

# STATEWIDE IGNITION INTERLOCK PILOT PROJECT

**Interim Report to the  
Minnesota Legislature  
(July 1, 2009 through June 30, 2010)**



Minnesota Department of Public Safety  
September 30, 2010



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*This document reports on the results of Minnesota's statewide ignition interlock pilot. This report is submitted to the chairs and ranking minority members of the Senate and House of Representatives committees having jurisdiction over criminal justice policy and funding.*

*To assist in understanding the report, critical terminology and technical definitions regarding the ignition interlock device are defined in Appendix A.*

*For more information on Minnesota's current statewide Ignition Interlock program, see*  
[http://www.dps.state.mn.us/ots/Laws\\_Legislation/Ignition\\_Interlock.asp](http://www.dps.state.mn.us/ots/Laws_Legislation/Ignition_Interlock.asp)

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## EXECUTIVE SUMMARY

Impaired driving is a serious problem in Minnesota. In 2009, 141 people died, more than 2,600 were injured, and costs amounted to more than \$255 million due to crashes identified as alcohol-related. Ignition interlock programs (II) are an increasingly important tool being used nationally to reduce impaired driving. II is a breath-testing system installed on a motor vehicle that prevents the vehicle from operating when a certain level of blood alcohol is detected. In 2009, the legislature authorized a two-year statewide II pilot program, effective July 1, 2009 through June 30, 2011. This document reports on the first year results of the pilot.

The primary motivation for participating in an II program is that a person's driving privileges are restored sooner after a Driving While Impaired (DWI) incident (implied consent or DWI conviction) than they would be if s/he did not participate in the program. The II system monitors the vehicle's operations and records drinking violations for reporting to the Department of Public Safety's Driver and Vehicle Services division (DPS-DVS). The pilot is administered by the DPS-DVS, in collaboration with the Office of Traffic Safety (OTS), based on statute and guidelines developed with stakeholders. Individuals are eligible for the program if their licenses were revoked or cancelled and they meet other program requirements which vary depending on the level of violation i.e. first, second or third time offense, or license cancellation.

First year program results include:

- DVS enrolled 1,129 individuals in the program, with at least one enrollee in 76 of Minnesota's 87 counties. More than 85 percent of enrollees were male, with an average participant age of 43. Participants had one to 14 DWI incidents on their record upon enrolling in the II program.
- As of June 30, 2010, 97 percent of the program's original enrollees continued to participate in the program. Approximately two percent (17 individuals) had successfully completed the program. Fourteen individuals had been terminated from the program either voluntarily or involuntarily because of violations or other reasons.
- Two out of the 1,129 participants reoffended by circumventing the device and subsequently were arrested for driving while impaired.
- Challenges with implementing the program include managing the growing number of interested potential participants and assuring that participants clearly understand the consequences for violating the program.

The statewide pilot project is an expansion of an earlier two-county pilot program (July 1, 2007 through June 30, 2009). Lessons learned from both pilot programs along with recommendations from a Driver's License Sanctions Initiative (multi-disciplinary group formed to thoroughly review driver license administrative sanctions) were used as the foundation of a Governor's legislative proposal. A new law (Laws of Minnesota 2010, Ch. 366) that strengthens DWI sanctions will be effective July 1, 2011 and strongly encourages—and in certain situations mandates—the use of II.

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## I. INTRODUCTION

This document reports on the results of the first year of Minnesota's Statewide Ignition Interlock (II) Pilot Project. II is both a device and a program designed to reduce traffic deaths and fatalities by preventing an impaired driver from operating a motor vehicle. The statewide pilot program is administered by the Minnesota Department of Public Safety (DPS). The two-year pilot program became effective July 1, 2009 and will end on June 30, 2011. This report is required by MN Statutes, Section 171.306.

The purpose of this document is to:

1. Summarize why and how the II pilot program was developed
2. Briefly describe program administration, eligibility and operations
3. Provide a summary of findings related to II participation rates and participant/program outcomes
4. Outline broad next steps for DPS-DVS implementation of Minnesota's statewide program.

The pilot program and the new law that will become effective on July 1, 2011, reflects the state's and nation's increased use of II as a tool to help reduce drunk driving. Minnesota, along with the nation, struggles with how to effectively reduce impaired driving and increase legal driving. While ignition interlock will not eliminate impaired driving, it is a tool that provides a DWI offender the ability to drive legally while still maintaining the public's safety on the roadway.

## II. BACKGROUND

### **The Problem of Impaired Driving**

“Alcohol-impaired driving takes an enormous toll in the United States, killing approximately one person every 40 minutes,” reports the National Highway Traffic Safety Administration (NHTSA). Almost 13,000 people were killed in alcohol-impaired driving crashes in 2007, and more than 1.46 million drivers were arrested for driving while impaired due to alcohol or narcotics (NHTSA, 2008). To reduce injuries and deaths, the NHTSA recommends use of II as part of a comprehensive sanctions program.

Impaired driving is a serious problem in Minnesota. In 2009, 141 people died and more than 2600 were injured in crashes identified as alcohol-related. Financial costs of impaired driving are high, amounting to more than \$255 million in 2009, including medical costs, lost productivity and property damage. Minnesota has enacted an increasing number of laws, strategies and programs to reduce the number of individuals who drink and drive. These efforts are associated with an overall decrease in the number of alcohol-related deaths and injuries. Between 1978 and 1989, the number of annual alcohol-related fatalities in Minnesota dropped from approximately 500 to 275. Since then, alcohol-related fatalities in Minnesota have ranged from a high of 273 in 1998 to a low of 141 in 2009 (DPS, OTS, 2009a).

Additional efforts, such as the use of technology that effectively reduces impaired driving and increases legal driving, are clearly needed. In 2009, the number of impaired driving incidents (implied consent or DWI conviction) exceeded 32,700. While alcohol fatalities have slowly declined over the past few years, the percentage of traffic fatalities that are alcohol-related remains relatively constant at 30 to 40 percent. In 2009, 34 percent of traffic fatalities were alcohol-related. Recidivism rates are high, contributing to additional injuries and deaths. Approximately 41 percent of all first time DWI offenders recidivate and the likelihood of reoffending increases with each new offense (DPS, 2009a). Personal, societal and monetary costs of alcohol-impaired driving continue to be a significant problem for individuals, the driving public, and the state as a whole.

### **Ignition Interlock Device and Programs**

#### **Description**

II is a breath-testing system installed on a motor vehicle. It is connected to the engine and designed to prevent an individual from driving while impaired. To start the vehicle, a driver is required to blow into a tube that measures the alcohol concentration level in the driver’s blood. If the device detects alcohol at or above a set level, the vehicle will not start. Minnesota has determined that a 0.02 set level prevents impaired driving, but still allows for a margin of error for the device and minimizes system violations. The device also requires random “running retests” in which a driver blows into the II so that alcohol concentration (AC) can be measured.

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There are numerous protections in place to help assure that the device is not tampered with and that only the driver of the vehicle uses the device.<sup>1</sup>

DPS is responsible for monitoring participants for alcohol violations. The participant is required to take the vehicle to a service provider monthly to have the information recorded in the system downloaded. This process is referred to as a monthly calibration of the II device. Reports from the download are sent to the DPS for review. The vehicle may be recalled to the service provider early if violations are detected over the number allowed by the Minnesota Performance Standards. The device will alert the participant that they have exceeded the number of allowable violations and require the participant to bring the vehicle in for calibration within 120 hours. Information from the device is sent to DPS for review and provides an opportunity for DPS to encourage behavior change by the participant.

### **Incentives for Participation**

The strongest incentive for program participation is a shortened driver's license hard revocation period and in many situations elimination of the limited driver's license,<sup>2</sup> specifically for first and second time DWI offenders. When an individual receives a DWI violation his or her license is revoked and/or cancelled, and the individual is prohibited from driving until driving privileges are reinstated. Participation in the II program provides the restoration of driving privileges within 30 days and significantly reduces the use of a limited license.

### **National II Use**

As of May 2010, forty-six states required the use of II for all or some groups of DWI offenders (Sprattler, 2009). Nationwide, there were approximately 146,000 II devices installed on vehicles in 2008, and about 10 percent of all persons arrested for drunk driving had an II installed in their vehicles. Some states mandate II use; in others, judges, state administrators or offenders decide whether to participate. Twelve states mandate the use of IIs for all first-time offenders, and nine states require it for first-time offenders with an alcohol concentration of 0.15 or above.

## **Research on II Benefits and Effectiveness<sup>3</sup>**

Highlights of the benefits of II programs include:

### **Reduced Recidivism**

Research indicates that while the device is installed, II reduces recidivism among all groups of DWI offenders, including first time offenders, repeat offenders, and hard

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<sup>1</sup> For more information about this and other frequently-asked-questions, see [http://www.dps.state.mn.us/ots/topic\\_areas/alcohol/IgnitionInterlock/2009\\_Ignition\\_Interlock/Frequently\\_Asked\\_Questions.doc](http://www.dps.state.mn.us/ots/topic_areas/alcohol/IgnitionInterlock/2009_Ignition_Interlock/Frequently_Asked_Questions.doc).

<sup>2</sup> For the definition of hard revocation and limited driver license, see Appendix A (Ignition Interlock Terminology and Technical Definitions).

<sup>3</sup> This section provides research highlights; see Appendix B for more detail on benefits and limitations of II programs.

core offenders (Tippetts and Voas, 1997; Wienrath, 1997; Popkin et al, 1992).<sup>4</sup> Generally, evaluations of II use have reported reductions in recidivism ranging from 35–90 percent (Voas and Marques 2003; Vezina 2002; Coben and Larkin 1999) with an average reduction among ten studies of 64 percent (Willis et al. 2005).

### **Overall Cost-effectiveness**

II is reported to reduce the economic impact of drunk driving by \$3 to \$7 for every \$1 in cost (Roth et al, 2007). A recent overview of cost-benefit analyses of II and other new motor vehicle safety features indicates that II is one of the most cost-effective measures in improving safety and contributes to the largest reductions in the number of fatalities (European Road Safety Observatory 2006).

### **Enhanced Public Safety and Reduced Administrative/Criminal Justice System Costs**

The II program can promote safety and reduce costs by providing individuals an additional option for driving legally after a DWI. It is estimated that at least 70 percent of people continue driving even after their license has been revoked or cancelled (Griffin II and De La Zerda, 2000). When people have a viable option to drive legally and chose to do so, the state reaps the public safety benefit; and state agencies and the criminal justice system save the costs associated with violations and sanctions for illegal and impaired driving. For example, when an impaired driving violation is prevented, the public sector saves the money associated with jail or prison time.

### **Benefits to Families**

Families often experience significant benefits when a member participates in an II program. These benefits include a greater peace of mind that the offender is not driving while impaired, and a reduced need to drive offenders to appointments and employment (Beirness et al, 2007).

### **General Deterrence and Support of Education and Treatment Programs**

II programs can provide a general deterrence to members of the public who hope to avoid sanctions and reinforce the message to offenders that drinking and driving is unacceptable and consequences will occur. Also, II can create a ‘window of opportunity’ to motivate offenders to change their behavior and participate in other education and treatment programs, and, at the same time, provide a safety net to protect the public in the event of relapse (Voas and Marques, 2003; Beirness et al. 1998; Beirness et al. 2007).

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<sup>4</sup> For the definition of “hard core offenders”, see Appendix A (Ignition Interlock Terminology and Technical Definitions).



## II Program Limitations

Noted program limitations include:

### **Long-term Recidivism**

Although II has proven effective in preventing impaired driving while the device is installed, research indicates that the programs are not effective in reducing long-term recidivism – once the device is removed, the lowered recidivism rates increase to the level of those that did not use the device (Rausch (2002)). Chronic DWI offenders are often chemically dependent. To achieve long-term behavior change, interventions such as treatment, are needed to address the person’s drinking behavior. Minnesota has developed II as part of a broader sanctions program, as recommended by the National Highway Traffic Safety Administration, to address both short-term and long-term recidivism.

### **Participation and Usage Rates**

A potential limitation of national II programs is low rates of participation. “After more than two decades, participation and usage rates for interlock devices are still less than 10 percent in many jurisdictions,” reports Robertson et al in a 2007 report of Traffic Injury Research Foundation (TIRF). The report recommended consistent and uniform education of professionals in enforcement, prosecution, adjudication, and driver licensing to ensure greater understanding of the application of II programs. As mentioned in the next section, Minnesota’s initial pilot programs worked to boost initially low participation rates.

### **Cost Associated with License Reinstatement and Driving**

A challenge with II programs are the costs associated with obtaining and using the device. Individuals may actually save money using II by driving their own car, compared to obtaining other means of transportation. However, they must pay license reinstatement and other fees to enroll in the program (fees that any driver wanting his/her license back would need to pay), plus pay the II installation and maintenance fees. As seen in the Beltrami and Hennepin County pilot Projects, these costs can be a barrier to enrollment. Funding was provided to offset the cost of the II device in Hennepin and Beltrami Counties, but other required costs such as insurance and reinstatement fees prohibited greater participation.

## History of II in Minnesota

Minnesota has implemented increasingly large pilot programs to test and develop a statewide program (see also Table 1). These efforts have provided the state the opportunity to gain significant knowledge on how to effectively implement an II program.

### **First II Pilot (2002)**

The state’s first II pilot was established when DPS and Anoka County Community Corrections enrolled nine participants in a voluntary program to test how II could be administered under DWI laws and licensing operational procedures. Participants were eligible for a limited-use license after certain conditions were met. Only people that

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were “cancelled as inimical to public safety”<sup>5</sup> were eligible to enroll in the program, and the device was installed for an average of four months. Results indicated that: “in no instance has any participant had the vehicle ‘lock-out’ for registered alcohol usage. No major malfunctions occurred in which a participant was unable to operate the vehicle when necessary. Overall, participants were satisfied with the program and indicated it was useful for their individual situation” (DPS, 2002).

### **Two-county Pilot (July 1, 2007 through June 30, 2009)**

In 2007, the legislature authorized DPS to conduct a two-year II pilot in one rural and one metropolitan county (MN Statutes, Section 171.306). DPS selected Hennepin and Beltrami counties, and DPS-OTS administered the project in collaboration with DVS and county probation service offices. Probation officers oversaw daily administration. The pilot targeted DWI offenders with two or more offenses. DPS and court representatives developed program guidelines and II device performance standards. Guidelines supported a participant’s ability to obtain a limited license to drive to work and treatment using II while ensuring public safety.

One hundred people participated in the pilot. DPS modified the program in its initial months of operation to boost low participation rates.

- Hennepin County’s program enrolled 96 participants, who tended to be white/non-Hispanic and well-educated. Participants’ top reasons for enrolling were to keep their job and to get their license back quickly.
- Beltrami County’s program enrolled only four participants. Beltrami concluded that a major barrier for participation was the prospective enrollees’ inability to afford the requirements for license reinstatement (e.g., driver’s license exam and license reinstatement fees) -- median incomes in Beltrami and Hennepin counties were \$35,547 and \$54,471, respectively, in 2009.
- No person using the device reoffended while enrolled in either Hennepin or Beltrami Counties.

### **Statewide pilot (July 1, 2009 through June 30, 2011)**

In 2009, the legislature expanded the two-county pilot to be a statewide pilot program. DPS changed some of the program’s basic elements to increase the program’s effectiveness and efficiency. For example, DPS simplified enrollment processes, changed day-to-day administration of the program from county probation officers to DVS, and created a website to support information needed for enrollment. See Table 2 for more information on operational and policy changes as the pilot project moved statewide.

### **Statewide program (effective July 1, 2011)**

On May 18, 2010, Governor Tim Pawlenty signed legislation to strengthen DWI sanctions and significantly encourage the use of II devices by DWI offenders that

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<sup>5</sup> For the definition of “cancelled as inimical to public safety”, see Appendix A (Ignition Interlock Terminology and Technical Definitions).

want to drive. In specific situations, II is a requirement for license reinstatement. At the signing, Governor Pawlenty said that:

*This legislation demonstrates Minnesota is serious about preventing impaired driving and the tragedies that result from the deadly decision to get behind the wheel after drinking too much. Strong sanctions and employing smarter tools such as interlock devices are necessary to step up the fight against this illegal and dangerous behavior.*

Highlights of the legislation (provided in Appendix C) include:

- First time DWI offenders with a 0.16 and above alcohol-concentration level and all repeat offenders will be required to have II devices installed on vehicles they drive.
- First time DWI offenders with a 0.16 and above alcohol-concentration level and all second-time offenders who choose not to use II will not have driving privileges for periods ranging from one year to two years, depending on offense level. Offenders with three or more DWIs in a 10-year period will be required to use interlocks to demonstrate sobriety for three to six years.
- Interlock users will regain full or limited driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway.
- Interlocks will be used to monitor chemical use by chronic DWI offenders (three or more DWIs in a ten-year period).

### **Review of Administrative Sanctions (2008-2010)**

A Driver's License Administrative Sanctions Workgroup was formed to conduct a thorough review of administrative sanctions imposed on a person for driving impaired. The initiative represented a partnership between DPS and more than 50 individuals representing key stakeholder groups, agencies and perspectives such as the Departments of Human Services and Corrections, community corrections, the Judicial Branch, the Attorney General's Office, state, county and municipal law enforcement, public defense counsel, treatment and assessment professionals, prosecutors and advocacy groups. The review – the first in over 30 years – integrated the results of the two-county pilot program and other research, technology and best practices information. DPS supported completion of this review which resulted in a Governor's legislative proposal that was passed into law. The new law strongly encourages the use of ignition interlock for first-and second-time offenders and mandates its use for those "cancelled as inimical to public safety."

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## Table 1: Milestones in Minnesota's Ignition Interlock History

### 2002

**The first pilot program** was implemented in Anoka County, with nine participants. Low participation limited the DPS's ability to learn how an II program could be administered under Minnesota's DWI laws and licensing operational procedures.

### 2007-2009

**Two-county pilot (July 1, 2007 through June 30, 2009):** Minnesota passed legislation during the 2007 legislative session requiring DPS to conduct a two-year pilot II program in one rural and one metropolitan county (MN Statutes, Section 171.306). Beltrami and Hennepin counties were selected to participate in the study. None of the 100 participants reoffended while in the program.

### 2008-2010

**Broad DPS and stakeholder review of administrative sanctions:** The DPS, along with a group of multi-disciplinary stakeholders, conducted a thorough review of impaired driving administrative driver license sanctions. This review was known as the Driver's License Administrative Sanctions Initiative. The committee met for nearly two years to develop multiple recommendations that were based on research, national best practices and lessons learned from the two county II pilot projects.

### 2009-2010

**Statewide Pilot (July 1, 2009 through June 30, 2010).** Based on the results of the two-county pilot and the Administrative Sanctions Committee recommendations, DPS implemented a statewide pilot. Some program elements changed as the pilot moved statewide (See Table 2). For example, DPS simplified enrollment processes, administered the program through DVS (rather than probation officers), and created a website to encourage enrollment and provide needed information.

### 2010

**Statewide Ignition Interlock Program (Effective July 1, 2011).** On May 18, 2010, Governor Tim Pawlenty signed legislation to strengthen DWI sanctions and encourage the use of II to increase public safety on the roadway and promote legal driving.

**Table 2  
Highlights of Changes Implemented in the Statewide Pilot Project**

	<b>Two County Pilot Project 2007 - 2009</b>	<b>Statewide Pilot Project 2009-2010</b>	<b>Why the Change?</b>
<b>Target population</b>	Individuals living in Beltrami and Hennepin Counties with two or more DWI offenses	Individuals living in Minnesota with one or more DWI offense	The effectiveness of the two-county pilot program convinced the legislature to implement the program on a statewide basis and not limit the program to repeat DWI offenders.
<b>Operations</b>	DPS oversight, with probation officers in each county administering day-to-day operations	DVS statewide oversight and responsible for day-to-day operations	Since DVS is the sole licensing authority, it was more efficient and appropriate to administer a statewide licensing process through DVS.
<b>Guidelines</b>	DPS created and adjusted guidelines to encourage participation. There were basic parameters guiding the pilot that included maintaining some hard revocation time and requiring installation of II for a minimum of one-year.	DPS adjusted guidelines to further encourage II use by providing full driving privileges and reducing the use of a limited license. Guidelines were based on the recommendation of a multi-disciplinary committee.	DPS adjusted parameters and policies when the eligibility and enrollment could be simplified without negative consequences.
<b>Enrollment</b>	Enrollment was a one-on-one process with probation officers guiding participation.	DPS simplified enrollment processes and developed a user-friendly website for current and prospective enrollees. DVS staff enrolled the participants and monitored device reports.	DPS provided information, increased enrollment process efficiency, and promoted participant responsibility by creating a web site to support enrollment. DVS continued to provide guidance to participants who needed it.

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## III. ADMINISTRATION, ELIGIBILITY AND OPERATIONS

### Administration

#### Oversight and day-to-day operations

The program is cooperatively administered by DPS-Driver and Vehicle Services (DVS) and Office of Traffic Safety (OTS). Together they develop and refine policies to assure efficient and effective program operation. DVS manages the enrollment process, oversees device use, and implements sanctions for participants who violated program requirements. Financial support and program monitoring is provided by OTS.

#### Website

DPS developed a website for individuals to gain information about the program and steps for enrollment (<http://www.minnesotaignitioninterlock.org/register.shtml>). The website describes the benefits and costs of enrollment in the II program, indicates specific requirements based on DWI offense level, answers to frequently-asked questions and provides contact information.

### Policies and Program Standards

Program standards for the state-wide pilot project were developed using lessons learned from the two-county pilot program and recommendations from a committee that was established to thoroughly review current administrative license sanctions. In 2008, the DPS established a Driver's License Sanctions Initiative to reduce impaired driving fatalities and severe injuries and to increase legal driving. Over a two year period, DPS worked closely with a diverse set of stakeholder groups and experts to find new strategies to improve the effectiveness of driving while impaired (DWI) administrative sanctions. Recommendations that did not need legislative authority to implement were incorporated into the pilot program standards (Appendix D).

### Eligibility

Individuals are eligible for the program if their license is revoked or cancelled and they have met all other program requirements for reinstatement. Requirements vary depending on whether the violation is a:

- First time offense
- Second or third time offense (not within 10 years)
- Third (within 10 years) or more

The enrollment qualifications and requirements can be found in Appendix E. In general, the II statewide pilot program requires that individuals complete the following eligibility/enrollment processes before using the device:

1. Serve the designated hard revocation time (no driving allowed under any circumstance).

2. Complete the requirements for license reinstatement. These are the same requirements anyone must fulfill to get their license back after a DWI. Requirements include:
  - Pass a DWI driver’s license exam.
  - Apply and pay for a new driver’s license.
  - Pay a reinstatement fee (\$680.00).
  - Apply and pay for specialized license plates (first time offender with an AC level of 0.20 or above or repeat offenders only).
  - If treatment is required, present proof of enrollment in a treatment program.
3. Complete the II enrollment requirements. This includes signing the II Program Participant Agreement. A copy of the Participant Agreement is provided in Appendix F.
4. Arrange to have the II device installed.

**Promotion of the Program**

Prospective enrollees learn about the II program from a variety of sources, including the court, their attorneys, and contact with DPS. DVS includes information on the II program with driver’s license revocation notices that are sent to DWI offenders. The information instructs enrollees to use the website to find information, documents, and rationale for individuals to enroll in the program (Table 3). For specific questions on the program, they are instructed to contact DVS by phone or email.

<b>Table 3: Benefits to Individual Participation as Noted on the II Website</b>
<ul style="list-style-type: none"> <li>• <b>Start Driving Sooner:</b> After a DWI, your driving privileges are cancelled for a period of time ranging from 90 days to more than six years. When you participate in the program, this period of time is greatly reduced.</li> <li>• <b>Drive Where You Need to Go:</b> The type of driver’s license you receive upon participating in the program will depend on your offense. With a restricted license, you may drive anywhere as long as the device is installed in your vehicle. With a limited license, you will be allowed to drive to work, school, and treatment and abstinence-based support programs, to court and probation appointments.</li> <li>• <b>Drive Legally – and Avoid Future DWIs and Consequences:</b> An installed interlock device will help you to drive safely and legally. In turn, you can avoid future DWIs and the consequences—such as further license revocations and cancellations, additional fines and jail time.</li> <li>• <b>You May Save Money:</b> It does cost money to participate in the Minnesota II Program – about \$4 to \$5 per day. However, many fees must be paid to get your license reinstated whether you participate in the program or not — and the cost of II may be far less than the alternatives of cab fares, bus fares or getting others to drive you.</li> </ul>

## **Program Violations**

II participants are required to use the device for the required time and have it un-installed at the designated time. If there are violations of any of the program requirements, participants are required to accept the consequences and continue in the program, or they are terminated from the program. Enrollees who have violations experience consequences such as an extended period of time for which the device needs to remain on the vehicle.

## **Service Providers/Vendors Role**

II vendors established a network of service providers to install the devices on participants' cars, conduct monthly calibrations, and train participants and other drivers of a car on how to properly use the II device. Each vendor provides DPS with monthly reports and informs DPS of any failed tests (detection of alcohol use). Participants are required to pay monthly costs (between \$60 and \$125 per month, depending on the vendor). Vendors charge up to \$100 to install and \$50 to remove the II from a vehicle.

## **II Performance Standards and Certification**

DPS, along with partners and experts, developed performance standards for II devices installed in Minnesota (See Appendix G). II providers are required to certify that their device(s) comply with the standards before operating within the program. The performance standards include compliance with the following requirements:

- Procedure for the approval, suspension and/or revocation of devices
- Process for installation, support and removal of II devices
- II technology requirements

Five II devices and four manufacturers were certified for use by DPS during the first year of the statewide program. The vendors were Consumer Safety Technologies, Draeger, Guardian Interlock Systems and Smart Start.



## IV. RESULTS

### Participation Rates and Participant Characteristics

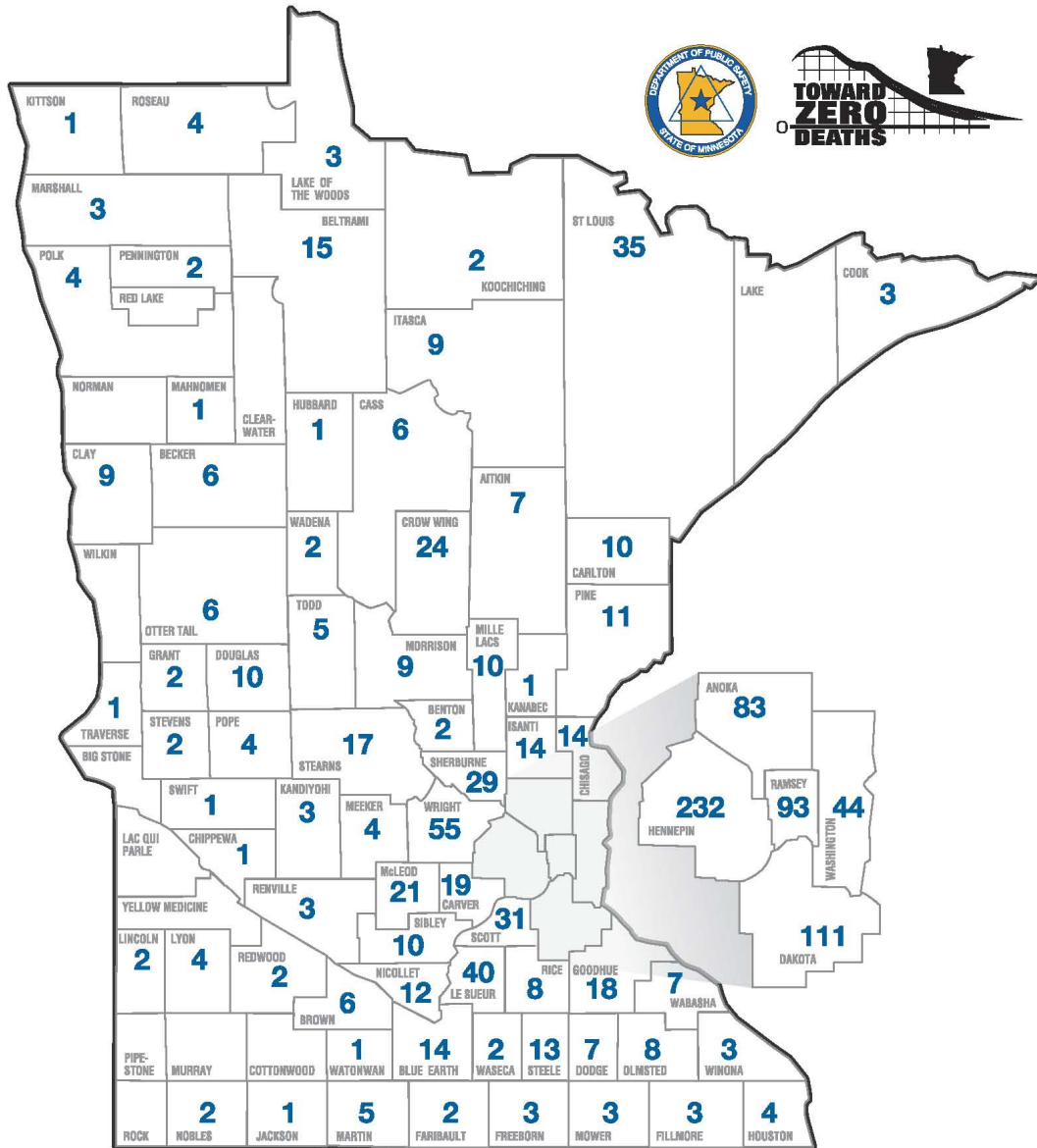
In the first year of the pilot program, DVS enrolled 1,129 participants into the II program. Over 85 percent of enrollees were male. The age of participants ranged from 25 to 78, with an average age of 43 (Table 3). The program enrolled at least one person in 76 of Minnesota's counties. A majority (54 percent) of enrollees were concentrated in the seven county metro-area. Figure 1 shows the number and location of enrollees by county.

**Table 3: Participants' Gender and Age**

Gender	
Male	973 (86%)
Female	156 (14%)
Total	1129
Age	
Youngest	25
Oldest	78
Average age	43

Figure 1: Map of II Enrollees by County

# Ignition Interlock Participants July 1, 2009 – June 30, 2010



### Participant Number of “DWI Incidents”

Participants had from one to 14 “DWI incidents” on their record upon enrolling in the II program. The vast majority of participants (75 percent) had three to five “DWI incidents” at the time of program enrollment (see Table 4).

**Table 4: Number of Participants by Number of DWI Incidents (Offenses) at Enrollment**

Number of DWI Incidents (Offenses) On Record At Enrollment	Number (and percent) of Participants
1	7 (<1%)
2	78 (7%)
3	291 (25%)
4	346 (31%)
5	205 (18%)
6	94 (8%)
7	52 (5%)
8	23 (2%)
9	8 (<1%)
10	10 (<1%)
11	6 (<1%)
12	5 (<1%)
13	2 (<1%)
14	2 (<1%)
Total	1129 (100%)

### Participant/Program Outcomes

As of June 20, 2010 nearly all of participants (97%) were still enrolled in the program. Seventeen individuals completed the program by meeting all reinstatement requirements. Thirteen people either voluntarily or involuntarily terminated from the program, most commonly because they were cancelled (disqualified) because of alcohol or driving violations (see Table 5). Two participants circumvented the ignition interlock device and were arrested for driving while impaired.

**Table 5: Participant Status as of June 30, 2010**

<b>Status</b>	<b>Number (percent)</b>
<b>Continued Enrollment</b>	1,099 (97%)
<b>Program Completions</b>	17 (2%)
<b>Voluntary/Involuntary Terminations</b> Eight cancellations (due to program violations), four voluntary withdrawals, and one death	13 (1%)

### **Implementation Challenges**

Growing interest in the II program has resulted in set-backs in the timely processing of applications. DVS has been able to maintain service to participants, but has not had time to fully analyze the data and develop business process improvements. An additional challenge is providing sufficient information for participants to enroll in the program and making participants have a full understanding of all program requirements. This information includes length of program participation and consequences for program failures. In September, a project manager was hired to help with these challenges, and additional staff is being trained to provide assistance in the II program administration.

## V. NEXT STEPS

Research clearly shows the ability of II programs to reduce recidivism among people who have received a DWI and are driving a vehicle equipped with an II device. The two county and statewide pilots also demonstrated that the program can effectively be administered throughout all of Minnesota's counties.

In the next year, DPS will continue to collect data, improve processes, and refine materials and policies to support implementation and evaluation of the statewide pilot. DPS will also combine what it has learned from its pilot program with national best practices to coordinate and implement a permanent statewide program. The Department's next steps include:

- Develop a streamlined business process for monitoring participants
- Issue a request for proposal (RFP) to determine qualified II service providers and/or manufacturers
- Develop and conduct new program training
- Review and update forms as needed
- Develop administrative rules to implement the law passed during the 2010 legislative session
- Develop a media campaign

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## Ignition Interlock Terminology and Technical Definitions

**AC – alcohol content** – The number of grams of alcohol per 210 liters of breath.

**Cancelled as inimical to public safety** – If the Commissioner of Public Safety has good cause to believe that the operation of a motor vehicle on the highways by a person would be inimical to public safety or welfare, the Commissioner has the authority to cancel driving privileges. A person is defined as inimical to public safety for three or more impaired driving arrests in ten years or four impaired driving arrests in a life time.

**DWI Incident** – An alcohol-related offense associated with an implied consent and/or a DWI conviction. A person may have an implied consent incident on their driving record with no associated DWI conviction or a DWI conviction with no associated implied consent revocation. Either situation is considered a DWI incident. If a person has an implied consent violation and a conviction from the same incident, it is considered one incident.

**Early recall** – A condition, signaled by a visual and or audible indication on the device, that requires the participant to return the vehicle to the service provider for an unscheduled monitoring check.

**Failed tests** – A test result indicating that alcohol concentration equals or exceeds the startup set point value of 0.02 AC.

**Hard Core Offenders** – Refers to first time DWI offenders that are arrested with an alcohol concentration level of 0.15 and above and a DWI offender with two or more offenses.

**Hard revocation** – Revocation of driving privileges for which a limited license is not issued.

**Ignition interlock device** - A breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.

**Limited license** – A restricted license issued to a person while their driving privileges are under revocation or suspension. It provides the ability for a person to driver to work, school, and support programs such as Alcoholics Anonymous (AA).

**MN Statutes, Section 171.305** – Minnesota statute that defines a statewide ignition interlock program for people that are cancelled as inimical to public safety, completed treatment, and completed half of their required sobriety time period.

**MN Statutes, Section 171.306** – Minnesota statute that defines a pilot ignition interlock program for repeat DWI offenders in two counties, one metro and one rural.

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**Performance standards** –Standards set that define the performance requirements for ignition interlock devices used in Minnesota.

**Program standards** – Standards set for defining the program policies and participation qualifications.

**Recidivism** – An act of a person re-offending for an offense of driving while impaired.

**Revocation** – Loss of driving privileges.

**Running retest** – After passing the test allowing the engine to start, the device requires follow-up testing within random intervals.

**Service provider** – The person or entity representing the manufacturer(s) of an approved device and responsible for the day-to-day operations of a service center.

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## Research on Program Effectiveness and Limitations

### Effect on Public Safety and Recidivism

Generally, evaluations of ignition interlock use have reported reductions in recidivism ranging from 35–90 percent (Voas and Marques 2003; Vezina 2002; Tippetts and Voas 1997; Coben and Larkin 1999), with an average reduction among ten studies of 64 percent (Willis et al 2005).

Many studies have concluded that II is effective in reducing recidivism among first time offenders (EMT Group 1990; Morse and Elliot 1992; Tippetts and Voas 1998; Voas et al. 1999; Voas et al. 2005). In a New Mexico evaluation study involving more than 12,000 first time offenders, the annual re-arrest rate for interlock participants was 3.51 percent, while the control group had a significantly higher rate of 7.09 percent (Voas et al. 2005). Likewise, an Alberta, Canada study comparing first offenders found an 89 percent lower recidivism rate among the II participants compared to reinstated and non-interlocked drivers, and a 95 percent lower recidivism compared to drivers who were ineligible for interlock (Voas et al. 1999).

Studies of repeat and chronic DWI offenders have also found that ignition interlocks are one of the most promising strategies to prevent a subsequent occurrence of DWI behavior (Popkin et al. 1992; Morse and Elliot 1992; Jones 1993; Weinrath 1997; EMT Group 1990). For instance, an evaluation of more than 1300 DWI offenders with multiple convictions in Maryland found that the alcohol traffic violation rate during the first year after the DWI was significantly less for participants in the interlock program (2.4 percent) than for those in the control group (6.7 percent). A large Illinois study examined the recidivism rates of drivers who had their licenses revoked for alcohol-impaired driving and received restricted driving permits. Participants in the experimental group had II devices installed in their vehicles. Researchers found that only 20 (1.3 percent) of an experimental group of 1,560 drivers who had II installed in their vehicles were rearrested compared to 94 (8.7 percent) of the 1,384 drivers in the control group. The authors noted, however, that once the alcohol interlock was removed, there was a rapid return to pre-device recidivism (Raub et al. 2003).

In addition to reducing recidivism, II programs can enhance public safety by providing an additional option for driving legally after a DWI. It is estimated that at least 70 percent of people continue driving even after their license has been revoked or cancelled (Griffin II and De La Zerda 2000). This may be due in part to the lack of public transportation, particularly in rural communities. Even if these individuals are not driving while impaired, they are still violating an important measure put into place to protect public safety. II is an opportunity to allow a person to drive legally while protecting the public's safety on the road. Fewer instances of illegally driving after a DWI violation also reduce the financial and human resource burden on the courts and the criminal justice systems.

### Effect on Families

Families often experience significant benefits when a family member participates in an II program. Some families report that the interlock has had positive benefits for family life as a result of the offender's reduced drinking. In studies, families also mentioned that the use of

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ignition interlock provides reassurance and peace of mind that the offender is not driving while impaired. Further, relatives have noted that the inconvenience of using the interlock device is preferred to incarceration of the offender or having to “chauffeur” the offender to appointments/employment. Overall, families have reported a positive attitude toward their experience with II and the beneficial impact it had on their loved ones and their family lives (Beirness et al. 2007).

### **Participant Employment and Productivity**

II supports participants’ efforts to be productive members of society and the workforce, with benefits to taxpayers, families and the individual. II encourages responsibility and productivity by giving the offender a legal option for driving to work, court, treatment and meeting other individual and family obligations. As the NHTSA notes:

The inability to drive legally can be a serious barrier to maintain employment and completing substance abuse treatment, especially in areas lacking public transportation alternatives. Ignition interlocks [also] allow offenders to take care of family and court-ordered responsibilities. (Sprattler, 2009)

### **Other Reported Benefits**

The most obvious benefit achieved by II programs is that an individual’s vehicle will not start if s/he is impaired and tries to operate the vehicle. Beyond this, however, DPS and others note other potential or documented II benefits:

- **Deterrence.** The use of II programs can provide a *general* deterrence to the population at large—seeing or knowing that other individuals are subject to the punitive aspects of II and other consequences can be expected to deter the general public from drinking and driving.
- **Message.** The interlock device sends an ongoing message to the offender, reminding him or her that drinking and driving is unacceptable. As one II program participant noted, “speaking from an impaired driving offender’s standpoint, it’s a constant reminder that you made a bad choice, and it’s not OK and there are consequences that come with that choice” (MPR, 2007). II use assures that offenders experience the consequences of their actions.
- **Rehabilitation.** Ignition interlock can create a “window of opportunity” to motivate offenders to change their behavior, while providing a safety net to protect the public in the event of relapse. Researchers have noted the importance of using II in combination with treatment and with other sanctions as appropriate (Voas and Marques, 2003). While offenders are using ignition interlock, they can participate in cognitive-based education and treatment to address underlying issues. Information provided by the device can enable treatment providers to work with offenders to overcome denial about their drinking and recognize its impact. II acknowledges that treatment for alcohol addiction and abuse can be a lengthy process with setbacks and relapses – the ignition interlock option provides a safety net to greatly reduce the likelihood that such relapses do not result in impaired driving (Beirness et al. 1998).

A recent study in the United Kingdom indicates the impact of II programs in both reducing impaired driving and changing drinking behavior. Participants reported that, in addition to reducing drunk driving, II use evoked serious thoughts about their drinking habits and assisted them in changing their drinking patterns. Families have also reported that II use by a family member promotes a positive change in his/her drinking behavior (Beirness et al. 2007).

### **Effect on Costs**

Researchers in the US and other countries are in the process of compiling data on the cost-effectiveness of II. One of the most thorough cost-benefit analyses was a 2006 study recently conducted by the European Road Safety Observatory (ERSO, 2008). Researchers examined 45 safety measures in the areas of road and vehicle safety. In assessing whether the advantages of ignition interlock and other safety measures outweighed the costs, the study found that ignition interlock was one of only three measures with a cost-benefit ratio above 5.0—for every dollar spent on ignition interlock, more than \$5 were estimated to be saved. Another European study reported a cost-benefit ratio of 8.75 (Elvik 1999 in ERSO, 2006).

In New Mexico, a state with a large number of ignition interlocks, Roth reported that “the effectiveness and cost-effectiveness of interlock was supported by data from Santa Fe Courts and the entire state” (Roth, 2008b). A year earlier, at the 2007 II Symposium, Roth and others reported that “II reduces the economic impact of drinking driving by \$3 to \$7 for every \$1 in cost” (Roth et al, 2007).

### **Program Limitations**

#### **Long-term recidivism**

While II research is generally supportive of the development and implementation of II programs, some studies are mixed, especially regarding the effectiveness of II in reducing recidivism rates in the long term. This may or may not be a primary goal of a state’s II program, but in any case it would be beneficial. Several studies indicate that II devices reduce recidivism while in place, but the benefits do not extend after the device is removed. For example, a statewide randomized II longitudinal trial in Maryland looked at 1,387 drivers who were eligible for license reinstatement after participating in a variety of treatment programs (American Journal of Public Health in Rauch, 2002). When II devices were in place during the first year, 3.8 percent of people using an II device committed an alcohol-related traffic violation, compared to 9.0 percent of those in the control group. However, in four years following device removal, recidivism rate differences between the groups were not statistically significant.

This research supports the NHTSA recommendation that II be part of a broader sanctions program, a recommendation that the state of Minnesota has strongly supported. Also, a state may view an II program as a means to changing behavior (e.g., see above research on “other benefits,”) or II might be seen as a means of promoting public safety only while it is in use. For example, the Traffic Injury Research Foundation (TIRF) concluded in a 2007 report: “Interlocks at this point in time and, in particular, in the absence of supporting case management or treatment, are not intended to change behavior. However the safety benefits

while the device is installed are significant and more than justify its use (Robertson et al, 2007).

**Participation and usage rates**

Another potential limitation of national II programs is low rates of participation. As Robertson et al wrote in a 2007 TIRF report that “despite compelling research, sophisticated technology, and enabling legislation, interlocks are used irregularly. After more than two decades, participation and usage rates for interlock devices are still less than 10% in many jurisdictions” (Robertson et al, 2007). The report highlighted two critical gaps that contribute to the “apparent reluctance” of criminal justice system professionals to promote and/or apply the use of ignition interlock devices: 1) limited knowledge of II technology capabilities, corresponding research, and program applications in their own jurisdictions, and 2) challenges associated with due process, statutory obligations or legal requirements of the system (e.g., proof that a high AC reading is due to alcohol rather than food). The authors concluded that professionals are unlikely to rely on II as a sanctioning tool if they are unfamiliar with II research, devices and applications. The authors recommended consistent and uniform education of professionals in enforcement, prosecution, adjudication and sanctioning, monitoring and driver licensing to ensure more understanding and application of II programs.

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## **GOVERNOR PAWLENTY SIGNS LEGISLATION FOR STRONGER DWI SANCTIONS; REQUIRES USE OF IGNITION INTERLOCKS -- May 18, 2010**

**Saint Paul** – Governor Tim Pawlenty today signed legislation to strengthen sanctions against DWI offenders and require certain offenders to use ignition interlock devices. The legislation becomes effective July 1, 2011, and aims to enhance road safety to prevent alcohol-related crashes which account for one-third of all Minnesota traffic deaths annually. The legislation gives DWI offenders a chance to regain driving privileges by ensuring safe and legal driving through the use of interlocks.

Interlock devices are installed in a vehicle and require a driver to provide a breath sample in order for the vehicle to start. The vehicle will not start if the device detects an alcohol-concentration level of 0.02 or above after the driver blows into its tube. Interlocks require rolling re-tests after the initial test, and have features to deter others from starting the vehicle for the intended user.

“This legislation demonstrates Minnesota is serious about preventing impaired driving and the tragedies that result from the deadly decision to get behind the wheel after drinking too much,” Governor Pawlenty said. “Stronger sanctions and employing smarter tools such as interlock devices are necessary to step up the fight against this illegal and dangerous behavior. With this law, if you don’t breathe, you don’t leave.”

Highlights of the legislation include:

- DWI offenders with a 0.16 and above alcohol-concentration level will be required to have ignition interlock devices installed on any vehicle they drive.
- DWI offenders with a 0.16 and above alcohol-concentration level that choose not to use ignition interlocks will not have driving privileges ranging from one year to six years — depending on offense level. Offenders with three or more DWIs in a 10-year period will be required to use interlocks.
- Interlock users will regain full driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway.
- Interlocks will be used to monitor chronic DWI offenders (three or more DWIs in 10 year period) to verify chemical use.

In the United States, 46 states have implemented interlock requirements for DWI offenders. Research from the leading ignition interlock institution, Pacific Institute for Research and Evaluation, reports interlocks can reduce repeat DWI offenses by 45 percent to 90 percent.

Minnesota Department of Public Safety (DPS) Commissioner Michael Campion says the increased sanctions and use of interlocks will help to deter motorists from driving impaired, and therefore reduce alcohol-related fatalities.

“Minnesota cannot continue to allow these preventable deaths and injuries on our roads due to drinking and driving,” says Campion. “This law is about saving lives, keeping motorists safe, and sending a message to motorists that impaired driving is a serious crime with serious consequences.”

Campion says the benefits of the new legislation will include safer roads and reduced costs

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through the use of ignition interlock on high-risk drivers. He adds the law creates a method for all offenders to obtain a valid driver's license to address the epidemic of DWI offenders driving without a valid license. Campion says the use of interlocks also encourages behavior modification and rehabilitation, and diminishes the probability and possibility of repeat DWI.

“Minnesota has made progress in limiting alcohol-related traffic deaths in recent years,” says Campion, citing enhanced, targeted enforcement and education outreach efforts. “To continue this trend, it’s important that legislators and the governor took action to embrace interlock technology to prevent impaired driving crimes.”

The interlock legislation is one of many traffic safety legislative pieces in recent years — felony DWI (2004); 0.08 legal alcohol-concentration limit (2005); ban on cell phone use for new teen drivers (2006); stronger teen graduated driver’s licensing laws (2008); ban on texting, emailing and web access (2008); primary seat belt law (2009); and booster seat law requirement for children (2009).

A current Minnesota ignition interlock pilot program began in July 2009 and more than 1,000 DWI offenders have enrolled to regain their driver’s licenses sooner and are legally driving with interlocks.

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# Escalating the Fight Against Impaired Driving in Minnesota

## Overview of Strengthened DWI Sanctions Law

### The Impaired Driving Epidemic

Impaired driving remains a serious threat on Minnesota roads, accounting for one-third of all traffic deaths annually. One in eight Minnesota drivers has a DWI on record, and 40 percent of those will offend again. 40,000 Minnesotans are convicted driving with an invalid license annually.

### Strengthened Sanctions

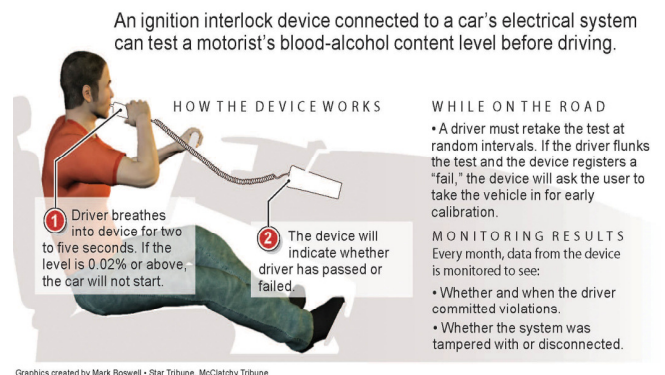
- First time DWI offenders with a 0.16 and above alcohol concentration level and repeat DWI offenders will be required to have ignition interlock devices installed on any vehicle they drive.
- First time DWI offenders with a 0.16 and above alcohol concentration level and repeat DWI offenders that choose not to use ignition interlocks will not have driving privileges ranging from one year to six years depending on offense level.
- Interlock users will regain full driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway.
- Interlock will be used to monitor chronic DWI offenders to verify reinstatement requirements.

### Benefits

- Safer roads and reduced costs through the use of ignition interlock on high-risk drivers.
- Creates a method for all offenders to obtain a valid driver's license addressing the epidemic of people driving without a valid license.
- Encourages behavior modification and rehabilitation.
- Diminishes the probability and possibility of repeat DWI.

### Why Embrace Ignition Interlock Technology

- Ignition interlocks are a proven tool in the fight against impaired driving — interlocks stop DWI offenders from driving after drinking, prevent re-arrests and result in safer roads.  
Up to 75 percent of DWI offenders continue to drive illegally and continue to put the public in danger on the roadway after their arrest and license suspension.



Offense	Current Law	Session's Enactment
<b>First Time Offender</b>	<ul style="list-style-type: none"> <li>• 3 month revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15 days no driving privileges and a limited license provided for remaining revocation period</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 3 month revocation of driving privileges                             <ul style="list-style-type: none"> <li>– Driver has a choice of the following:                                     <ol style="list-style-type: none"> <li>1. 15 days no driving privileges and a limited license provided for remaining revocation period</li> <li>2. Full driving privileges provided for the revocation period with the use of ignition interlock</li> </ol> </li> </ul> </li> </ul>
<b>First Time Offender Test Refusal</b>	<ul style="list-style-type: none"> <li>• 1 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15 days no driving privileges and a limited license provided for remaining revocation period</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 1 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– Driver has a choice of the following:                                     <ol style="list-style-type: none"> <li>1. 15 days no driving privileges and a limited license provided for remaining revocation period</li> <li>2. Full driving privileges provided for the revocation period with the use of ignition interlock</li> </ol> </li> </ul> </li> </ul>
<b>First Time Offender High AC</b>	<p style="text-align: center;"><b>0.20 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 6 months revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 30 days no driving privileges and a limited license provided for remaining revocation period</li> </ul> </li> </ul>	<p style="text-align: center;"><b>0.16 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 1 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– Full driving privileges provided with the use of ignition interlock</li> </ul> </li> </ul>
<b>Second Time Offender</b>	<ul style="list-style-type: none"> <li>• 6 months revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 90 days no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 1 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– Full driving privileges provided for revocation period with the use of ignition interlock</li> </ul> </li> </ul>
<b>Second Time Offender High AC or Test Refusal</b>	<p style="text-align: center;"><b>0.20 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 1 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 6 months no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> </ul> </li> </ul>	<p style="text-align: center;"><b>0.16 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 2 year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– Full driving privileges provided for revocation period with the use of ignition interlock</li> </ul> </li> </ul>
<p><b>Third, Fourth Fifth and Subsequent Offenses</b></p> <p><b>(Length of time is dependent on the number of offenses)</b></p>	<ul style="list-style-type: none"> <li>• 1, 3, or 6 years revocation /cancellation of driving privileges (based on number of times the person completed rehabilitation/reinstated a license)*                             <ul style="list-style-type: none"> <li>– No driving privileges</li> </ul> </li> </ul> <p style="text-align: center;"><b>Conditions of reinstatement</b></p> <ul style="list-style-type: none"> <li>• 1, 3 or 6 years demonstration of no alcohol or controlled substances usage                             <ul style="list-style-type: none"> <li>– Completion of treatment</li> <li>– Verified by 5 letters and AA attendance</li> </ul> </li> <li>• Life-long restriction of no alcohol or controlled substance usage</li> </ul>	<ul style="list-style-type: none"> <li>• 3, 4 or 6 years revocation /cancellation of driving privileges*                             <ul style="list-style-type: none"> <li>– 1 year limited license provided with the use of ignition interlock</li> <li>– 2, 3 or 5 years full driving privileges with the use of ignition interlock</li> </ul> </li> </ul> <p style="text-align: center;"><b>Conditions of Reinstatement</b></p> <ul style="list-style-type: none"> <li>• 3, 4 or 6 years demonstration of no alcohol or controlled substances usage                             <ul style="list-style-type: none"> <li>– Completion of treatment</li> <li>– Verified by 3 years of ignition interlock</li> </ul> </li> <li>• 10 year restriction of no alcohol or controlled substance usage (may remove if compliant for 10 year period)</li> </ul> <p><i>*Time may be extended if alcohol use is detected</i></p>

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## Minnesota Ignition Interlock Program Standards

### 1. Scope

The purpose of this document is to establish program standards pursuant to MN Statute, Section 171.306 subd. 3. (2009 supp)<sup>6</sup> for participant qualifications and licensing guidelines for the use of ignition interlock devices in the State of Minnesota. Individual county programs and procedures are not within the scope of these program standards and are documented in individual county program and procedure documents. The state reserves the right to change these standards as additional information is received.

### 2. Ignition Interlock Participant Requirements

- A. Individuals that have their driver's license revoked under MN Chapter 169A for an impaired driving incident or canceled under MN Statute, Section 171.04 subdivision 1, clause (10) (2008) may apply for an ignition interlock limited license if they meet the following requirements:
1. Participant with a driver's license canceled must be enrolled in or completed a treatment program to obtain an ignition interlock with limited driving privileges. Treatment must be completed prior to obtaining full driving privileges.
  2. Participant and the ignition interlock device reports will be monitored for use of alcohol and/or drugs. Reports of alcohol and/or drug use detected by court monitoring authorities will be reported to the Department of Public Safety.
- B. Participants must agree to the licensing terms and conditions stated in the following chart.

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<sup>6</sup> Act of April 30, 2009, Chapter.29, Section 2 (2009) Minnesota laws Chapter Section



	<b>Ignition Interlock Program Time Period Statewide Pilot Program</b>			
<b>Offense</b>	<b>No License Allowed (Hard Revocation)</b>	<b>Limited license with Ignition Interlock</b>	<b>Full license with Ignition Interlock *</b>	<b>Total Ignition Interlock Program*</b>
1 <sup>st</sup> Offense Under 0.20	15 days	0	One (1) year	One (1) year
1 <sup>st</sup> Offense 0.20 or over	15 days	0	One (1) year	One (1) year
Test Refusal	15 days	0	One (1) year	One (1) year
2 <sup>nd</sup> Offense under .20	30 days	0	One (1) year and (6) months – last three (3) months must have no failed tests recorded on the ignition interlock device.	One (1) year and six (6) months
2 <sup>nd</sup> Offense 0.20 or over or test refused	30 days	0	One (1) year and (6) months – last three (3) months must have no failed tests recorded on the ignition interlock device.	One (1) year and six (6) months
3 <sup>rd</sup> Offense if rehab not required under .20	30 days	0	One (1) year and (6) months – last three (3) months must have no failed tests recorded on the ignition interlock device.	One (1) year and six (6) months
3 <sup>rd</sup> Offense if Rehab is not required 0.20 or over or test refused	30 days	0	One (1) year and (6) months - last three (3) months must have no failed tests recorded on the ignition interlock device.	One (1) year and six (6) months
3 <sup>rd</sup> Offense or first rehab	30 days	1 year	One (1) year	Two (2) years
Second Rehab	30 days	1 year	Three (3) years	Four (4) years
Third Rehab	30 days	1 year	Five (5) years	Six (6) years

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\* Time periods are set based on immediate entry into the program upon eligibility. Time required on ignition interlock may be less if participant enters into the program at a later date. Time may be extended based on failed tests and last use date of alcohol or drugs.

### 3. Additional Conditions for Participation in the Ignition Interlock Program

- A. All participants shall provide to the Department or its designee a signed statement that they agree to all of the terms and conditions described in this document.
1. Participant must drive only a motor vehicle equipped with a functioning and certified ignition interlock device during the entire program as specified above.
  2. Participant must not tamper with, circumvent or otherwise misuse the ignition interlock device. Any suspected violation will be evaluated by the Department and sanctions may be imposed. These sanctions could include removal from the program and non-credit for the revocation time period spent using the ignition interlock device.
  3. Participant is presumed to have provided all breath samples introduced into the ignition interlock device. Any indication of use of alcohol detected by the device will be considered use of alcohol by the participant and will be taken into consideration when the Department of Public Safety evaluates the participant's driving privileges.
  4. Participant who has a "no use of alcohol or drug restriction" on their driver license will be considered in violation of that restriction, if alcohol is detected by the ignition interlock device. The participant will be subject to a longer period of cancellation.
  5. Participant must have their vehicle's ignition interlock device calibrated by a licensed service provider and serviced every 30 days or as indicated by the interlock device.
  6. Participant is responsible for understanding how to use the ignition interlock device and will be responsible for any misuse of the device.
  7. Participant must provide proof of insurance for the vehicle equipped with the ignition interlock device.
  8. Participant must indemnify and hold harmless the State of Minnesota and any political subdivision, the Department and its officers, employees and agents from all claims, demands and actions as a result of property damage and or injury or death to persons which may arise, directly or indirectly, out of any act or omission by the participant during the use of an ignition interlock device.
  9. Sanctions may be imposed for any violation of this agreement. These sanctions may include removal from the program and/or non-credit for the revocation time period spent using the ignition interlock device.
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4. Miscellaneous

A. Funding

Fees - Participants are responsible for all costs incurred to participate in the ignition interlock program.

<b>Checklist for First DWI Offense (or test refusal)</b>			
<b>No Driving</b>	<b>Ignition Interlock</b>	<b>Limited License</b>	<b>Restricted License</b>
15 days (hard revocation)	1 year	Not required	1 year
<input type="checkbox"/>	<b>Don't drive</b> during the "no driving" time period listed above (hard revocation).		
<input type="checkbox"/>	<b>Learn more about II program.</b> Review DVS materials (website, the Toolkit, revocation/cancellation notice); contact DVS Customer Contact Representative with questions <b>651-296-2948</b> talk to your probation agent (if applicable).		
<input type="checkbox"/>	<b>Own/drive a vehicle</b> with valid insurance.		
<input type="checkbox"/>	<b>Meet all of the requirements to get your license reinstated.</b> <input type="checkbox"/> <u>Pay outstanding court or child support fees</u> (contact county social service office for child support questions.) <input type="checkbox"/> <u>Go to local DMV exam station:</u> <input type="checkbox"/> fill out application for new driver's license; pay \$680 reinstatement fee and keep receipt <input type="checkbox"/> take and pass DWI drivers' license exam; pay fee (varies) and keep receipt		
<input type="checkbox"/>	<b>Carefully review the II Participation Agreement.</b> This is important – it is what you agree to as a participant in the program. See attachment A		
<input type="checkbox"/>	<b>Send the II Program Application materials to DVS by mail, fax, e-mail or by bringing it to DVS</b> (see contact information below): ► Signed and dated Ignition Interlock Participation Agreement (link and page) ► If you are not the owner of the vehicle that the ignition interlock device will be installed on, the Vehicle Owner for Approval of Ignition Interlock (Attachment C) must be signed by the owner. ► Copy of license reinstatement fee receipt ► Copy of driver's license application fee receipt  <b>Mail:</b> Department of Public Safety Driver and Vehicle Services 445 Minnesota St Suite 168 St Paul, MN 55101 <b>Fax:</b> 651-797-1299 <b>E-mail:</b> <a href="mailto:dvs.ignition-interlock@state.mn.us">dvs.ignition-interlock@state.mn.us</a> <b>Drop-off:</b> Department of Public Safety / Driver and Vehicle Services Office Town Square 445 Minnesota St, St Paul		
<input type="checkbox"/>	<b>Receive and review enrollment packet from DVS</b> (e.g., approval letter, restricted license and vendor information).		
<input type="checkbox"/>	<b>Go to Deputy Registrar</b> (or county office) and purchase special registration plates. This is only required if plates have been impounded.		
<input type="checkbox"/>	<b>Select and call an II vendor to schedule an installation appointment with a service provider; get device installed</b> and attend training session (see vendor information attachment B). You should bring anyone who will be driving the vehicle to the training session with you.		
<input type="checkbox"/>	<b>Use Ignition Interlock</b> for required period of time and bring vehicle to a service location for monthly maintenance visits.		
<input type="checkbox"/>	<b>Congratulations!</b> If you've followed all of the steps above, you'll get your full driving privileges reinstated and DVS will send you a new driver's license.		

<b>Checklist for Second or Third DWI Offense (or test refusal)</b>			
<b>No Driving</b>	<b>Ignition Interlock</b>	<b>Limited License</b>	<b>Restricted License</b>
30 days (hard revocation)	1 year and 6 months*	Not required	1 year and 6 months*
<input type="checkbox"/>	<b>Don't drive</b> during the "no driving" time period listed above (hard revocation).		
<input type="checkbox"/>	<b>Learn more about II program.</b> Review DVS materials (website, the Toolkit, revocation/cancellation notice); contact DVS Customer Contact Representative with questions <b>651-296-2948</b> ; talk to your probation agent (if applicable).		
<input type="checkbox"/>	<b>Own/drive a vehicle</b> with valid insurance.		
<input type="checkbox"/>	<b>Meet all of the requirements to get your license reinstated.</b> <input type="checkbox"/> <u>Pay outstanding court or child support fees</u> (contact county social service office for child support questions.) <input type="checkbox"/> <u>Go to local DMV exam station:</u> <input type="checkbox"/> fill out application for new driver's license; pay \$680 reinstatement fee and keep receipt <input type="checkbox"/> take and pass DWI drivers' license exam; pay fee (varies) and keep receipt		
<input type="checkbox"/>	<b>Carefully review the II Participation Agreement.</b> This is important – it is what you agree to as a participant in the program. See attachment A		
<input type="checkbox"/>	<b>Review, sign and/or notarize the underlined documents below; send all the items listed below to DVS</b> (see contact information below): ▶ Signed and dated <u>Ignition Interlock Participation Agreement</u> ▶ Notarized and signed <u>Special Review Form</u> ▶ Copy of reinstatement fee receipt ▶ Copy of driver's license application fee receipt ▶ If you are not the owner of the vehicle that the ignition interlock device will be installed on, the Vehicle Owner for Approval of Ignition Interlock (Attachment C) must be signed by the owner. <b>Mail:</b> Department of Public Safety Driver and Vehicle Services 445 Minnesota St Suite 168 St Paul, MN 55101 <b>Fax:</b> 651-797-1299 <b>E-mail:</b> <a href="mailto:dvs.ignition-interlock@state.mn.us">dvs.ignition-interlock@state.mn.us</a> <b>Drop-off:</b> Department of Public Safety / Driver and Vehicle Services Office Town Square 445 Minnesota St, St Paul		
<input type="checkbox"/>	<b>Receive and review enrollment packet from DVS</b> (e.g., approval letter, restricted license and vendor information).		
<input type="checkbox"/>	<b>Go to Deputy Registrar</b> (or county office) and purchase special registration plates.		
<input type="checkbox"/>	<b>Select and call an II vendor to schedule an installation appointment with a service provider; get device installed</b> and attend training session (see vendor information attachment B). You should bring anyone who will be driving the vehicle to the training session with you.		
<input type="checkbox"/>	<b>Use Ignition Interlock</b> for required period of time (listed above) and bring vehicle to a service location for monthly maintenance visits.		
<input type="checkbox"/>	<b>Congratulations!</b> If you've followed all of the steps above, you'll get your full driving privileges reinstated and DVS will send you a new driver's license.		
* One year and six months is the minimum time; last 3 months must have no failed tests recorded on device.			

Checklist for License Cancellations				
Offense	No Driving	Ignition Interlock	Limited License	Restricted License
<b>First cancellation</b>	30 days	2 years	1 year (1 <sup>st</sup> year)	1 year (2 <sup>nd</sup> year)
<b>Second cancellation</b>	30 days	4 years	1 year (1 <sup>st</sup> year)	3 years (2 <sup>nd</sup> - 4 <sup>th</sup> years)
<b>Third cancellation</b>	30 days	6 years	1 year (1 <sup>st</sup> year)	5 years (2 <sup>nd</sup> -6 <sup>th</sup> year)
<input type="checkbox"/>	<b>Don't drive</b> during the "no driving" time period listed above (hard revocation).			
<input type="checkbox"/>	<b>Learn more about II program.</b> Review DVS materials (website, the Toolkit, revocation/cancellation notice); contact DVS Customer Contact Representative with questions <b>651-296-2948</b> ; talk to your probation agent (if applicable).			
<input type="checkbox"/>	<b>Own/drive a vehicle</b> with valid insurance.			
<input type="checkbox"/>	<b>Meet all of the requirements to get your license reinstated.</b> <input type="checkbox"/> <u>Pay outstanding court or child support fees</u> (contact county social service office for child support questions.) <input type="checkbox"/> <u>Go to local DMV exam station:</u> <input type="checkbox"/> fill out application for new driver's license; pay \$680 reinstatement fee and keep receipt <input type="checkbox"/> take and pass DWI drivers' license exam; pay fee (varies) and keep receipt			
<input type="checkbox"/>	<b>Carefully review the II Participation Agreement.</b> This is important – it is what you agree to as a participant in the program. See attachment A			
<input type="checkbox"/>	<b>Print, review, sign and/or notarize the underlined documents below; send all the items listed below to DVS</b> (see contact information below): ► Signed and dated <u>Ignition Interlock Participation Agreement</u> ► <u>Limited License Application</u> ► If you are not the owner of the vehicle that the ignition interlock device will be installed on, the Vehicle Owner for Approval of Ignition Interlock (Attachment C) must be signed by the owner. ► Proof on enrollment in a treatment facility ► Copy of reinstatement fee receipt ► Copy of driver's license application fee receipt. (This is <b>very important</b> as it contains the batch number to access your picture for your Limited License.) <b>Mail:</b> Department of Public Safety Driver and Vehicle Services 445 Minnesota St Suite 168 St Paul, MN 55101 <b>Fax:</b> 651-797-1299 <b>E-mail:</b> <a href="mailto:dvs.ignition-interlock@state.mn.us">dvs.ignition-interlock@state.mn.us</a> <b>Drop-off:</b> Department of Public Safety / Driver and Vehicle Services Office Town Square 445 Minnesota St, St Paul			
<input type="checkbox"/>	<b>Receive and review enrollment packet from DVS</b> (e.g., approval letter, restricted license and vendor information). Included in the packet is information on how to obtain a restricted license with full driving privileges after one year of participation.			

<b>Checklist License Cancellation</b> [continued from previous page]	
<input type="checkbox"/>	<b>Go to Deputy Registrar</b> (or county office) and purchase special registration plates.
<input type="checkbox"/>	<b>Select and call an II vendor to schedule an installation appointment with a service provider; get device installed</b> and attend training session (see vendor information attachment B). You should bring anyone who will be driving the vehicle to the training session with you.
<input type="checkbox"/>	<b>Use Ignition Interlock</b> for required period of time (listed above)
<input type="checkbox"/>	<b>Submit the following documentation to DVS</b> when you are eligible for reinstatement of your full driving privileges with an ignition interlock restriction: <ul style="list-style-type: none"> <li>▶ Documentation of weekly AA or other abstinence based support group attendance for 3 months <i>prior to full reinstatement of your license.</i></li> <li>▶ Discharge report from treatment facility with “last chemical use” clearly documented.</li> <li>▶ Five support letters from non-relatives with the “last chemical use” date consistent with each other (as documented in the discharge summary from treatment facility).</li> </ul>
<input type="checkbox"/>	<b>Submit the following to have the ignition interlock restriction removed from your driver license:</b> <ul style="list-style-type: none"> <li>▶ Notarized and signed Abstinence Verification Form.</li> </ul>
<input type="checkbox"/>	<b>Congratulations!</b> If you’ve followed all of the steps above, you’ll get your full driving privileges reinstated and DVS will send you a new driver’s license.

## Ignition Interlock Agreement

This is an agreement between the Department of Public Safety, Driver and Vehicle Services and \_\_\_\_\_ . As part of this agreement the participant agrees to the following terms and condition:

- \_\_\_\_\_ 1. Participant must drive only a motor vehicle equipped with a functioning and certified ignition interlock device during the entire program until notified by Driver and Vehicle Services that they are eligible to have the device removed.
- \_\_\_\_\_ 2 . Participant must not tamper with, circumvent or otherwise misuse the device. Any suspected violation will be evaluated by the Department and sanctions may be imposed. These sanctions could include removal from the program and non-credit for the revocation time period spent using the ignition interlock device.
- \_\_\_\_\_ 3. Participant is responsible for all reports indicating use of alcohol by the ignition interlock device. Any indication of use of alcohol detected by the device will be considered use of alcohol by the participant and will be taken into consideration when the Department of Public Safety evaluates the participant’s driving privileges.
- \_\_\_\_\_ 4. Participants who have a no use of alcohol or drug restriction on their driver license will be considered in violation of that restriction if alcohol is detected by the ignition interlock device and they will be subject to cancellation for a longer time period.
- \_\_\_\_\_ 5. Participant must have their vehicle calibrated by a licensed service provider and serviced every 30 days or as indicated by the interlock device.
- \_\_\_\_\_ 6. Participant is responsible for understanding how to use the ignition interlock device and will be responsible for any misuse of the device.
- \_\_\_\_\_ 7. Participant must provide proof of insurance for the vehicle equipped with the ignition interlock device.
- \_\_\_\_\_ 8. Participant must indemnify and hold harmless the State of Minnesota and any political subdivision, the Department and its officers, employees and agents from all claims, demands and actions as a result of property damage and or injury or death to persons which may arise, directly or indirectly, out of any act or omission by the participant during the use of an ignition interlock device.
- \_\_\_\_\_ 9. Participant is responsible for all cost incurred from the participant in the program.

I have read the above the conditions and by signing this agreement understand that any violation of these conditions may result in sanction being imposed. These sanctions may include removal from the program and/or non-credit for the revocation time period spent using the ignition interlock device.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Participant's:  
Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email Address \_\_\_\_\_



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# Minnesota Ignition Interlock Performance Standards

## 1. Scope

The purpose of this document is to establish performance standards pursuant to MN Statute, Section 171.306 subd. 3. (2008) for the approval, suspension and or revocation process and the installation, support, and removal of ignition interlock devices in the State of Minnesota. If the Department approves a device, the Department shall notify the manufacturer in writing. The state reserves the right to change these standards as additional information is received. The State of Minnesota or any political subdivision may not be held liable in any civil or criminal proceeding arising out of the use of a device approved under this document.

## 2. Definitions

A. The following terms have the meanings indicated.

B. Terms Defined.

1. “Alcohol”: Ethyl alcohol, also called Ethanol.
2. “Alcohol concentration or AC” means the number of alcohol per 210 liters of breath.
3. “Alcohol Set Point” means a pre-set alcohol concentration setting that requires the ignition interlock device to perform a specific operation.
4. “Alveolar air” (also called “deep lung air” or “alveolar breath”) means an air sample, which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of the alcohol concentration in the breath that best represents the person’s true alcohol concentration. “Alveolar” refers to the alveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.
5. “Anti-circumvention feature(s)” means any feature or circuitry incorporated into the device that is designed to prevent human tampering which could cause the device not to operate as intended.
6. “Bogus breath sample” means any sample introduced into the ignition interlock device other than unaltered, undiluted and unfiltered alveolar breath delivered directly from the respiratory system of the driver of a vehicle equipped with an ignition interlock device.
8. “Breath alcohol analysis” means an analysis of a sample of a person’s expired alveolar breath to determine the alcohol concentration
10. “Breath alcohol test” means the proper delivery and analysis of a person’s expired alveolar breath to determine breath alcohol concentration.

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11. “Calibrate” means to test and adjust an ignition interlock device so that it accurately measures breath alcohol concentration.
  12. “Certification Tests” means tests performed to check the compliance of an ignition interlock device with these specifications.
  13. “Circumvention” means an overt, conscious attempt to bypass the ignition interlock device whether providing samples other than the natural unfiltered breath of the driver, or by starting the car without using the ignition interlock device, or any other act intended to start the vehicle without first taking and passing a breath test, and thus permitting a driver with a AC in excess of the alcohol set point to start the vehicle.
  14. “Data storage system” means an internal, computerized (battery backed) recording of all events monitored by the installed device, which may be reproduced in the form of required reports.
  15. “Department” means the Minnesota Department of Public Safety.
  16. “Device” means an ignition interlock device.
  17. “Early recall” is a condition, signaled by a visual and or audible indication on the device that requires the participant to return the vehicle to the service provider for an unscheduled monitoring check.
  18. “False Negative” means a breath alcohol concentration determination that incorrectly permits a vehicle to be started when the driver’s AC is at or above the set point.
  19. “Free restart” means ability to start the engine again, within three minutes, without completion of another breath alcohol analysis.
  20. “Ignition interlock device” means a device that is a breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.
  21. “Illegal start” is an event wherein the ignition interlock device-equipped vehicle is started without the requisite breath test having been taken and passed or is started when the device is in a lockout condition.
  22. “Installation Service Center” – See “Service Center.”
  23. “Installer” means an individual who has been trained by a manufacturer/service provider to install, calibrate, remove and service ignition interlock devices.
  24. “Interlock” means the mechanism which prevents a motor vehicle from starting when the breath alcohol concentration exceeds a preset value.
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25. “Lockout condition” is a temporary condition in which the device will not permit a breath test to be conducted and thereby prevents the participant from starting the motor vehicle.
  26. “Manufacturer” means the actual producer of a device.
  27. “Manufacturer's representative” means an individual and or entity designated by the manufacturer to act on behalf of or represent the manufacturer of a device. Manufacturer’s representative is synonymous with vendor, and is synonymous with service provider.
  28. “Mobile Service” – See “Service Center.”
  29. “Motor Vehicle” means a passenger motor vehicle, including an automobile, pickup truck, truck, or van normally used for personal, family, business or household purposes that is owned or registered in the State of Minnesota. This does not include a motorcycle.
  30. “Negative result” means a test result indicating that the alcohol concentration is less than the startup set point value.
  31. “New device model” means an ignition interlock device that has never been approved by the Department. The new device model would be a technologically advanced device that determined by the Department has any or all of the following: a) new model name, number, and/or serial numbers; b) distinctive or different exterior casing in color, shape, size and dimension, and/or labeling; c) new, different, additional, enhanced and/or technologically advanced exterior and/or interior parts and/or components; d) new, different, additional and/or enhanced functions and capabilities related to technologically advanced performance; e) new, different, additional, enhanced, and/or technologically advanced data collection capabilities; and/or f) new, different, additional, enhanced and/or technologically advanced software and/or firmware that directly affects, alters, enhances device functions and/or capabilities related to performance, function and capability. A device determined by the Department to be a new device model would be subject to the New Device Approval Testing process described herein.
  32. “PBT” means a Portable Breath Tester as used by law enforcement agencies/Department of Corrections/Community Corrections.
  33. “Permanent Lockout” is a condition in which the device will not permit a breath test to be conducted and thereby disables the operation of the vehicle until the service provider conducts an inspection and servicing of the device.
  34. “Positive result” means a test result indicating that the alcohol concentration equals or exceeds the startup set point value.
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35. “Purge” means any mechanism by which a device cleanses or removes a previous breath test sample from the device and specifically removes residual alcohol.
  36. “Random retesting” – See “Running retest.”
  37. “Reference sample device” is a device which simulates the alcohol concentration of an individual who has been drinking alcoholic beverages and whose alcohol concentration is reflected in an analysis of a breath sample.
  38. “Retest set point” means a pre-set or pre-determined alcohol concentration setting, which is the same as the startup set point.
  39. “Revocation” is the permanent removal of the approval of a manufacturer, service provider or both to install, maintain, calibrate or remove ignition interlock devices in Minnesota.
  40. “Running retest” means after passing the test allowing the engine to start, the device shall require a second test within a randomly variable interval.
  41. “Running retest violation” means an event, recorded in the data storage system when the running retest requirement is not met.
  42. “Service center” or “Installation Service Center” means the physical location where service providers perform their services. Mobile service units are permitted.
  43. “Service provider” means the person or entity representing the manufacturer(s) of an approved device and responsible for the day-to-day operations of a service center.
  44. “Startup set point” means a pre-set or pre-determined alcohol concentration setting at which, or above, the device will prevent the ignition of a motor vehicle from operating.
  45. “Suspension” is the temporary removal of the approval of a manufacturer, service provider or both to install, maintain, calibrate or remove an ignition interlock device in Minnesota.
  46. “Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the device from its power source or bypass the interlock components of the device and thereby allow the operator to start the engine without taking and passing the requisite breath test.
  47. “Upgraded device model” means an ignition interlock device that has been approved by the Department, but following such approval the manufacturer has changed, modified and/or altered any or all of the following:
    - a) interior component layout and/or circuit board; b) actual wiring and/or circuitry; c) components (i.e. fuel cells, air flow sensors, microprocessors, valves, pumps, batteries, etc.); d) software and/or firmware programming that could affect the performance and function of the device (i.e. warm-up times, sampling rates, retest times, early recalls,
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service warnings, etc.); e) data collection capabilities; f) service and/or maintenance programs of the device; and/or g) exterior components (i.e. dimensions, color mouthpieces, labels, wires, lights, etc.). A device determined by the Department to be an upgraded device model could be subject to any and/or all of the following processes as described herein: Device Approval/Re-Evaluation Testing; Quality Assurance Pre-Screening Testing; and Revocation/Denial of Approval of Ignition Interlock Devices.

48. “Violation” means any of several events including but not limited to such things as high alcohol, whether from a violation set point or from a retest set point, a running retest violation, tampering or an illegal start.
49. “Violation reset” means an unscheduled service of the device and download of the data storage system by the service center required due to an early recall condition.
50. “Violation set point” means a pre-set or pre-determined alcohol concentration setting at which, or above, the device will record the high alcohol result in the data storage system as a violation.

### **3. Ignition Interlock Technology Requirements**

- A. Approved ignition interlock devices for use in Minnesota must have, but are not limited to, the following:
  1. The ignition interlock device shall have the ability to detect and record attempts to tamper, alter, or bypass the device and any violations such as an alcohol concentration equal to or above 0.020.
  2. The ignition interlock device shall have the ability to prevent normal operation of a motor vehicle by a participant who fails to retest or fails to appear at a scheduled monitoring appointment.
  3. The ignition interlock device shall issue a warning of an impending lockout.
  4. The ignition interlock device shall be able to analyze a specimen of alveolar breath for alcohol concentration.
  5. The ignition interlock device shall indicate when a sufficient sample of breath has been collected and shall indicate this by audible and/or visual means.
  6. The results of the test shall be noted through the use of pass/fail signals. There shall be no numerical AC level displayed.
  7. The ignition interlock device shall have an alcohol concentration set point of 0.020 or higher and when detected shall not permit a driver from starting their vehicle. If an alcohol level is detected which meets or exceeds the alcohol set point the device will

enter into a lockout mode. The initial lockout period shall be five minutes with subsequent lockout periods of thirty minutes.

8. The ignition interlock device must be capable of random re-testing. After passing the test and upon restarting the engine, the device shall require a second random test within 5 to 15 minutes. Third and subsequent retests shall be required at random intervals between 15 and 45 minutes from the previously requested test for the duration of travel. During the running retests, the retest set point shall be the same as the startup set point. In order to alert the driver that a retest is required a warning light, tone or both shall be activated inside the passenger compartment of the vehicle. The driver will then have 6 minutes to retest. If the engine is intentionally or accidentally shutdown after or during the warning but before retesting, the retest clock shall not be reset. The failure to take a retest shall be recorded in the data storage system as a violation and the failure to successfully complete a retest shall cause the device to prevent normal operation of the motor vehicle by activating an audible signal inside the passenger compartment of the vehicle. Three (3) of such failures will cause the vehicle to enter into an early recall condition.

Failure to take a random re-test or random re-tests resulting in ACs equal to or exceeding 0.020, must not sound the vehicle horn nor any type of siren, bell, whistle or any device emitting a similar sound or any unreasonably loud or harsh sound that is audible outside of the vehicle and must not cause the engine of the vehicle to shut off.

9. Three (3) failures to take a retest shall cause the device to enter into an early recall condition.
10. The startup set point value for the interlock device shall be an alcohol concentration of 0.020. The accuracy of the device shall be plus or minus 0.005 grams of alcohol/210 liters of breath. The accuracy will be determined by analysis of an external standard generated by a reference sample device.
11. The device must operate between -40 degrees Celsius and +70 degrees Celsius.
12. The ignition interlock device shall operate at altitudes up to 2.5 KM above sea level.
13. The ignition interlock device's operation shall not be significantly affected by humidity, dust, electromagnetic interference, radio frequency interference, or normal automobile vibration.
14. The ignition interlock device's operation shall not be affected by normal fluctuations of power source voltage.
15. The ignition interlock device, after successful completion of a breath alcohol test, shall enable the ignition relay. The ignition interlock device shall allow three (3) minutes from the time the ignition is enabled to start the vehicle. The ignition interlock device shall allow the vehicle to be restarted within three (3) minutes of a stall without requiring an additional test.

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16. If the initial test results in a lockout, due to the operator's AC level, the device shall not allow an additional attempt for five minutes. If the operator's AC remains higher than the specified set point, the device shall lockout for an additional thirty (30) minutes.
  17. If the result of the retest is higher than the fail point, the device shall prevent normal operation of the vehicle by activating an audible signal inside the passenger compartment of the vehicle and entering into an early recall condition.
  18. The ignition interlock device must be capable of thwarting attempts at evasion or circumvention with the use of bogus or filtered breath.
  19. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to positive results.
  20. The ignition interlock device shall have the following operational features:
    - a. The device shall be designed to permit a free restart of a motor vehicle's ignition within three minutes after the ignition has been shut off, without requiring a further alcohol analysis. The free restart function shall be checked by the service provider during each service.
    - b. The device shall also automatically purge alcohol before allowing subsequent analyses.
    - c. In addition to the operational features of these specifications, the Department may impose additional requirements, as required by law or as needed, depending upon design and functional changes in device technology.
  22. The device shall be designed so that anti-circumvention features will be difficult to bypass.
    - a. Anti-circumvention provisions shall include, but not be limited to, prevention or preservation of evidence of cheating by attempting to use bogus or filtered breath samples or bypassing the breath sampling requirements of the device electronically.
    - b. The device may use special seals or other methods that record attempts to bypass anti-circumvention provisions.
    - c. The device shall be checked for evidence of tampering during each monitoring service.
    - d. When evidence of tampering is discovered, the manufacturer/service provider headquarters shall be notified in writing by the service center and the records shall be made available immediately to the Department or its designee(s).
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23. A warning label containing the following language shall be affixed to each device: “Any individual tampering, circumventing, or otherwise misusing this device may be subject to a minimal sanction of removal from the program.” The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer. The manufacturer shall submit to the department a prototype of the warning label for approval.
  24. The device shall record any attempt to start the vehicle without first taking the breath test, such as the use of an electrical bypass.
  25. The device shall warn the driver of upcoming routine service appointments for five days prior to the appointment. Should the participant fail to appear, the device shall enter into a permanent lockout condition after a five-day grace period and the vehicle shall not be operable until the service provider has reset the device.
  26. The ignition interlock device must have a data storage system that does the following: (1) has sufficient capacity to facilitate the recording and maintaining of all daily driving activities and all monitoring requirements for the period of time elapsed from one maintenance and calibrating check up to the next 70 days; (2) records any attempt to start the vehicle without first taking a breath test, such as the use of an electrical bypass; (3) has an internal memory that can store a minimum of three thousand five hundred (3500) events and shall enter a service reminder if the memory reaches ninety percent (90%) of capacity or has the capacity of store a minimum of ten thousand (10,000) events; and (4) warns the driver of an upcoming routine service appointment and if the driver fails to appear, the device enters into a permanent lockout condition after a five-day grace period and disables the vehicle until a service provider resets the device.
  27. The ignition interlock device alcohol detection sensor shall be based upon electro-chemical fuel cell technology or other advanced technology approved by the Department.
  28. The device must be capable of entering into an early recall condition. When the early recall condition is initiated, the participant will have five days to return to the service center. If the participant does not return within this time period, the device will enter into a permanent lockout condition. Violations resulting in an early recall include any of the following: a) two (2) lockouts due to alcohol readings above the startup set point; b) three (3) running retest violation of failure to take a test; c) one (1) running retest violation of a positive AC use; d) one (1) event of tampering; e) one (1) illegal start violation; f) any equipment malfunctioning and g) any other violation of restrictions placed upon the offender. The data storage system must record and store all violations, attempts to tamper with the system and all illegal starts.
  29. Failure of the manufacturer, service provider or both to abide by the terms and conditions contained within this section may result in suspension or revocation of the approval of the device.



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#### **4. Ignition Interlock Approval**

##### **A. New Ignition Interlock Approval:**

1. Manufacturers applying for approval on all new devices must follow the application process as described in the subsequent sections of these performance standards. Prior to final approval, the Department reserves the right to conduct actual device testing by a Department specified designee and either approve or reject an ignition interlock device based upon the results of the testing.
2. No device may be leased, sold, serviced, repaired, installed or used unless the device has been approved, tested or both by the Department in accordance with Minnesota's ignition interlock performance standards.

#### **5. Manufacturer's Application Procedure**

- A. The manufacturer shall provide to the Department a signed statement that the manufacturer and the manufacturer's service providers/installation service centers meet all of the specifications described in this document.
- B. The manufacturer shall provide to the Department for each device submitted for approval, a written precise set of specifications which describe the features of the device relevant to the evaluation of its performance, a written set of detailed operating instructions including installation and removal, a written copy of the program participants' reference and problem-solving guides, and the 24-hour toll-free emergency service telephone number.
- C. The manufacturer of the device shall carry product liability insurance with minimum liability limits of 1 million dollars per occurrence, with 3 million dollars aggregate total and provide proof of insurance to the Department at the time of application for approval of the device, or at any other time upon request by the Department, its designee or both. The liability covered shall include defects in product design and materials as well as in the work of manufacturing, calibrating, installing, and removing the devices. The proof of insurance shall include a statement from the insurance company that 30 days' notice will be given to the Department before cancellation of the insurance.
- D. The manufacturer shall provide a signed statement that the manufacturer will indemnify and hold harmless the State of Minnesota and any political subdivision, the Department and its officers, employees and agents from all claims, demands and actions as a result of property damage and or injury or death to persons which may arise, directly or indirectly, out of any act or omission by the manufacturer or their representative relating to the installation, service, repair, use and or removal of an ignition interlock device.
- E. The manufacturer shall provide to the Department, its designee or both and to program participants a Warranty of Performance to ensure responsibility of support for service within 48 hours after a report of a problem. This support shall be available for the duration of the

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period during which the device is required to be installed in a program participant's vehicle(s).

- F. The manufacturer shall also provide to the Department, its designee or both a list of its vendors/installation service centers operating within the State of Minnesota, including the vendor's/installation service center's name, business address, phone number, fax number and e-mail address. If the manufacturer plans to utilize one or more mobile service centers they must explain in writing to the Department, its designee or both how the mobile service centers will be utilized and the locations that will be served in accordance with the definition of "service centers" or "installation service centers". The manufacturer shall immediately notify the Department, its designee or both of any changes made to this list. Failure to notify the Department, its designee or both in a timely manner, within 30 days, may result in suspension, revocation, or denial of certification or approval of the device in Minnesota.
- G. A manufacturer or manufacturer's representative must submit to the Department a written request for approval. The Department may decline to review requests for approval on ignition interlock devices that have been previously evaluated and found unacceptable. In the event of non-approval, subsequent and or additional requests for approval may be limited by the Department. The Department shall not be required to engage in research and development procedures involving interlock devices.
- H. Accompanying the request for approval for each device, there must be a notarized letter and or affidavit from an independent third party testing laboratory dated, subsequent to the release of these performance standards, specifically certifying that the submitted device by model and or class meets or exceeds all requirements set forth in these specifications, and must at a minimum meet the National Highway Traffic Safety Administration (NHTSA) guidelines/specifications as published in the Federal Register Volume 57, Number 67, Tuesday April 7, 1992, pages 11772-11787 or any subsequent revisions. This affidavit shall specifically and individually include each of the following:

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1. The name and location of the independent testing laboratory.
  2. The address and phone number of the testing laboratory.
  3. The qualifications and experience of the testing laboratory and the names and qualifications of the individuals actually performing the tests.
  4. A certified summary which demonstrates that all of the following tests have been performed on the device. For specific testing information refer to the Federal Register information as referenced in above paragraph H.
    - a. Accuracy Tests for Safety Specification-Unstressed
    - b. Accuracy Tests for Safety Specification-Stressed
    - c. Breath Sampling Tests
    - d. Calibration Stability Tests
    - e. Lockout Evaluation Tests
    - f. Power Tests
    - g. Temperature Ranges Tests
    - h. Temperature Extremes Tests
    - i. Vibration Tests
    - j. Post Shake Damage Inspection Tests
    - k. RFI/EMI Tests
    - l. Tampering/Power Loss Tests
    - m. Tampering/Circuit Tests
    - n. Circumvention/Non-human Sample Tests
    - o. Circumvention/Filtered Sample Tests
    - p. Circumvention/Rolling Retest Tests
    - q. Sample Free Restart Tests
    - r. Data Recorder Tests
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- s. Accuracy/Precision for Utility Specification-Unstressed Tests
  - t. Stressed Utility Tests
  - u. Clearance Rate Tests
  - v. Warm Up Tests
  - w. Display Readability Tests
  - x. Display User Feedback Tests
  - y. Display Warning Tests
  - z. Low Temperature Provisions Tests
  - aa. Altitude Tests
  - bb. AC Readout Tests (Optional)
  - cc. Sample Acceptability Tests (Optional)
  - dd. Smoke Tests (Optional)
  - ee. Dust Tests (Optional)
  - ff. Alert Conditions Tests (Optional)
5. A detailed list of all equipment used during the testing process including the following information:
- a. Name of Equipment or Apparatus
  - b. Manufacturer
  - c. Part Number
  - d. Serial Number
  - e. Calibration Date (when applicable)
6. Descriptions and explanations of the actual certified tests conducted and/or completed copies of the raw data from such tests and the results from such tests that verify the ignition interlock device accurately, regularly and reliably performs each of the device technology requirements stated above. (See performance standard number 3.)

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- I. The manufacturer shall provide a serial number inventory of at least 50 devices from which the Department may select a minimum of two and as many as five for compliance testing conducted by the Department, its designee or both.
  - J. If a device is submitted for approval by a party other than the manufacturer, the submitting party shall submit a notarized affidavit from the manufacturer of the device certifying that the submitting party is an authorized manufacturer's representative; and it is agreed and understood that any action taken by the Department or any cost incurred in accordance with the provisions of these specifications shall ultimately be the responsibility of the manufacturer.
  - K. The manufacturer or its authorized representative assumes all costs and responsibilities for the Manufacturer Application Procedure, as described herein.
  - L. Only after the Department has received all the documentation described herein, will the Department determine the suitability and reliability of the submitted device and consider it for approval. The Department also reserves the right to request additional documentation as required.
  - M. Failure of the manufacturer to meet the requirements contained within this section may result in rejection of manufacturers' application by the Department. The Department reserves the right to limit or restrict future applications for device approval by manufacturers.

## **6. Manufacturer's Requirements Upon Device Approval**

- A. The manufacturer shall notify the Department, its designee or both in writing if the certification and or approval of a device that is approved for use in Minnesota is or has ever been suspended, revoked or denied in another state, whether such action occurred before or after approval in Minnesota or if and when an appeal to the action(s) was made and the outcome of the appeal. This notification shall be made in a timely manner, not to exceed 30 days, after the manufacturer has received notice of the suspension, revocation, or denial of certification or approval of the device, whether or not the action is or has been appealed. Failure to notify the Department may result in suspension, revocation, or denial of approval of the device in Minnesota.
- B. The manufacturer shall be responsible for providing uninterrupted service of installed devices as defined by these specifications regardless of the circumstances which could cause such interruption. Should the manufacturer become unable to comply with any of these specifications or if certification is revoked for any other reason, the manufacturer shall notify the Department, its designee or both in writing. The manufacturer shall also be responsible for removing its devices from program participants' vehicles and shall bear the cost of having them replaced with an approved device from another manufacturer.
- C. All ignition interlock installation, service and removal must be performed at an installation service center. Mobile service units are permitted. However, the

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manufacturer may provide only mobile service where the reduced number of eligible clients would place an undue financial burden on the manufacturer to maintain stationary service centers. Mobile service is permitted throughout the entire State of Minnesota in emergency situations or cases involving extenuating circumstances when it is not possible for a client to travel to a stationary service center for device maintenance. Mobile units will be held to the same security and procedural standards as stationary service centers. The Department may deny, suspend or revoke a manufacturer's/service centers permission to perform mobile service if the mobile units fail to meet required specifications.

- D. Manufacturers are not permitted to ship interlock equipment to the participants' residences under any circumstances.
- E. The manufacturer shall immediately notify and inform in writing the Department and its designee of any modifications or alterations to an approved device, its interior and exterior design, its parts, and or its operating firmware and or software.
- F. In the event that a manufacturer is introducing an upgrade or modification(s) to a currently approved device, the manufacturer must provide the Department, its designee or both with a comprehensive plan of action for the phasing out of the use of the older device. This plan of action must be approved by the Department prior to the deployment of the action plan.
- G. The manufacturer agrees to cooperate with the Department regarding its request for information relative to the approved device and to provide expert testimony as necessary at no costs to the State of Minnesota or any political subdivision, the Department or its officers, employees or agents.
- H. Failure of the manufacturer and or service provider to abide by the terms and conditions stated in paragraphs A through G above may result in suspension or revocation of the approval of the device.

## **7. Requirements of the Manufacturer's Service Provider**

### **A. Installation Requirements:**

- 1. The service provider/installation service center must install ignition interlock devices according to the following guidelines:
  - a. A service provider/installation service center must inspect all motor vehicles prior to installation to determine that mechanical and electrical parts of the motor vehicle that are and will be affected by the ignition interlock device are in acceptable condition and no device(s) shall be installed until the motor vehicle(s) is capable of such installation.

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- b. Installations shall be made in a professional manner in accordance with acceptable industry standards. All electrical connections made between the device and the motor vehicle shall be made permanent, such as soldering or scotch locks.
  - c. Each installation shall include all of the tamper resistant features required by the manufacturer/service provider and the Department which include, but which are not limited to the following:
    - (1) A unique and identifiable covering such as seal, epoxy or resin at all exposed electrical connections used to install the device, which are not inside a secured enclosure.
    - (2) Connections to the motor vehicle shall be installed under the dash or in an inconspicuous area of the motor vehicle.
    - (3) A unique and easily identifiable tamper seal, epoxy, or resin at all openings (except the breath and exhaust openings) and on any portion of the hand-held unit, control and support units that can be disconnected, except in cases where the design of the device allows for the removal of the hand-held unit.
  2. Upon completion of an installation of a device(s), the service provider/installation service center shall submit an installation certificate plus the participant's full name, date of birth, driver license number and any other required or appropriate information to the state.
  3. The installation service center shall calibrate each device using a "reference sample device" at a threshold determined by the concentrations level of either the premixed alcohol reference solution or a dry gas standard before the device is installed into a vehicle. Calibration materials must be stored in such a manner that they are not exposed to excessive heat or cold conditions which may compromise the integrity of the calibration process.
  4. Installations shall be conducted only by individuals trained by the manufacturer/service provider.
  5. Manufacturers of approved devices shall disseminate to its service providers and or installation service centers copies of the ignition interlock performance standards established by the Minnesota Department of Public Safety.
  6. Manufacturers of approved devices shall develop written instructions for the installation and removal of ignition interlock devices which service providers/installation service centers shall follow. A copy of these instructions shall be disseminated to and kept on-site by the service provider/installation service center(s).
  7. Each device shall be provided with disposable mouthpieces. The manufacturer shall ensure the availability of additional mouthpieces, and the service provider/installation
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service center(s) must keep an adequate inventory, which will be made available to the program participant(s).

8. The device shall be installed in a manner that it does not interfere in the safe operation of the vehicle when starting the motor vehicle or while the vehicle is being driven.
9. Service providers must request specific written permission from the Department to lower the air volume for a breath sample on a device for participant(s) with diminished lung capacity. Permission is granted on a case-by-case basis. To be considered, the service provider must submit a written request to the Department, its designee or both which includes the following:
  - (a) Participant's name
  - (b) Participant's address
  - (c) Participant's driver's license number
  - (d) Documentation from a licensed physician verifying and explaining the extent of the participant's diminished lung capacity and the need for a lowered air volume for a breath sample on the device.

B. User Orientation and Support - The service provider must provide efficient and effective service to the participants of the program according to the following guidelines:

1. An orientation on the use of the ignition interlock device shall be developed by the manufacturer/service provider for program participants and any other persons who will operate the motor vehicle(s).
2. The service provider shall conduct such an orientation at the time of installation, and shall train participants and any other persons who will drive the motor vehicle(s) on the use of the ignition interlock device, as well as demonstrate and provide written instructions on how to clean and care for the ignition interlock device.
3. A reference and problem solving guide shall be developed and given to participants at the time of installation. The guide shall include information on the location of service centers, servicing procedures, emergency procedures and a conspicuous warning that the device detects non-compliance. In addition, the guide should include the type of motor vehicle malfunctions or repairs that might affect the ignition interlock device and the procedures to follow when such repairs are necessary.
4. The service provider shall be available to answer all questions and handle any mechanical problems relating to the device in the motor vehicle or repair or replace an inoperable or malfunctioning ignition interlock device during normal business hours.



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5. The service provider shall provide a twenty-four (24) hour toll-free phone number to all participants for emergencies resulting from the operation or use of the ignition interlock device.
  6. All service inquiries shall be responded to within twenty-four (24) hours of the initial contact. Within forty-eight (48) hours of initial contact, repair or replacement of the ignition interlock device shall be completed. Furthermore, any changes or alterations to the device shall be reported to the Department within forty-eight (48) hours of its occurrence.
- C. Service and Monitoring Requirements - The service provider/installation service center must provide effective and efficient regularly scheduled maintenance to participant's motor vehicle(s) on which an ignition interlock system is installed and convey the necessary information from the ignition interlock device to the Department, its designee or both according to the following guidelines:
1. Servicing, inspection and monitoring of each device shall occur within thirty (30) days after the initial installation and every thirty (30) days thereafter.
  2. The service provider/installation service center shall perform a calibration check of the device at each monitoring to verify that the device measures an approved reference sample within plus or minus .005 grams of alcohol/210 liters of the known concentration of the reference sample. Service provider/installation service centers that utilize a wet bath standard must store calibration solution(s) in an environment that protects the solution(s) from extremes in temperature. If the result of the calibration check is not within this tolerance range, the service provider/installation service center must re-calibrate or replace the device at the time of monitoring.
  3. The service provider shall maintain records on every participant including results of every monitoring check. Records may be maintained electronically.
  4. Within one (1) business day of performing the monitoring check, the service provider shall report to the Department, its designee or both, any evidence of:
    - (a) Altering, tampering with, bypassing, or unauthorized removal of the device.
    - (b) Any failure to abide by the terms and conditions of the program, including failure to appear for the monitoring visit within the five-day grace period.
    - (c) Any indications of any non-compliance, such as failed or missed tests, or failure to comply with regularly scheduled maintenance.
  5. Within five (5) business days from performing the monitor check, the service provider will provide a full data log report to the state or its designee. This data will be provided electronically via email, web-browser, fax or mail.
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- D. Facility and Personnel Requirements - A manufacturer's vendor/service provider must establish installation service centers and employ personnel according to the following guidelines:
1. Adequate security measures shall be taken by each manufacturer/service provider at its installation service center to ensure that unauthorized personnel cannot gain access to secured materials.
  2. Installation service centers shall be operated in such a manner that the program participant or any other unauthorized personnel cannot witness the installation and or servicing of the ignition interlock device.
  3. The service provider must take corrective action within 48 hours to eliminate reoccurrence, if an ignition interlock report is received that indicates alcohol use by installation personnel.
  4. A service provider/installer cannot provide service for more than one ignition interlock manufacturer.
  5. Personnel who work for the manufacturer/service provider at the installation service centers and who install, calibrate, perform tamper inspections or perform reporting duties may not have been convicted of a crime substantially related to the qualifications, functions, and duties related to the installation and inspection of the devices. This may include, but is not limited to, persons:
    - (a) Convicted of any alcohol or drug-related offense within the last 3 years or currently on probation for such conviction.
    - (b) Convicted of more than one alcohol or drug-related offense overall.
    - (c) Convicted of probation violation.
    - (d) Convicted of perjury, forgery, sworn or unsworn falsification.
    - (e) Convicted of tampering with an ignition interlock device.
  6. Manufacturers/service providers must conduct an annual criminal record check through the Minnesota Bureau of Criminal Apprehension and conduct a driver's license record check of all personnel (as described above) employed in Minnesota and make appropriate reports to the Department and/or its designee no later than the first day of July. Such checks for newly hired personnel shall be conducted within thirty (30) days of their start date. The Department, its designee or both reserves the right to spot check such records in the event of any discrepancies.
  7. In the event that a relevant criminal history is discovered, the manufacturer/service provider has 30 days to remove that employee from any device installation, calibration and/or removal and data storage system downloading duties. Failure on the part of the
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manufacturer/service provider to take this action may result in suspension or revocation of approval of a device in Minnesota.

8. Personnel shall be trained by the manufacturer/service provider to install, calibrate, monitor, upload data and remove the device.
- E. Evaluations, Reports and Information Dissemination - The manufacturer or manufacturer's service provider will be responsible for providing information requested by the Department, its designee or both regarding the program's participants' usage of the device, device and/or service complaints or concerns, technical problems encountered with the device, or any other information that is available. In addition, the service provider has the responsibility of disseminating information about its device to the public.
1. A written summary of all complaints received and corrective actions taken by the manufacturer/service provider shall be provided to the Department, its designee or both on a quarterly basis. The actual reporting forms and or reporting format will be provided by the Department or its designee. Generally, the complaints shall be categorized by:
    - (a) Customer error or operation.
    - (b) Faulty automotive equipment other than the device.
    - (c) Apparent misuse or attempts to circumvent the device.
    - (d) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.
  2. No later than the 15<sup>th</sup> day of each month, all manufacturers/service providers will provide a written report to the Department, its designee or both of all devices installed and/or removed at its installation service centers during the previous month. This report shall contain the program participant's name and address, date of birth, driver's license number, County of jurisdiction, date of device install and/or removal, and reason for removal, or any other pertinent information (i.e. the total number of active program participants, installations, participants that have completed the program, participants that have voluntarily removed the device, miles driven, number of breath tests, tests resulting in ACs equal to or higher than 0.020%, attempts to tamper and time of day when high ACs occur) as requested.
  3. The manufacturer/service provider shall inform the Department, its designee or both in writing of any modifications or adjustments to the ignition interlock device, including changes or modifications to firmware or software, undertaken by the manufacturer.
  4. The manufacturer/service provider shall provide to the Department, its designee or both proof of installation of the device in a participant's vehicle(s) and the results of servicing and monitoring of such devices.
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5. The manufacturer/service provider shall provide public information to interested applicants concerning the device and costs of the program.
  6. The manufacturer/service provider/installation service center shall immediately notify the Department, its designee or both if it becomes aware of a motor vehicle accident involving a vehicle equipped with an ignition interlock device. The manufacturer/installation service center shall provide the name of the program participant, the jurisdiction in which the incident occurred, the name of the investigating officer(s), whether there is evidence of tampering or circumvention of the device, whether or not there is suspicion or evidence of alcohol or other substances involved in the incident, whether there is evidence that a device malfunction occurred and was a factor in causing the accident, if there is pending litigation due to injuries or death resulting from the accident and any other relevant information. The manufacturer/service provider/installation service center shall cooperate with the Department, its designee or both, and provide either entity, in a timely manner, a written report of any and all circumstances of such incidents.

#### F. Removal of the device

1. All device removals must be done in an expedient manner and the vehicle(s) returned to normal operating condition. All scotch locks associated with the installation of the device must be removed and all severed wires must be permanently reconnected by soldering and insulated with heat shrink tubing.
2. No manufacturer/service provider/installation service center shall remove another manufacturer's device without the written consent of that manufacturer prior to the removal of the device.

G. The service provider must have the manufacturer's approval for use of a particular approved device either through purchase, lease agreement or rental agreement. A service provider may not continue to install, maintain or remove ignition interlock devices if they have been so notified by the manufacturer.

H. Failure of the manufacturer and or service provider to abide by the terms and conditions as stated in the preceding paragraphs A-G may result in suspension or revocation of the approval of the device.

### **8. Revocation/Denial of Approval of Ignition Interlock Devices**

A. The Department may deny, suspend or revoke approval of a device, and remove it from the list of acceptable devices, upon any of the following grounds:

1. Evidence of repeated device failures due to defects in design, materials, or workmanship during manufacture.

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2. Termination or cancellation of manufacturer's liability insurance along with failure of the manufacturer to carry the specified amount of liability insurance.
  3. Request of the manufacturer to remove a device from the list of approved devices.
  4. Any finding that the manufacturer, its service provider, or any one of its installation service centers is not in compliance with the provisions of these specifications, regulations or other applicable law.
  5. Providing materially false or inaccurate information relating to a device's performance standards, by a manufacturer, service provider or installation service center representative.
  6. Failure to submit reports to the Department, its designee or both.
  7. Discontinuance in the business of manufacturing devices.
  8. Any other reasonable cause to believe that the device was not accurately represented to meet performance standards.
  9. Failure of the manufacturer/service provider to notify and inform in writing the Department, its designee or both of any device modifications or alterations (i.e. firmware and/or software changes or upgrades).
  10. Failure of the manufacturer/service provider to notify and inform in writing the Department, its designee or both when an approved device has been denied approval, has been revoked, or has been suspended in any other state.
- B. The effective date of suspension or revocation shall be 30 days after notification is sent to the manufacturer via certified mail, except in cases where the Department determines immediate suspension or revocation is necessary for the safety and welfare of the citizens of the Minnesota.
- C. Manufacturers may request the Department to review a revocation of its participation in the Minnesota ignition interlock program. This request shall be submitted to the Department, in writing, within 30 days of the revocation.
- D. Upon suspension, revocation, or voluntary surrender of an approval to participate in the Minnesota ignition interlock program, a manufacturer shall notify each of its service providers/installation service centers to cease to install that model or class of device(s) in any and all program participant's motor vehicle(s) upon the effective date of the suspension, revocation, or voluntary surrender.
- E. Upon revocation or voluntary surrender of an approval, the manufacturer shall be responsible for removal of all affected like devices from program participant's motor vehicle(s). All reporting requirements concerning data recorded by each of the affected like devices must be met and appropriate records forwarded to the Department, its designee or both.
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- F. The manufacturer shall be responsible for any costs connected with removal of its revoked device(s) from a program participant's motor vehicle(s) and the installation of a new device(s) from the Department's list of approved devices.
- G. Upon notice of suspension or revocation of approval, the manufacturer shall ensure minimal inconvenience to the affected customers by removing their device(s) during the customers' regularly scheduled monitoring appointments.
- H. Upon notice of immediate suspension or revocation that involves device malfunction, gross negligence or any other situation that could potentially place program participants, other citizens of Minnesota or both in danger, the manufacturer will notify all program participants in writing within 24 hours of receiving notice so that they may return to the service centers for device removal.
- I. In the event of revocation of a manufacturer's device, the Department has the right to deny or limit subsequent, additional and or new submissions for approval of any device from said manufacturer.

## **9. Other Provisions**

- A. The Department, its designee or both reserves the right to observe the installation and service of any approved device(s).
- B. The Department, its designee or both reserves the right to periodically request statistical data regarding driver/equipment performance, with the guarantee that individual drivers' names and addresses will not be specifically identified.
- C. The Department reserves the right to modify these specifications based upon the needs of the Department.
- D. The Department reserves the right, at any time, to request additional information from Manufacturer, its service provider(s), or its installation service centers concerning an approved device which may lead to re-evaluation of the approval of the device.

## **10. Variance Procedures**

- A. Request for a variance procedure - A person or licensee who wants to obtain a variance from the Performance Standards pertaining to ignition interlock must submit a request to the Department of Public Safety in a format prescribed by the department. The request must contain, at a minimum, the following information and documents:
  - 1. The nature, extent, and reason why the variance is being requested.
  - 2. Any supporting documentation necessary to describe the proposed variance.

3. A statement addressing the criteria in subpart C of this provision.
- B. Procedure for Variance Requests - The policy committee must approve or deny a variance request according to the following procedures:
1. Upon receipt of a variance request, the policy committee must notify all persons who have requested the variance with the committee the time, date, and place of the policy committee meeting at which the variance will be considered. The policy committee must not act on the variance request until at least ten days after the person or licensee has received the notice. The policy committee will consider variance requests during a scheduled meeting.
  2. The policy committee may request the person or licensee to submit additional information regarding the variance request. This procedure is not a contested case hearing as defined in Minnesota Statutes, chapter 14.
  3. If the person or company requesting the variance fails to follow the procedures in this part the policy committee must deny the variance request.
  4. Within five days after the policy committee meeting at which the request was considered, the committee must notify the person or licensee in writing of the reasons why the request was approved or denied. The policy committee must also notify other persons who submitted written comments to support or oppose the request.
- C. Criteria for Approving and Denying Variance Requests -The policy committee may approve a variance from any of its rules if it finds that all of the following criteria have been met:
1. Strict application of the rule would cause undue and substantial hardship to the person or company applying for the variance.
  2. Approving the variance does not confer a benefit on the person or licensee which is not enjoyed by other persons similarly situated.
  3. Approving the variance does not substantially impair the intent and purposes of the performance standards.
  4. The variance can be approved without impacting the integrity of ignition interlock program, or the public health, safety, or welfare.
  5. Approving the variance does not allow violation of Minnesota Statutes, chapter 171.305 or 171.306.
  6. The variance is for a onetime variance, not an ongoing variance of the performance standards.
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