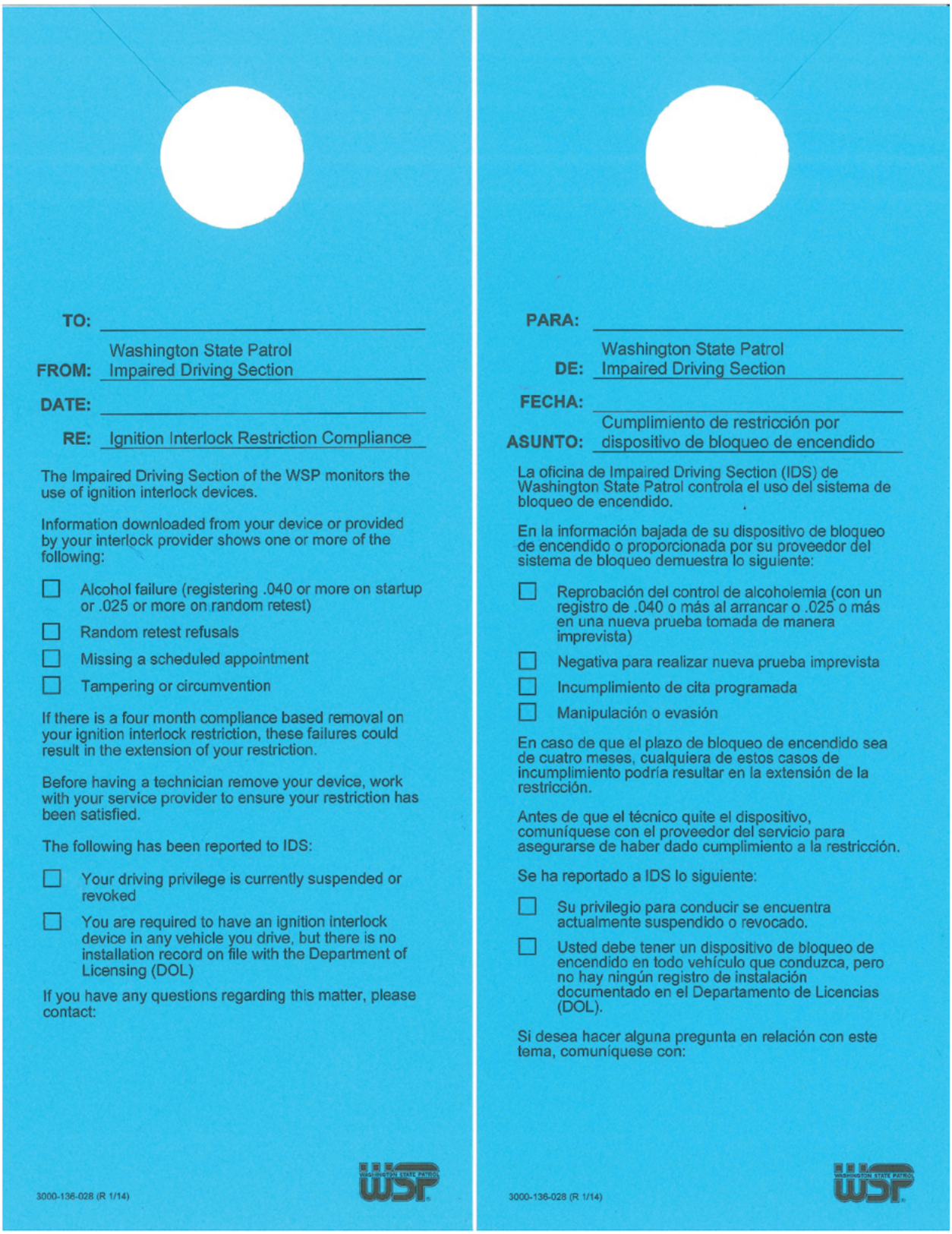
These checks provide very useful information to the IIP personnel, often leading back to the manufacturer to ensure that those in the service center are providing proper, correct information to the customers.

The visits also serve as a reminder to the participants that they are being monitored. There are thousands of fails sent to the IIP each month, and not all of these participants can be visited. However, of the hundreds that are visited each year, it is rare that the same individual is visited more than once. In 2014, the approximately 18,000 participants in Washington recorded approximately 10,000 fails. Of these, approximately 8% of the participants were visited by WSP IIP troopers.

The participant contacts are, when applicable, the highest risk offenders within the geographic area (county) the team is working in that day.

It is common for a participant to not be home when contact is attempted. The WSP IIP developed a door hanger that can be left at the home (see page 25). It provides detailed information as to the reason the visit took place as well as contact information so the individual may speak with one of the troopers over the phone. The door hangar is two sided with English on one side and Spanish on the other. Most individuals who receive these will phone the WSP within a day or two of receiving the information.

The WSP also conducts criminal investigations for ignition interlock circumvention. The patrol is often notified that a restricted driver has brought his or her vehicle in for service and appears not to be using the vehicle regularly. The IIP personnel then examine the vehicle registration database to see if there is more than one vehicle registered to the driver (operation of a non-ignition interlock equipped vehicle is considered a circumvention in Washington.) If the restricted driver is found to have more than one vehicle, the troopers will conduct surveillance either at the home or the work. Numerous participants have been caught driving a non–ignition interlock equipped vehicle. A traffic stop is performed, and the subject is cited for driving without an interlock installed (a gross misdemeanor). When applicable, this violation is also reported to the participant's probation officers or monitoring court.



TO: _____

FROM: Washington State Patrol
Impaired Driving Section

DATE: _____

RE: Ignition Interlock Restriction Compliance

The Impaired Driving Section of the WSP monitors the use of ignition interlock devices.

Information downloaded from your device or provided by your interlock provider shows one or more of the following:

- ☐ Alcohol failure (registering .040 or more on startup or .025 or more on random retest)
- ☐ Random retest refusals
- ☐ Missing a scheduled appointment
- ☐ Tampering or circumvention

If there is a four month compliance based removal on your ignition interlock restriction, these failures could result in the extension of your restriction.

Before having a technician remove your device, work with your service provider to ensure your restriction has been satisfied.

The following has been reported to IDS:

- ☐ Your driving privilege is currently suspended or revoked
- ☐ You are required to have an ignition interlock device in any vehicle you drive, but there is no installation record on file with the Department of Licensing (DOL)

If you have any questions regarding this matter, please contact:

3000-136-028 (R 1/14)

PARA: _____

DE: Washington State Patrol
Impaired Driving Section

FECHA: _____

ASUNTO: Cumplimiento de restricción por dispositivo de bloqueo de encendido

La oficina de Impaired Driving Section (IDS) de Washington State Patrol controla el uso del sistema de bloqueo de encendido.

En la información bajada de su dispositivo de bloqueo de encendido o proporcionada por su proveedor del sistema de bloqueo demuestra lo siguiente:

- ☐ Reprobación del control de alcoholemia (con un registro de .040 o más al arrancar o .025 o más en una nueva prueba tomada de manera imprevista)
- ☐ Negativa para realizar nueva prueba imprevista
- ☐ Incumplimiento de cita programada
- ☐ Manipulación o evasión

En caso de que el plazo de bloqueo de encendido sea de cuatro meses, cualquiera de estos casos de incumplimiento podría resultar en la extensión de la restricción.

Antes de que el técnico quite el dispositivo, comuníquese con el proveedor del servicio para asegurarse de haber dado cumplimiento a la restricción.

Se ha reportado a IDS lo siguiente:

- ☐ Su privilegio para conducir se encuentra actualmente suspendido o revocado.
- ☐ Usted debe tener un dispositivo de bloqueo de encendido en todo vehículo que conduzca, pero no hay ningún registro de instalación documentado en el Departamento de Licencias (DOL).

Si desea hacer alguna pregunta en relación con este tema, comuníquese con:

3000-136-028 (R 1/14)

Sample WSP IIP two sided door hanger with English on one side and Spanish on the other.

Chapter Six Standardized Reporting Process

All manufacturers within a jurisdiction should be required to report ignition interlock data in a consistent and uniform format as defined by the DMV. It is also important for jurisdictions to establish the frequency for this data to be provided.

Standardized Reporting

General reporting standards should be developed by jurisdictions detailing events of the ignition interlock performance activity. The reports submitted to jurisdictions from the ignition interlock manufacturers should be complete with information necessary to determine compliance and should be consistent from jurisdiction to jurisdiction and manufacturer to manufacturer. Reports should be delivered by service providers to the monitoring authority using the approved format.

Electronic versus Paper Reporting

There are two basic electronic reporting models. One involves a jurisdiction's use of a manufacturer-hosted data portal that provides access to participant information, 24 hours a day, on a near-real-time basis. In this model, the information is formatted by the manufacturer and will vary among manufacturers. The other model involves the manufacturer's download of ignition interlock data into a single jurisdiction-operated database system. In this model, the jurisdiction must format the data for display in a uniform manner among all manufacturers operating in that jurisdiction.

A paper reporting system is not recommended. However, if this is the model used, it is important that the jurisdiction clearly defines the format and types of data that it requires manufacturers to provide. This should include clear requirements for the provision of installation, monitoring, and removal documentation required by the jurisdiction.

Standardization of Reporting Requirements

The types of reports that jurisdictions require vary widely in type and application. Ignition interlock devices can provide almost any type of data. Standardization within the jurisdiction is a best practice, and at a minimum, it should define the standard report it receives on a regular basis for each ignition interlock participant. The report should capture the date each participant appeared for service of the ignition interlock device, all failed breath tests and the BAC level, bypasses, failure to take retests, circumvention or tampering of the ignition interlock device, failure to report for servicing, and any additional information required by the jurisdiction.

Installation Report

Installation reports should be provided within 24 hours of the installation. Installation reports should include:

- Manufacturer information
  - Name of manufacturer
  - Name and address of provider
- Participant information
  - Name
  - Date of birth
  - Residence address
  - Driver's license number and jurisdiction

- Installation information
  - Date of installation
  - Name of installation company (and location)
  - Name of installation technician (and certification number, if applicable)
  - Device manufacturer and model
  - Device identification information (handset serial number, relay serial number, and camera serial number)
  - Vehicle on which ignition interlock is installed
    - Make
    - Model
    - Year
    - Vehicle Identification Number
    - License plate number and jurisdiction
    - Odometer reading at time of installation
    - Jurisdiction requiring the ignition interlock

Regular Service Report

This report is designed to assist the ignition interlock monitoring agency in the official review and determination of administrative action or presentation of violation information to the court or other monitoring body for appropriate action. The events that are considered violations should be highlighted for greater ease in reviewing the reports. Service reports should be provided within 24 hours of performing service and calibration of the ignition interlock device and should include the date and time of the calibration.

- Any use or attempted use of the vehicle or the ignition interlock
- Alcohol concentration of each breath sample provided
- Any BAC reading greater than 0.00 for each vehicle start, attempted start, and required retest
- Any failure to provide required or retest samples
- Any lockout or early recall (violation reset)
- Any attempt to tamper, alter, circumvent, override, or bypass the ignition interlock
- Any malfunction of the ignition interlock and any interruption in ignition interlock memory
- Any emergency bypass allowed
- Any change out of the device (handset or control box) and reason for the change out
- Date of next scheduled monitoring visit
- Number of engine starts during reporting period
- Number of violations
- Odometer reading at time of service

Removal (Uninstall) Report

Removal reports should be provided within 24 hours of removal of the ignition interlock device and should include:

- Date and time of removal
- Location of removal
- Technician's name
- Odometer reading at time of removal

Manufacturer Reports

Manufacturer reports should be provided in intervals prescribed by the jurisdiction to the monitoring agency and should include:

- Total number of new referrals
- Total number of participating users
- All installations during the period covered
- Number of calibrations performed during the period
- All cases that qualified for affordability program

- Number of cases in which misuse, abuse, tampering, or attempts to tamper with the ignition interlock device occurred
- Any device failure caused by a material defect or improper installation, including device model, version, and serial numbers
- A summary of all complaints received and corrective action taken
- Electronic data transmission errors, including any data submitted that do not match the required field format or description resulting in an error and the specific reason for the error
- Number of emergency bypasses
- Notification of device model if it has been decertified in another jurisdiction

Chapter Seven Reciprocity

AAMVA has long supported the concept of one driver, one driver's license and one driving record. There are two driver's license agreements among the states, the Driver License Compact (DLC) and the Nonresident Violator Compact (NRVC). The DLC was a major step necessary to maximize law enforcement efforts against drunk drivers and other serious traffic offenders. Serious offenses such as drunk driving, vehicle manslaughter, and reckless driving are no less serious when committed in some other jurisdiction than when committed in the driver's home jurisdiction.

The DLC was created to provide uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process. Uniformity should ease administrative costs consistent with the concept that forms the basic tenet with the agreement that each driver, nationwide, has only one driver's license and one driver control record.

The purpose of the NRVC is to standardize methods utilized by the various jurisdictions to process non-resident violators receiving citations, and their failure to appear or otherwise failure to comply with outstanding moving violations. This compact allows participating jurisdictions to communicate when a resident of one jurisdiction does not comply with the citation's terms in another jurisdiction. Once the administrator from the resident's home jurisdiction receives notice of citation noncompliance, the procedure for license suspension is initiated.

The intention of these reciprocity agreements are to allow states to:

a. Receive information about a moving violation from other jurisdiction when it occurs by a nonresident driver.
b. Transfer the driving record to the new jurisdiction when a driver moves from one jurisdiction to another.
c. Ensure suspensions and revocations remain in effect when moving to a new jurisdiction.
d. Ensure the driver clears any fines or fees due to the former jurisdiction before the driver receives his or her new license when moving to another state.
e. Allow the driver's jurisdiction to enforce the applicable laws for a citation or conviction according to the laws of the driver's state of record.

It was never the intention of the agreement to enforce sanctions on a nonresident driver but rather to allow the driver's jurisdiction to apply its applicable sanctions to its own citizens. In most circumstances, the nonresident driver would receive a citation, and, if convicted, the moving violations would be reported to the driver's state of record. The state where the violation occur relies on the driver's home state to take appropriate action according to its own laws (i.e., driver improvement classes, points, and license suspensions), which may not have been applicable to the law where the violation occurred. The courts do not suspend or revoke the license privilege. The authority to revoke or suspend a driver privilege is given to the executive branch through legislation. In most cases, this applies only to its citizens. There are

occasions when a jurisdiction permits driving when suspended in another state or suspends only within its borders, but these are rare occasions under very stringent circumstances.

The jurisdiction can always fine and incarcerate the nonresident violator in accordance with its own laws, but in cases when the driver is a nonresident, administrative sanction on a driver's license should be conducted within the driver's own state. Therefore, if a nonresident driver is convicted of an alcohol-impaired violation or sanctioned through administrative per se, that information should be provided to the driver's state of record, where it will apply its own law to that driver without regard to the laws where the violation took place.

Regarding ignition interlock, if the state convicts a nonresident of an alcohol-related violation, that information should be forwarded to the driver's state of record where the laws concerning ignition interlock will be applied as appropriate.

Ignition interlock reciprocity would allow for the transfer or acceptance of a conviction and resulting ignition interlock requirement from another jurisdiction. Jurisdictions face challenges when determining whether to enter into a reciprocal agreement and should establish open communication to develop effective reciprocity protocols.

In an attempt to enable reciprocal cooperation between jurisdictions, the following practices are recommended.

Moving to Another Jurisdiction

Upon application of a driver's license in a new jurisdiction, if a check of the Problem Driver Pointer System (PDPS) or the new jurisdiction is otherwise made aware of an ignition interlock restriction, the new jurisdiction may refuse to issue a driver's license until the conditions of their jurisdiction are met. The driver would now be subjected to the new state's interlock requirements.

Upon application for a driver's license in the new state, the former jurisdiction would relinquish its restriction and requirements and release the driver from its program for acceptance in the new state's program. The former jurisdiction should transfer the driver control records to the new jurisdiction in accordance with change of state record process (to contain all the sanctions and convictions)

If there is an existing ignition interlock device installed in the vehicle, the new state must receive confirmation the equipment is provided by an acceptable manufacturer for monitoring.

If there is no existing ignition interlock device installed, the participant must follow all installation and program requirements for the new state.

It is recommended that all potential participant contact the new state to ensure the participant is aware of all the requirements in each specific state that are to be met before initiating the application process.

Nonresident Violations

When an alcohol violation or conviction is received, any points and sanctions required by the driver's jurisdiction laws are applicable and should be applied to the driver's license in accordance with the customary and normal process for nonresident moving violations. States may want to ensure that there are no provisions in their law or administrative code that prohibit ignition interlock program assignment for individuals with DUI convictions in other states.

Chapter Eight Outreach and Communication

This chapter addresses the importance of effective outreach and communication to key stakeholders and to gain the public acceptance needed for a successful ignition interlock program. Following are talking points suggested for some of those key stakeholder groups.

Legislative Outreach

When engaging legislators and their staffs, time is usually limited. AAMVA recommends that an educational brochure be developed that can be left with them that enumerates the problem and how ignition interlocks are part of the solution.

In addition, the literature should describe that ignition interlock devices not only protect the public from alcohol-impaired drivers, but it also allows offenders to continue to drive to and from work and elsewhere, provided that they drive sober.

Judicial Outreach and Education

The use of ignition interlock by courts provides substantial benefits to judges. The lack of adequate transportation is a significant barrier that repeat DUI offenders must overcome when seeking to comply with a judge's orders of probation. Because repeat DUI offenders typically have no driving privileges, it is frequently very difficult for them to get to court-ordered treatment, alcohol and drug testing, and court and probation appearances; to maintain employment; and to perform community service.

These problems are overcome when repeat DUI offenders receive driving privileges resulting from having placed ignition interlock devices on their vehicles. Resolving these transportation problems can increase the likelihood that probationers can successfully complete their probation programs and continue to work while having assurance that they are not endangering the public by continuing to drive under the influence of alcohol.

Training

Most judges have little information on ignition interlock devices and how they can be effectively used. Lawyers being elevated to the bench come from a variety of backgrounds. Those who have not practiced criminal law are not likely to be familiar with highway safety issues or to have significant knowledge of ignition interlock devices and how they can be used in DUI cases.

The more familiar judges are with ignition interlock devices, their reliability and validity, and how they can help promote highway safety, the more likely it is that they may order their use.

States generally require some type of ongoing judicial education as a means of keeping judges current on emerging issues in the law. These trainings are frequently provided through annual judicial conferences. The administrative offices of the courts also frequently sponsor one-day trainings using distance learning technology as well as face-to-face sessions during which single topics are covered for the benefit of targeted groups of judges. Both the annual judicial conferences and the single topic trainings offer good opportunities for training judges in the advantages of using ignition interlock devices.

Another important point of emphasis is encouraging the judiciary to communicate and coordinate as appropriate with their DMV administration.

Finally, the training of probation officers in the use of ignition interlock should not be overlooked. Most jurisdictions require probation officers to log a certain number of hours of training to maintain their certifications. This training requirement provides an excellent opportunity to educate criminal justice stakeholders in the advantages of utilization of ignition interlock devices

Law Enforcement Outreach and Education

The AAMVA Ignition Interlock Best Practices Working Group produced a law enforcement roll-call style training video to assist law enforcement officers with roadside identification of interlocks devices, when they have been circumvented, and the driver's license restrictions they may encounter.

One of the primary weaknesses of any ignition interlock program is lack of compliance enforcement. If law enforcement officers at all levels within a jurisdiction are educated, they can enhance compliance with their jurisdiction's ignition interlock program requirements. Outreach to and education of law enforcement partners is critical to the success for any ignition interlock program.

Public Outreach

It is important for the pubic to understand that Ignition interlock technology prevents alcohol-impaired driving by DWI offenders, resulting in increased public safety for all motorists, including the offender. Frequently, the public's first reaction is to suspend or revoke an offender's driver's license. However, research shows that an ignition interlock restriction program is an effective measure in reducing impaired driving recidivism, and an ignition interlock restriction is a more effective countermeasure.

When a DWI offender installs an ignition interlock, the offender regains legal driving status, either through provisional or full licensure. The DMV may sanction the driver to the original ALR/S if the participant violates the conditions of the program. Restricted driving status enables offenders to maintain employment, complete substance abuse treatment, and take care of familial and court-ordered responsibilities that require driving. This is particularly important in rural areas where offenders may not have access to public transportation alternatives. Interlocks are an extremely cost-effective measure in reducing alcohol-related crashes. When one considers the steep costs associated with impaired driving in the form of loss of life, loss of productivity, healthcare, court and corrections, and so on, investment in a life-saving strategy offers great returns.

Offender Outreach

Outreach to offenders should include, at a minimum, an explanation of the state's ignition interlock program requirements, costs, a list of approved manufacturers, and an explanation of the benefits of participating in the ignition interlock program.

Installation of an ignition interlock device may help offenders maintain their insurance. Some jurisdictions have a financial assistance fund for qualifying offenders that helps offenders who cannot afford participation. All drivers eligible to should be enrolled in the program regardless of the affordability or ownership of a vehicle. Only the time the device is installed should count toward their restriction removal.

Jurisdictions should also have FAQs on their website or included in a brochure, which may be provided to those who are required to have ignition interlock devices installed.

Drinking and driving is a serious national public health and safety issue.

According to the National Highway Safety Administration, three out of every five Americans will be involved in an alcohol-related crash at some time in their lives.

The Ignition Interlock is a tool to assist health and law enforcement agencies to minimize drunk driving.

Ignition Interlock Service Providers:

Smart Start
1-800-880-3394

Draeger Interlock
1-800-332-6858

Life Safer
1-800-374-5760

Guardian Interlock
1-800-499-0994

Alcohol Detection Systems (ADS)
1-888-StopDUI

Contact a service provider for a location near you.

The MVA website, **www.MVA.Maryland.gov**, contains answers to many frequently asked questions and is a good source of information. Type ignition interlock into the search bar and select "Ignition Interlock Program." Select the appropriate topic from the list.

For Maryland Motor Vehicle Administration Information:

410-768-7000 (to speak with a customer service representative)
1-800-492-4575 TTY for the Hearing Impaired
Or visit: **www.MVA.Maryland.gov**

MVA Motor Vehicle Administration
Committed to safety, service and you!

6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062

Maryland Department of Transportation

DC-172 (05-15)

Ignition Interlock Program

Maryland Motor Vehicle Administration

Important Information for Participants. Please read carefully.

MVA Motor Vehicle Administration

What is Ignition Interlock?

An ignition interlock is a device that connects a motor vehicle's ignition system to a breath analyzer that measures a driver's breath alcohol concentration (BAC) and prevents a motor vehicle from starting if the driver's breath alcohol level exceeds a predetermined setting on the device. After starting the car, random retests are required to be certain the driver has not consumed alcohol.

Maryland Vehicle Law and the Code of Maryland Rules and Regulations establish the standard for certification, installation, repair and removal of interlock devices, and establish eligibility requirements for participants and standards for service providers.

Referrals

Drivers are referred to the program by District Courts, Administrative Law Judges, Driver Wellness and Safety and the Medical Advisory Board of the MVA, and requirements specified in Maryland Vehicle Law. In some cases a driver can request to participate in the interlock program in lieu of a suspension period or a revocation.

Fees

The client pays an Ignition Interlock Vendor for installation of the device and monthly servicing fees.

An Interlock Participation Fee will be due when obtaining an interlock restricted license. See MVA website for fee listing.

Maryland's Program

Maryland's approach to managing the Interlock Program includes driver monitoring and regulation of the manufacturer/service providers.

Driver Monitoring

The MVA oversees drivers referred to the Ignition Interlock Program. Drivers are required to report to a service provider every 30 days to have the device calibrated and the data downloaded. Failure to report can result in removal from the program and suspension or revocation of your driver's license.

The data logger records every transaction, along with the date, time and detail of any violation. This information is reported to the MVA. Any indication of a BAC of .026 or higher, a bypass attempt or other indication of non-compliance is a violation of the program.

For each month in which there is one or more infraction, the participant's required participation in the program will be extended by 30 days, up to three extensions. The MVA shall remove any participant who is in violation of program requirements during more than three monthly monitoring cycles, and the original suspension or revocation will be imposed.

If a driver is removed from the program due to violations, he may re-enter the program for the entire originally assigned time, after a minimum suspension period of 30 days.

Service Providers

Service providers will install, service and calibrate Ignition Interlock Systems. They will also provide training for interlock users.

Service providers must install a device for eligible participants within 10 days of the request, and provide a toll-free 24-hour emergency response number for all participants.

Service centers may be found within a reasonable distance from the participant's home or work. The MVA conducts random quality assurance visits to ensure compliance.

If the service provider needs additional information from you in order to comply with MVA regulations, you may be contacted at home or work. It is necessary for you to respond as soon as you are called in order to remain an active, eligible participant.

Alcohol Based Products and Medications

Some every day items contain small amounts of alcohol and may cause the system to record a violation. Your service provider will instruct you regarding ignition interlock failures and what you can do to avoid them. But, it is your responsibility to make sure that each time you are preparing to start your car, you have not eaten or used any product that contained alcohol. The participant is responsible for all violations of the system.

Appendix A Model Ignition Interlock Program Legislation

Introduction

The following model legislation can be used in jurisdictions seeking model enabling legislation for an ignition interlock requirement. It can also be used by jurisdictions looking to amend current law to improve their ignition interlock programs.

Particular attention should be paid to Section 3, where the terms "shall" and "may" are inserted.

The term "shall" is used if it is the intention of the jurisdiction to require ignition interlocks for "all offenders." If the jurisdiction intends to have a different trigger (e.g., a second offense, high BAC), then the more specific intended language should be inserted.

Jurisdictions may also want to include a provision allowing the director to exclude or exempt certain applicants from the ignition interlock requirement. Examples include, but are not limited, to employer vehicles, medical condition, and so on.

Legislation Summary

This bill provides for an ignition interlock requirement for a person who is arrested, charged, convicted, or pleads guilty or *nolo contendere* to any offense involving the operation of a motor vehicle while impaired by alcohol.

{Title, enacting clause, etc.}

Section 1. {Short Title} This act may be cited as the Ignition Interlock Device Act

Section 2. {Definitions}

1. "Ignition Interlock Device" means a device that:
   a. Connects a motor vehicle ignition system to a breath analyzer that indirectly measures a driver's breath alcohol level; and
   b. Prevents a motor vehicle from starting if a driver's breath alcohol level exceeds the calibrated setting on the device.
2. "Certified Ignition Interlock Device" and "Certified Provider" mean such devices and providers as are certified by the [Administration / Department of Motor Vehicles] pursuant to [specific jurisdiction regulation]

Section 3. {Main Provisions}

1. Upon arrest, charging, conviction, a guilty plea, or a plea of nolo contendere to any offense involving the operation of a motor vehicle while impaired by alcohol, or other administrative action, the Director of the Department of Motor Vehicles shall [or may] require a person to equip any motor vehicle that the person operates with an ignition interlock device, only operate vehicles equipped with an ignition interlock device, and fully comply with the [Administration's / Department of Motor Vehicle's] ignition interlock program for:
   a. Not less than six continuous months for a first offense;
   b. Not less than twelve continuous months for a second;
   c. Not less than twenty-four continuous months for a third or subsequent offense.

2. If a state certified ignition interlock provider is not available within 100 miles of the person's residence the Director shall require the person to participate in a 24-7 sobriety program.

3. The Director may authorize removal of the ignition interlock device after the minimum time provided that the person whose vehicle was equipped with the device fully complies with all laws, regulations, and program requirements enacted under this Act (compliance-based removal). A person who fails to comply with any law, regulation, or program requirement shall not be credited with any time toward the requirement under subsection (1) prior to the failure to comply and must fully comply for the period of time required in subsection (1) before removal is authorized, unless the Director determines that the person should be terminated from the program, and any original sanction(s) shall be applied.

4. The Director shall:

    a. Determine the minimum period of time that the person must use an Approved Ignition Interlock Device as indicated under paragraph (1) of this Section;
    b. Direct that the records of the [Administration / Department of Motor Vehicles] reflect that the person may only operate a motor vehicle that is equipped with an Approved Ignition Interlock Device.
    c. Direct the [Administration / Department of Motor Vehicles] to note in an appropriate manner a restriction on the person's license imposed under this Section;
    d. Require proof of the installation of an Approved Ignition Interlock Device and regular reporting by the person as required under the contracted services for verification of the proper operation of the device;
    e. Require the certified provider to notify the Department if a person fails to comply with any requirement for maintenance or calibration of the ignition interlock device.
    f. Require the certified provider to provide each year an annual report to the department with information as required by the department.
    g. Require the person to have the Approved Ignition Interlock Device monitored for proper use and accuracy by an entity approved by the [Administration / Department of Motor Vehicles] within 30 days of installation and every 60 days thereafter, or more frequently as the circumstances may require; and
    h. Require the person to pay the cost of leasing or buying, monitoring, and maintaining an Ignition Interlock Device.
    i. Require a person be issued an ignition interlock restricted driver's license and any other restriction(s) deemed necessary.

Section 4. {Violation Clause}

1. It is a violation of this act for any person, unless authorized by the court or the [Administration / Department of Motor Vehicles], to:

    a. Remove, disable, deactivate, bypass, circumvent or tamper with the ignition interlock device;
    b. Attempt to remove, disable, deactivate, bypass, circumvent or tamper with the ignition interlock device.

2. It is a violation of this act for any person ordered into the ignition interlock program to:

    a. Fail to report for periodic calibration and servicing of the ignition interlock device;
    b. Provide fraudulent breath samples;
    c. Operate any vehicle not equipped with an ignition interlock device.

3. In addition to any other civil or criminal penalty, any person who violates subsection (1) or (2) shall be subject to, as deemed appropriate by the Director:

    a. A fine not to exceed $1,000; or
    b. Suspension or revocation of the wrongdoer's license.

Section 5. {Severability Clause}

If a provision of this Act is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect:

1. The validity or enforceability in that jurisdiction of any other provision of this Act; or
2. The validity or enforceability in other jurisdictions of that or any other provision of this Act.

Section 6. {Establishment/Implementation Clause}

The [Administration / Department of Motor Vehicles] shall establish an Ignition Interlock Program and promulgate regulations to implement the provisions of this Act, including alcohol education and treatment components.

Section 7. {Repealer Clause}

The Act repeals previously enacted statutes and regulations to the extent that they are in conflict with any section of this Act and any regulations promulgated hereunder. The previously enacted inconsistent statutes and regulations shall be repealed only to the extent of the conflict with this Act and the regulations promulgated hereunder.

Section 8. {Effective Date}

The sections of this Act shall be in full force and effect on and after [DATE].

Appendix B AAMVA–AIIPA Joint Ignition Interlock Program Survey

In August 2014, AAMVA sent a BAIID survey to the members of both the AAMVA and the AIIPA. In the membership merge process, some AIIPA members may have been omitted for insufficient information.

Only the survey questions are included in this appendix. To view the compilation of survey results, go to http://www.aamva.org/Survey/User/SurveyDefault.aspx.

Breath Alcohol Ignition Interlock Device Program Survey

Question 1. What triggers your jurisdiction's BAIID requirement? (check both ***if*** both apply):

- ❑ Administrative Action
- ❑ Criminal Conviction/Court Action

Question 2. Is the BAIID required for a specific period of time regardless of compliance, or is removal of the restriction compliance based, *e.g. after 6-consecutive months with no breath test failures with the six month clock restarting if/whenever there is a test failure?*

- ❑ BAIID restriction for a specified period of time (if checked, indicate number of months on the following line)
  _____ Months
- ❑ BAIID restriction is compliance based (if checked, indicate number of months on the following line)
  _____ Consecutive months of required compliance

Question 3. Many BAIID devices are available with cameras to deter and detect circumvention attempts. Please indicate the level of BAIID cameras in your jurisdiction:

- ❑ Mandatory – ALL BAIIDS used in our jurisdiction must have a camera
- ❑ Optional – Cameras are available, but not required
- ❑ Other (please comment) _____
  _____

Question 4. Does your jurisdiction have an ignition interlock law that provides for the issuance of an Ignition Interlock Driver's License (IIDL) (a driver's license with an ignition interlock requirement or restriction)?

- ❑ Yes
  If Yes, effective date _____
- ❑ No

Question 5. If your jurisdiction requires a BAIID restriction under any circumstance, how does the restriction appear – front or back of the driver's license?

- ❑ Spelled out on front
- ❑ Spelled out on back

- ❑ Alpha or Numeric code on front
- ❑ Alpha or Numeric code on back

- ❑ Other, i.e., accompanying letter, etc. (please comment) _____

_____

Question 6. If your jurisdiction has an IIDL and/or BAIID requirement, is there a mandatory period of suspension prior to issuance of an Ignition Interlock Driver's License (IIDL), or is the IIDL made available immediately?

- ❑ Yes, IIDL made available immediately for:

  DUI 1st offenses, after suspension period of _____ months
  DUI 2nd offenses after suspension period of _____ months
  DUI 3rd/subsequent offenses after suspension period of _____ months

- ❑ Yes, IIDL made available immediately for:

  ___ DUI 1st offenses
  ___ DUI 2nd offenses
  ___ DUI 3rd/subsequent offenses

Question 7. Does your jurisdiction have an alcohol abstinence policy during the time of their sanction?

- ❑ Yes (please explain)_____
- ❑ No

Question 8. What is the BAIID fail point in your Jurisdiction? (i.e., .020; .025, etc.).

_____ Fail Point; OR

- ❑ Variable fail point established by court (check if this applies)

Question 9a. Does your jurisdiction regulate enrollee program cost?

- ❑ Yes

  _____ Installation cost
  _____ Monthly fee
  _____ Other (please provide amount to left/explain to right) _____

- ❑ No – Program costs established by BAIID provider

Question 9b. Some offenders claim they do not comply with their BAIID installation requirement because of cost. Does your jurisdiction have an indigence fund to assist legitimately indigent offenders?

- ❑ Yes (please explain)_____
- ❑ No

Question 10. Does your jurisdiction allow BAIID exemptions/waivers? (i.e., employer, medical, etc.)

- ❑ Yes (please explain)_____

Question 11. We can all agree quality of decisions are usually tied to availability of quality data. In that context, what cross-jurisdiction data would you like to receive today that is currently unavailable to you?

Appendix C AIIPA Best Practices and Standardized Vocabulary

The AIIPA Best Practices and Standardized Vocabulary document is 12 pages long. Only the standardized vocabulary portion of that document is contained in this appendix. To view the entire document, go to www.aiipa.org.

AIIPA recognizes that many states have more than just one BAIID manufacturer approved for use. Each company has a list of terms that although meaning the same thing, are labeled differently. This can lead to confusion for program personnel. In October 2013, the AIIPA invited representatives from all BAIID manufacturers to a meeting to discuss the creation of a standardized vocabulary.

The following is a list of terms AIIPA recommends be adopted and used by all states.

Accepted breath sample**	A breath sample fulfilling set requirements for volume, flow, exhalation time, and other human breath sample characteristics. *Note: The acceptance of a breath sample is independent from the alcohol concentration*
Accuracy	The confirmation of a device's calibration
Alcohol*	Ethanol or ethyl alcohol (C_2H_5OH)
Alcohol set point*	Breath alcohol concentration (BrAC) at which a BAIID is set to prevent a vehicle from starting
Blocking state**	State in which the BAIID inhibits the starting or operation of the vehicle
Breath alcohol concentration (BrAC)*	The amount of alcohol in a given amount of breath, expressed in weight per volume (w/v) based on grams of alcohol per 210 liters (L) of breath
Breath alcohol ignition interlock device (BAIID)*	A device that is designed to allow a driver to start a vehicle if the driver's BrAC is below the set point and to prevent the driver from starting the vehicle if the driver's BrAC is at or above the set point. *Note: This device is commonly referred to as an alcohol interlock or BAIID.*
Breath sample*	Normal expired human breath primarily containing air from the deep lung
Breath test**	Providing a breath sample to a BAIID
Calibration	The process of testing and adjusting a device to ensure accuracy by using a wet bath device or dry gas standard as defined by the current NHTSA Model Specifications for Calibration Units

*Definitions standardized by the NHTSA
**Definitions standardized by the European Committee for Electrotechnical Standardization

Calibration interval**	The time period between calibrations during which the BAIID fulfills the stability requirements for the measurement of the breath alcohol concentration
Calibration stability*	The ability of a BAIID to hold its accuracy and precision over a defined time period
Circumvention	To bypass the correct operation of a BAIID by starting the vehicle, by any means, without first providing a breath test. *Note: Commonly referred to as bypass, illegal start, or untested engine run.*
Configuration profile	The manufacturer or manufacturer representative's declaration regarding the setting of programmable features of the BAIID
Confirmatory test	A breath test in response to circumvention
Filtered air sample*	Any human breath sample that has intentionally been altered so as to remove alcohol from it
Initial test**	A breath test provided before the vehicle is started
Input voltage	The voltage obtained from the electric power source of the vehicle for operation of the BAIID
Instrument modification	The act or instance of altering any aspect of a BAIID model
Interlock data logger*	A device within a BAIID that records all events, dates, and times during the period of installation and use of a BAIID. *Note: This includes all components of the BAIID: handset, relay, camera, and so on.*
Manufacturer**	A person or organization responsible for the design, construction, or production of a BAIID
Manufacturer representative	An individual designated by the manufacturer as a contact for the program administrator in a state or jurisdiction
Mouthpiece**	A part through which the breath sample is delivered into the BAIID
Not-blocking state**	State in which the vehicle can be started
Override lockout	Method of overriding a lockout condition by providing a breath sample
Override start	Method of starting a vehicle without providing a breath sample
Permanent lockout	A condition in which the device will not accept a breath test until serviced as defined by the state or jurisdiction
Ready for test**	Indication that the operating parameters of the BAIID are met

*Definitions standardized by the NHTSA
**Definitions standardized by the European Committee for Electrotechnical Standardization

Recall	Response of the BAIID caused by a service requirement of the device or an action of the driver hat requires service of the BAIID or downloading of the data memory
Residual mouth alcohol	Alcohol found in the oral cavity that dissipates over a short period of time. *Note: Commonly referred to as a false positive*
Restart period**	The time interval after the car is switched off during which the vehicle may be started again without the delivery of another breath test. Note: Commonly known as stall protection.
Retest*	A breath test that is required after the initial engine start-up breath test and while the engine is running. *Note: Commonly referred to as a rolling, random, or running retest.*
Service interval*	The time period established by the state or jurisdiction that a BAIID may be used without maintenance or data download. If the device is not serviced within this period, warnings are provided, and the device will prevent further operation.
Service center provider	The entity designated by the manufacturer to provide services to include, but not be limited to, installation, monitoring, maintenance, and removal of the BAIID
Service reminder**	Notice by the BAIID to remind the driver of a service requirement
Simulator*	A device that produces an alcohol-in-air test sample of known concentration (e.g., a breath alcohol sampling simulator [BASS]) or a device that meets the NHTSA Model Specifications for Calibration Units (72 FR 34742)
Start period**	The time interval after an accepted breath sample with an alcohol concentration below the breath alcohol concentration limit has been delivered, during which the vehicle may be started
Tampering*	An attempt to physically disable, disconnect, adjust, or otherwise alter the proper operation of a BAIID
Technician	An individual authorized and trained to perform services related to the BAIID
Temporary lockout	A condition in which the device will not accept a breath test for a set amount of time as defined by the state or jurisdiction
Vendor	An entity designated by the manufacturer to conduct business on behalf of the manufacturer in a state or jurisdiction
Violation	Noncompliance with a law, regulation, or rule as defined by a state or jurisdiction
Violation reset	A feature of the device in which a service reminder is activated in response to a violation

*Definitions standardized by the NHTSA
**Definitions standardized by the European Committee for Electrotechnical Standardization

Appendix D NHTSA Model Specifications: Breath Alcohol Ignition Interlock Devices

The NHTSA, Department of Transportation, issued revised Model Specifications for BAIIDs on May 8, 2013 (with an effective date of May 8, 2014). This 13-page document includes a list of terms intended for the use in conformance testing of BAIIDs. Ignition Interlock program administrators overseeing testing or retesting devices for certification should require an independent laboratory report be provided that includes assurance that these model specifications were complied with.

These NHTSA Ignition Interlock Model Specifications can be found at http://www.gpo.gov/fdsys/pkg/FR-2013-05-08/html/2013-10940.htm.

A PDF of this document can also be found at www.aiipa.org.

Appendix E NHTSA Model Guidelines for State Ignition Interlock Programs

National Highway Traffic Safety Administration. (2013, December). *Model Guideline for State Ignition Interlock Programs*. (Report No. DOT HS 811 859).

View the NHTSA Model Guidelines for State Ignition Interlock Programs at Model Guideline for State Ignition Interlock Programs.

Appendix F Research and References

The AAMVA's Ignition Interlock Working Group reached out to several governmental and nonprofit entities that conduct or evaluate research for their recommendations on the most relevant research available for this document. The table below provides the result of that outreach.

Agency or Entity Name	Research Citation Recommended
United States Government Accountability Office (GAO)	*Alcohol Ignition Interlocks Are Effective While Installed; Less Is Known about How to Increase Installation Rates* Published by GAO (2014)
Abstract The GAO reviewed 25 studies analyzing relationships between ignition interlocks and DUI arrests and crashes.	
Insurance Institute for Highway Safety (IIHS) and Preusser Research Group	*Washington State's Alcohol Ignition Interlock Law: Effects on Recidivism Among First-Time DUI Offenders* Published by IIHS (2012). McCartt, Leaf, Farmer, and Eichelberger
Abstract Mandating interlock orders for all first DUI convictions was associated with reductions in recidivism, even with low interlock use rates, and reductions in crashes.	
National Transportation Research Board (NTSB)	*Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving* NTSB Safety Report #NTSB/SR-13/01 Published by NTSB (2013)
Abstract This safety report represents the culmination of a year-long NTSB effort focused on the problem of substance-impaired driving. Specifically, in the report, the NTSB makes the recommendation for expanded use of in-vehicle (Ignition interlock) devices to prevent operation by an impaired driver.	
Pacific Institute for Research and Evaluation (PIRE) and Transportation Research Board (TRB)	*References to selected interlock publications* Published by PIRE (2014)
Abstract There have been more than 50 publications since 1990 on ignition interlock research. The 12 papers outlined here provide the most comprehensive assessments of the effectiveness of interlocks based on meta-analyses of the existing evaluation studies.	

All of the aforementioned papers can be found on the AAMVA's website under the Research & Resources tab on the Ignition Interlock Working Group landing page at http://www.aamva.org/Ignition-Interlock-Working-Group/.

Additional References

Elder, R. W., Voas, R., Beirness, D., et al; Task Force on Community Preventive Services. (2011). Effectiveness of ignition interlocks for preventing alcohol-impaired driving and alcohol-related-crashes: A community guide systematic review. *American Journal of Preventive Medicine, 40*(3), 362–376.

National Center for DWI Courts. (2010, June). *Ignition Interlock Device Guidelines for DWI Courts*. National Association of Drug Court Professionals, Alexandria, VA.

Roberson, R. (2010, November). *Alcohol Interlock Programs: Summary of Technical Assistance Findings*. Traffic Injury Research Foundation.

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