



Issue Brief: 2013/2014 Interlock Laws: Western States

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About the Author: The Brief was prepared by William Raftery, NCSC Knowledge and Information Services Analyst. Points of view or opinions expressed in the Brief are those of the author and do not represent the official position of the NCSC or NHTSA.



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 western states only; for a review of eastern states please look to the [August 2014 Issue Brief](#).

[Colorado HB 1240 of 2014](#) Authorizes the Department of Revenue to provide, from the First Time Drunk Driving Offender Account, assistance to low-income persistent drunk driving offenders in paying for the acquisition and installation of ignition interlock devices, which will enable the offender to drive after a one or two month revocation period as specified in the bill.

[Idaho HB 404 of 2014](#) Amends ignition interlock provisions to comply with federal requirements; provides that repeat offenders subject to penalties for DUI, alcohol concentration test refusals, or administrative license suspensions who are granted a restricted driving permit as a result of their participation in a drug or mental health court program must have an ignition interlock for at least one year.

[Iowa SB 386 of 2013](#) Provides that a person is required to maintain an ignition interlock device for one year or longer following reinstatement of license. The one-year period is reduced by any period of time the person held a valid temporary restricted license during the revocation for the occurrence from which the arrest arose. A person is prohibited from operating any motor vehicle not equipped with an ignition interlock device during the period in which a device is required to be maintained, and a person must certify installation of an ignition interlock device before reinstatement. The bill also strikes a provision in current law that ties the permissible use of certain temporary restricted licenses to uses

permitted under federal law. Finally, the bill strikes the current requirement that a person who



was issued a temporary restricted license must submit proof of deinstallation of an ignition interlock device as a condition for reinstatement of a full driver's license.

[Kansas HB 2479 of 2014](#) Revises administrative restrictions applicable to driving under the influence (DUI) and related offenses to remove the July 1, 2015, sunset date for a provision requiring the use of a breath alcohol ignition interlock device after the first test failure or conviction.

[Minnesota HB 1444 of 2013](#) Establishes license suspension, revocation, and ignition interlock provisions for certain criminal vehicular operation violations. Narrows the prohibition on driving a vehicle during plate impoundment, to allow a person to drive an employer-owned vehicle that is not required to be equipped with an ignition interlock (also enacted as part of [SB 1270 of 2013](#)). Provides that a person who has committed an alcohol-related criminal vehicular operation (CVO) offense that resulted in injury but not death is eligible for license reinstatement once the person has submitted verification of the use of ignition interlock for the applicable time period. Allows participation in the ignition interlock program by someone whose license was suspended or revoked for an alcohol-related CVO offense involving injury but not death.

[Missouri SB 23 of 2013](#) Provides a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content may complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege.

The act specifies that any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license.

Persons may receive a limited driving privilege if his or her license at the time of application has been suspended or revoked due to a failure to submit to a chemical test and the person has completed the first 90 days of revocation and files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device, provided he or she is not otherwise ineligible for a limited driving privilege.



The act specifies that a circuit court or the department may allow a person who has been convicted more than twice for driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license or for a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege and repeals the requirement that he or she must serve at least 45 days of the disqualification or revocation. A circuit court must grant a limited driving privilege to any person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the contact that resulted in his or her license denial.

A person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding five years may complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during such 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege.

The act specifies that any person who has a license to operate a motor vehicle revoked under these provisions and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by him or her is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device must be required on all motor vehicles operated by the person for a period of at least six months immediately following reinstatement. If the monthly monitoring reports show that the device has registered a confirmed blood alcohol concentration reading above the alcohol setpoint or has been tampered with or circumvented, then the period will be extended for an additional six months.

[Nebraska LB 158 of 2013](#) Increases the time period to at least one-year that a person convicted of driving under the influence must have an ignition interlock device installed on a motor vehicle.

[Nebraska LB 998 of 2014](#) Changes the penalty for tampering with an ignition interlock device installed under a court, DMV, or Board of Pardons order, from a Class IV felony to a Class I misdemeanor, in certain circumstances.

[New Mexico SB 442 of 2014](#) Allows those convicted of great bodily harm or vehicular homicide by DWI to obtain an ignition interlock license after completion of their sentences.

[North Carolina SB 659 of 2013](#) Conform the motor vehicle law to Federal Highway Bill with respect to mandatory use of interlock devices.



[North Dakota HB 1302 of 2013](#) Directs interim legislative committee review of the use of ignition interlock devices and of the effect of an individual refusing to submit to chemical testing.

[Oklahoma HB 1441 of 2013](#) Requires that any person whose license has been revoked due to an alcohol related offense who seeks a modification to be required to have an ignition interlock device installed. The bill would require every person seeking as a condition of reinstatement of a driver license as a result of a DUI offense to have an ignition interlock device placed on vehicles owned by their employer if the person operates the vehicle and the person had a prior revocation. The measure establishes that it is unlawful to operate a vehicle with any amount of Schedule I chemical or controlled substance in the person's bodily fluid at the time of a test administered within 2 hours of arrest. The measure also increase the maximum fee for a victims' impact panel from \$25 to \$60.

[Oregon HB 2116 of 2013](#) Exempts defendants in Driving Under the Influence of Intoxicants (DUI) Diversion program (diversion) from having to operate a motor vehicle with an ignition interlock device where they have a valid medical reason why they cannot do so. Exempts defendants in diversion from having to use an ignition interlock device (IID) while operating an employer's vehicle while in the scope of their employment after following the appropriate procedures.

[Washington HB 5912 of 2013](#) As a condition of release from custody before arraignment or trial, a defendant who has a prior driving under the influence (DUI), or being in physical control of a motor vehicle under the influence (PC), vehicular homicide, or vehicular assault offense must be ordered to have a functioning ignition interlock device (IID installed with proof filed with the court within five business days of the date of release, or comply with the 24/7 Sobriety monitoring program, or both. IID restrictions must remain in effect until the Department of Licensing receives a declaration , in the four prior consecutive months (1) there have been no attempts to start the vehicle with a breath concentration of .04 or more unless a subsequent test performed within ten minutes registers a lower breath alcohol concentration and the digital image confirms that the same person gave both samples; (2) a review of the digital image confirms that, after a failure to take a random test, the vehicle was not occupied by the driver at the time of the missed test; or (3) failure to pass a random retest with a breath concentration of .025 or lower unless a subsequent test performed within ten minutes registers a lower breath alcohol concentration and the digital image confirms that the same person gave both samples.

For impaired driving offense with a child in the vehicle, court must order the person to use an ignition interlock device on the person's vehicle for six months on top of the mandatory ignition interlock requirement already applicable for a DUI or PC conviction.

[Washington SB 6413 of 2013](#) In localities where 24/7 monitoring is available and verified by the Washington Association of Sheriffs and Police Chiefs, the court must sentence a person for driving under the influence (DUI) or being in physical control of a motor vehicle under the influence (PC), to either (1) the use of an ignition interlock device as a substitution to



participating in 24/7 monitoring; (2) 24/7 monitoring as mandated in current statute; or (3) both ignition interlock requirements and 24/7 monitoring

[Washington SB 6415 of 2013](#) Sentences for a felony driving under the influence or being in physical control of a motor vehicle under the influence of intoxicating liquor or any drug must be served consecutively with any sentences imposed for circumventing an ignition interlock device or operating a motor vehicle without a required ignition interlock device, both gross misdemeanor offenses. Sentences for circumventing an ignition interlock device or operating a motor vehicle without a required ignition interlock device are also served consecutively.

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