



Issue Brief: 2013/2014 Interlock Laws: Eastern States

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State legislatures have taken action to clarify, develop and refine the statutory provisions that authorize and/or require the use of interlock devices in their states. Due to the volume of legislation that was enacted into law in the 2013/2014 legislative sessions, this brief will cover the eastern states only. A subsequent brief will address the western states. A review of the laws enacted in the 2013/2014 legislative sessions indicates that several eastern states have enacted legislation to ensure that all offenders who have been convicted of an impaired driving offense, including first time offenders. Mississippi and South Carolina enacted laws to accomplish this while Tennessee passed a law to require offenders with a BAC over .08 to participate. These three states join a number of other states who already have a mandatory interlock participation requirement which includes first time offenders.

A few states including Alabama, Arkansas and West Virginia passed laws which allow for an offender to forgo a suspension period or get immediate reinstatement by participation in an interlock program. The state of Maine now has a statutory provision which permits offenders to reduce their suspension window from 150 days to 30 days for interlock participation. Collectively, these statutes signify that state legislatures continue to recognize that interlock programs increase public safety by forcing change in the subsequent behavior of offenders following arrest. Legislatures may also recognize that offenders are statistically very likely to drive with or without a valid driver's license and therefore the use of interlock devices is a good mechanism to ensure that their driving is at least sober.

Another interesting statutory provision came from the state of Illinois. The legislature there passed a provision which was subsequently enacted into law which

prohibits the use of interlock devices for registered medical cannabis users. The logic behind this is that an interlock device is not effective in detecting intoxication from cannabis and



therefore is not a reasonable prophylactic measure for this segment of the population. It is likely that in the near future many other state legislatures will address the cannabis issue in their statutory provisions regarding interlock devices.

Alabama SB 319 of 2014: Provides that, upon a first conviction for driving under the influence with a blood alcohol content of 0.08-0.14, an offender may elect to have an ignition interlock installed on his or her vehicle in lieu of the ninety day driver license suspension provided by law. Requires the installation of an interlock device upon conviction of driving under the influence with a blood alcohol content of 0.15 or greater on a first offense. Local news coverage [here](#).

Arkansas HB 1694 of 2013: Allows for immediate reinstatement of driving privileges for repeat offenders providing an ignition interlock is installed in the vehicle.

Florida HB 7125 of 2013: Lowers the ignition interlock device fail rate to 0.025 breath-alcohol content (BAC) from 0.05 BAC. Does not change a court's discretionary authority to set its own threshold level.

Georgia HB 407 of 2013: This extends Georgia's requirement to use ignition interlock devices from 6 or 8 months to 12 months after second conviction of driving under the influence. [Press release from sponsor](#).

Illinois HB 1 of 2013: Prohibits use of interlock devices for registered medical cannabis users. Discussion in state bar magazine [here](#).

Indiana HB 1279 of 2014: Requires the state department of toxicology to develop standards and testing for ignition interlock devices. Requires all devices used in Indiana after July 1, 2015 to be certified under rules adopted by the department. Requires a vendor or provider of devices to report to the court or court's designee certain occurrences concerning the use of devices and provide any reports or data requested by the department of toxicology.

Maine HB 899 of 2013: Increases the license suspension period for a first-time OUI offender from 90 to 150 days and allows the person's license to be reinstated 30 days after the person installs an ignition interlock device.

Maine SB 36 of 2013: Increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has 3 or more previous offenses within a 10-year period from 6 to 8 years and removes the requirement that such a person install for a period of 4 years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after 4 years of suspension if the person has installed for a period of 4 years an ignition interlock device in the motor vehicle the person operates.

Maryland SB 87 of 2014: Establishes that specified repeat offenders of alcohol- and/or drug-related driving provisions must either submit to a suspension of the driver's license for one full



year or agree to and complete one full year of participation in the Ignition Interlock System Program (IISP). Repeals the authority of the Motor Vehicle Administration to impose a 45-day mandatory suspension on these repeat offenders and issue a restricted license for participation in IISP for 10.5 months. Instead, if MVA issues a restricted license for participation in IISP, the bill expands the minimum period of participation to one full year. The bill also repeals the authority of MVA to grant an exemption to repeat offenders to drive an employer- owned or -provided vehicle without an ignition interlock device.

Michigan HB 5021 of 2014: Continues pilot program of DWI/sobriety court interlock usage until 2015. Provides after 2015 pilot project to become ongoing/continuing one without sunset date.

Mississippi HB 412 of 2014: Provides for use of interlock devices for all those convicted of DUI, including those convicted for the first-time with a BAC of .08 or greater who seek driving privileges during a license suspension and as a condition of applying for non-adjudication. Provides first-time offenders would be required to get an interlock for 90 days and repeat offenders for one year. Discussion from Mississippi Bar [here](#).

Mississippi HB 481 of 2013: Permits judges to suspend a first time drunk driving offender's license for 30 days while also ordering that person to use an ignition interlock device for six months. Requires use of interlock device for second and third offenses. (Note- portions amended by HB 412 of 2014)

New Hampshire HB 20 of 2013: Provides upon satisfactory proof that a person who is restricted by law to drive only a motor vehicle equipped with an ignition interlock device while having an alcohol concentration of greater than .02, the Department of Transportation, after a hearing, may impose for each occurrence an additional period of up to one year following the expiration of the original interlock order during which the person shall be restricted to driving only a vehicle with an ignition interlock device. Creates crime of ignition interlock circumvention to knowingly assisting a person to circumvent an interlock. Make it an offense to violate an administrative interlock order or where the person subject to an interlock drives a vehicle with an interlock device that has been tampered with.

New York 2285A of 2013: Clarifies that youthful offenders are subject to ignition interlock requirements, and provides that the minimum period of interlock installation would be increased to 12 months, but reduced to six months upon submission of proof that the defendant installed and maintained an interlock device for at least six months. Provides that the interlock period would commence from the earlier of the date of sentencing, or the date that an interlock device was installed in advance of sentencing. Clarifies that a finding by a court of good cause for the lack of installation of an interlock device may include a finding that the person is not the owner of a motor vehicle if the person asserts, under oath, that he or she is not a vehicle owner and will not operate a vehicle during the period of interlock restriction except as may be otherwise authorized by law.

New York SB 2605 of 2013: Extends interlock law until 2015.



South Carolina SB 137 of 2014: Makes use of an interlock device mandatory for first DUI/DUAC offenses with BAC of .15 or higher; BAC .08 through .14 may elect to use interlock to drive with no geographic restrictions. Repeat offenders with BAC over .08 would be required to use interlock. Media coverage [here](#).

Tennessee HB 353 of 2013: Requires use of interlock where DUI offense involves BAC of .08 or higher and restricted license issued. For repeat DUI offenders, gives judge discretion to issue a restricted license and require the use of an interlock device in lieu of mandatory revocation.

Tennessee SB 1643 of 2014: Eliminates the exception, for individuals required to operate a motor vehicle with a functioning ignition interlock device, which permits such individuals to operate a motor vehicle without a functioning interlock device in the course of their employment when the vehicle is owned by the employer.

West Virginia SB 434 of 2014: Eliminates the license revocation period for DUI offenders if the person is eligible for the Alcohol Test and Lock Program, applies for the Program prior to the effective date of the revocation, agrees to use the Test and Lock Device for the required length of the Program and waives any right to an administrative hearing.

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