

Administrative DWI Driver License Sanctions



Driver's License DWI Administrative Sanction Initiative

- Comprehensive review of DWI administrative license sanctions
- Project Goal – Recommend effective sanctions that:
 - > Reduce alcohol-related fatalities
 - > Increase legal driving
- Two year project that included nearly 70 multi-disciplinary members
- Encourage use of effective technology
 - > Ignition Interlock

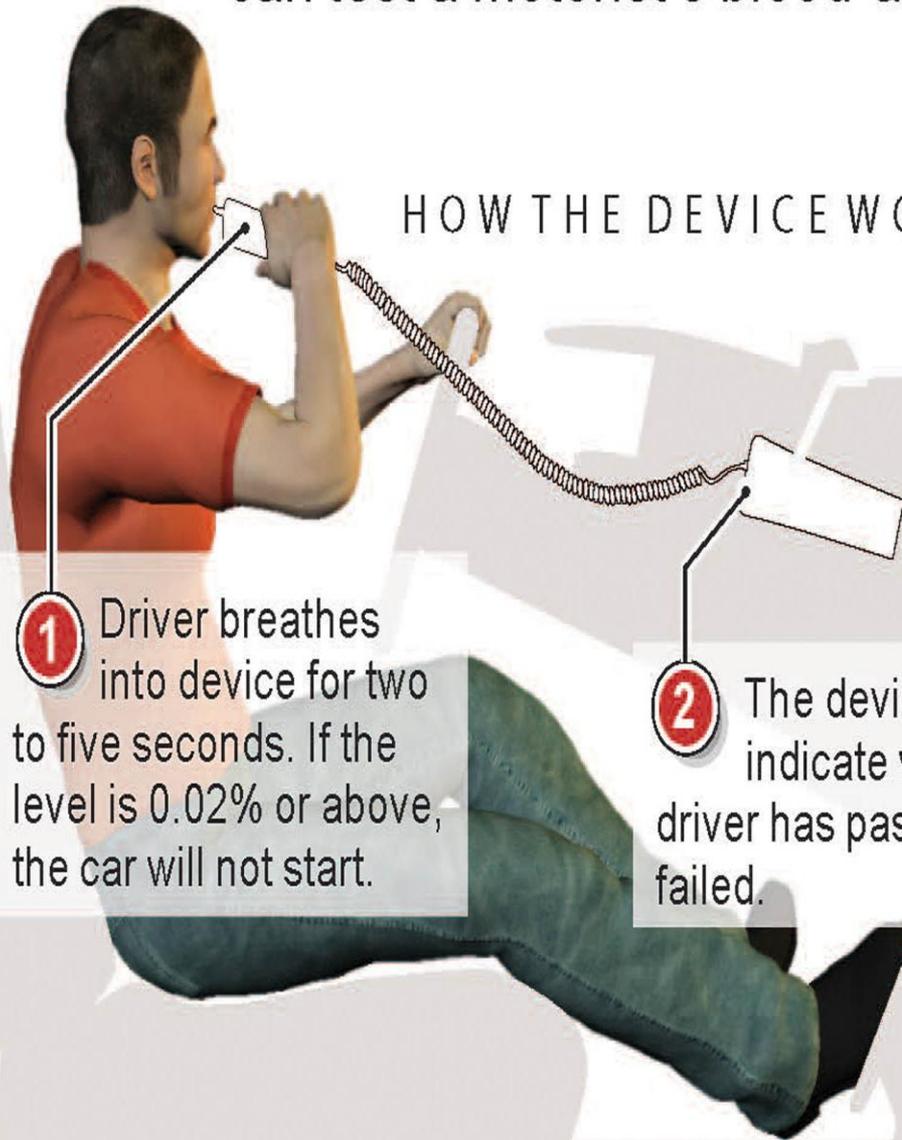
Ignition interlock



A Breath testing device that does not allow a drinking driver to start their car!

An ignition interlock device connected to a car's electrical system can test a motorist's blood-alcohol content level before driving.

HOW THE DEVICE WORKS



1 Driver breathes into device for two to five seconds. If the level is 0.02% or above, the car will not start.

2 The device will indicate whether driver has passed or failed.

WHILE ON THE ROAD

- A driver must retake the test at random intervals. If the driver flunks the test and the device registers a "fail," the device will ask the user to take the vehicle in for early calibration.

MONITORING RESULTS

Every month, data from the device is monitored to see:

- Whether and when the driver committed violations.
- Whether the system was tampered with or disconnected.

Program Benefits and Limitations

What does research tell us?

○ Benefits

- > Reduces DWI recidivism on **average 64%** while installed
- > Reduces the economic impact of impaired driving by \$3 -\$7 for every \$1 spent
- > Provides a pathway for legal driving

○ Limitations

- > Does not have long term effect on reducing DWI re-offense
- > Should be coupled with effective behavior changing program
- > Low participation rates

MONEY QUESTION

Program Fees

- > \$95.00 installation
- > \$100.00 per month calibration
- > \$50.00 removal

Reduced Fees

- > \$25.00 installation
- > \$40.00 per month calibration
- > \$25.00 removal



Key Features of Ignition Interlock Devices used in Minnesota

- Six devices have been certified
- Rolling retests are required
- Lockout is set at 0.02 AC level
- Required monthly calibration
- Two failures for alcohol detection will result in early recall
- Cameras
- Location within a 50 mile of nearly all participants

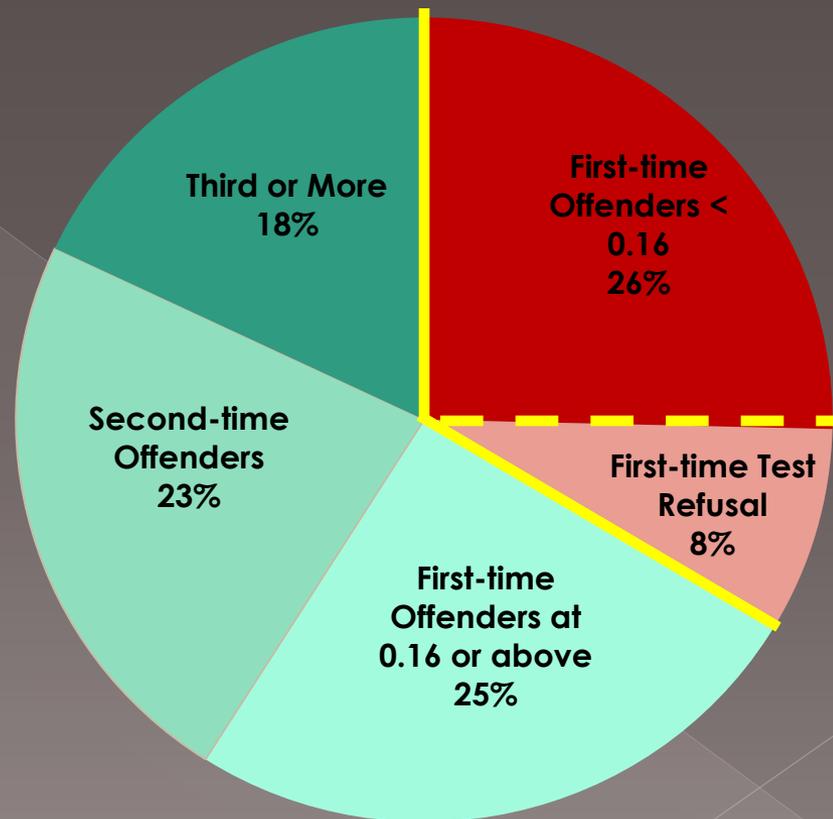
Who will it effect?

- All DWI Offenders

- Most significantly

- > People arrested for a first-time with an AC level of 0.16 or above
- > All repeat offenders

DWI Offenders
Likelihood of Installing Ignition Interlock



Approximately 30,000 DWI Arrests per Year

Why the program changes?

- Research driven sanctions
 - > Swift and certain action for performing at-risk driving behavior
 - > Targeted high-risk drivers
 - First-time offenders - 80% of drinking drivers involved in a fatal crash had one or no previous DWI
 - > Targeted high-risk time periods
 - First 12 months after a DWI arrest
- Creates a pathway for legal driving
 - > Nationally 70% drive illegally

Administrative DWI Driver License Sanctions

Law Change
Effective July 1, 2011



Significant Changes

First- and Second-time Offenders

- Lowers AC level for enhanced sanctions from 0.20 to 0.16
 - Includes license plate impoundment
- Lengthens revocation time-periods
 - First-time offenders with an AC of 0.16 or greater = 1 year
 - Second-time offenders with an AC less than 0.16 = 1 year
 - Second-time offenders with an AC level 0.16 or greater = 2 years
- Full driving privileges will be granted with installation of ignition interlock
 - No allowance for a limited license
 - Last three month must have no failed tests for alcohol detected by the II device prior to reinstatement

Significant Changes

Third and More Offenses

- Revocation periods are based on number of offenses
 - > Third offense= three years, fourth offense= four years and fifth offense= 6 years
 - > Limited driving privileges for first year
 - > Full driving privileges for the remaining period of time demonstrating abstinence
- Ignition interlock is used to monitor chronic DWI offenders and demonstrate abstinence
 - > Maintains treatment requirement
 - > Eliminates 5 letters
 - > Eliminates requirement of AA meetings

Significant Changes

“B-card” Violations

- Violations of “any use of alcohol or drugs invalidates driver license” restriction (non-DWI)
 - > One year of ignition interlock
 - > Chemical health assessment and comply with the requirements
- Removal of the “any use of alcohol or drugs invalidates driver license” restriction
 - > Demonstrate 10 years of no alcohol or drug use
 - > Restriction removed from the driving record and driver license card
 - > 90% of those that will re-offend do so within 10 years

Employment Variance

- Allows a person to drive a **company owned** vehicle during employment without ignition interlock
 - > Not self employed
 - > Not a rental car
- Employer will work with Driver and Vehicle Services to obtain variance

Minn. Stat. 171.306, subd. 4(b).

Violations

Determining Positive Breath Alcohol Concentration of 0.02 or higher	
Reading => 0.02 and no retest within 35 minutes	Failure
Reading => 0.02 and retest within 35 minutes < 0.02	No failure
Reading => 0.02 and retest within 35 minutes = > 0.02	Failure

First and second time offenders

- Failure within last 90 days will extend time an additional 90 days from the date of the reading

Canceled Inimical to Public Safety

- Report of a failure will restart the time and require a new assessment and application for a limited license.

Violations

Violation	
Tamper	Each time = 1 violation
Circumvent	Each time = 1 violation
Bypass	Each time = 1 violation
Drives non ignition interlock vehicle	Each time = 1 violation
Violates condition of limited license	Each time = 1 violation
Failure to take a rolling retest	3 incidents within 6 months = 1 violation
Canceled IPS Only Fewer than 30 reads per month	Each time = 1 violation

Application of Violations (time does not run concurrent)	
1st violation	Additional 180 days
2 nd violation	Additional 1 year
3 rd violation	Additional 1 ½ years
Subsequent violations	Additional 1 ½ years

Sentencing

Statute provides an exception to mandatory minimum penalties provided in 169A.275 if judge requires a person as a condition of probation to only drive a vehicle with an ignition interlock installed

Minn. Stat. 169A.275, subd. 7.

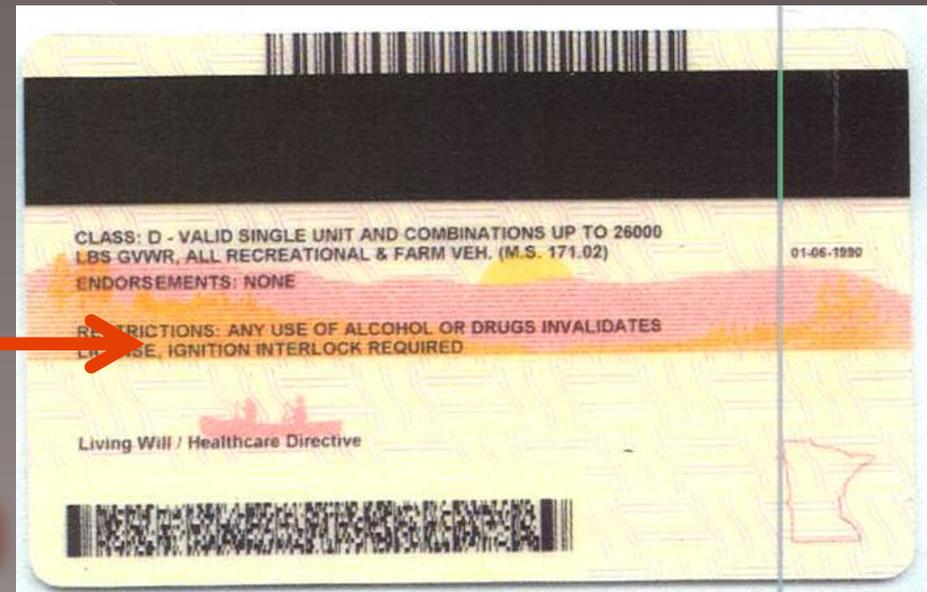
Sentencing

The probationary time period for required use of ignition interlock may not be consistent with the drivers license sanctions time period

Violation for Driving a Vehicle without Ignition Interlock

- Misdemeanor
- “drive, operate, or be in physical control of any motor vehicle that is not equipped with a functioning ignition interlock device.”

The ignition interlock restriction is denoted on the back of the drivers license



Minn. Stat. 171.09, subd. 1(g).

Violation of Tampering, Circumventing, or Bypassing

- Misdemeanor
- “who tampers with, circumvents, or bypasses the ignition interlock device, or assists another to tamper with, circumvent, or bypass the device”
- Exceptions: emergency purposes and mechanical repair

Minn. Stat. 171.306, subd. 6(b).

Violation of Lend, Rent, or Lease

- Misdemeanor
- “lends, rents, or leases a motor vehicle that is not equipped with a functioning ignition interlock device certified by the Commissioner to a person with a license issued under this section knowing that the person is subject to the ignition interlock restriction.”

Minn. Stat. 171.306, subd. 6(a).

Partnership with Courts

System needs to encourage installation of ignition interlock and reinstatement of driving privileges

Transition Period

- Participants that enroll in the ignition interlock program prior to July 1
 - > Comply with law and program guidelines in place prior to July 1
- Offenders that opt into the program after July 1
 - > Comply with new program requirements

Once a person opts into the program they must complete the program

Steps to get a driver's license back

1st and 2nd Time DWI Offenders

- Pass the DWI knowledge test, pay a \$680 reinstatement fee and apply for a new driver's license
- Sign a special review form
 - > Required if this is your second offense
- Obtain an insurance certificate
- Sign an ignition interlock participation agreement
- Install an ignition interlock device
- Apply for an ignition interlock restricted license
- Apply for special registration license plates
 - > Required if license plates were impounded

Steps to get a driver's license back

3rd or More DWI Offenders

- Enroll in a treatment program as recommended by a chemical use evaluation.
- Pass the DWI knowledge test; pay a \$680 reinstatement fee; apply for a new driver's license and pay the application fee
- Sign an ignition interlock participation agreement
- Obtain an insurance certificate
- Sign a Last Use Statement
- Install an ignition interlock device
- Complete a limited license application
- Apply for special registration license plates

Other Uses of Ignition Interlock Monitoring Clients

- Ignition interlock can be used to monitor DWI offenders
 - > Cameras are required
- Reports can indicate a need for additional monitoring
 - > Elevated and early morning AC tests can predict likelihood of future offenses
- Obtain release from client to receive reports



Not a Silver Bullet....
A change that will
help us with our goal
of toward zero
deaths



Contact information

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