

# Administrative DWI Driver License Sanctions



# DWI ARREST

7 days

Months  
-years

## Administrative License Sanctions

- License Revocation
- License Plate Impound
- Vehicle Forfeiture

## Criminal Penalties

- Fine
- Probation
- Jail

# **Administrative License Sanctions**

# Driver's License DWI Administrative Sanction Initiative

- ❏ Comprehensive review of DWI administrative license sanctions
- ❏ Project Goal – Recommend effective sanctions that:
  - › Reduce alcohol-related fatalities
  - › Increase legal driving
- ❏ Met for nearly 2 years
- ❏ Nearly 70 multi-disciplinary members
  - › Core Project Team
  - › Work Group Members
  - › Technical Advisory Panel
  - › Four Work Groups

# Findings of the Initiative

- ❖ Six key recommendations based on:
  - › State DWI data and research
  - › National research
  - › Best practices
- ❖ Encourage use of effective technology
  - › Ignition interlock
- ❖ Provide effective chemical health screens and assessments
  - › Standardize assessment and screening tools
  - › Identify and approve administrators of the tools
- ❖ Identify effective programs that result in long-term behavior changes
  - › DWI Courts
  - › Cognitive-based education

# Ignition interlock



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

# Program Benefits

## What does research tell us?

- ❧ Reduces recidivism on average 64% while installed
- ❧ Reduces the economic impact of impaired driving by \$3 –\$7 for every \$1 spent
- ❧ Reduces criminal justice cost associated with illegal driving
  - › Estimated 70% of revoked drivers drive illegally
- ❧ Elevated and early morning AC tests can predict likelihood of future offenses
- ❧ Offenders agree interlock is a fair sanction
- ❧ Provides assurances to family members that offender is not drinking and driving

# Ignition Interlock Limitations

- ❌ Does not have long term effect on reducing re-offense
- ❌ Is not a substitute for treatment
  - › Coupled with behavior changing program
- ❌ Low participation rates
- ❌ Other costs associated with license reinstatement



## Program Fees

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



## Reduced Fees

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

## MONEY QUESTION



# Administrative DWI Driver License Sanctions

Law Change  
Effective July 1, 2011



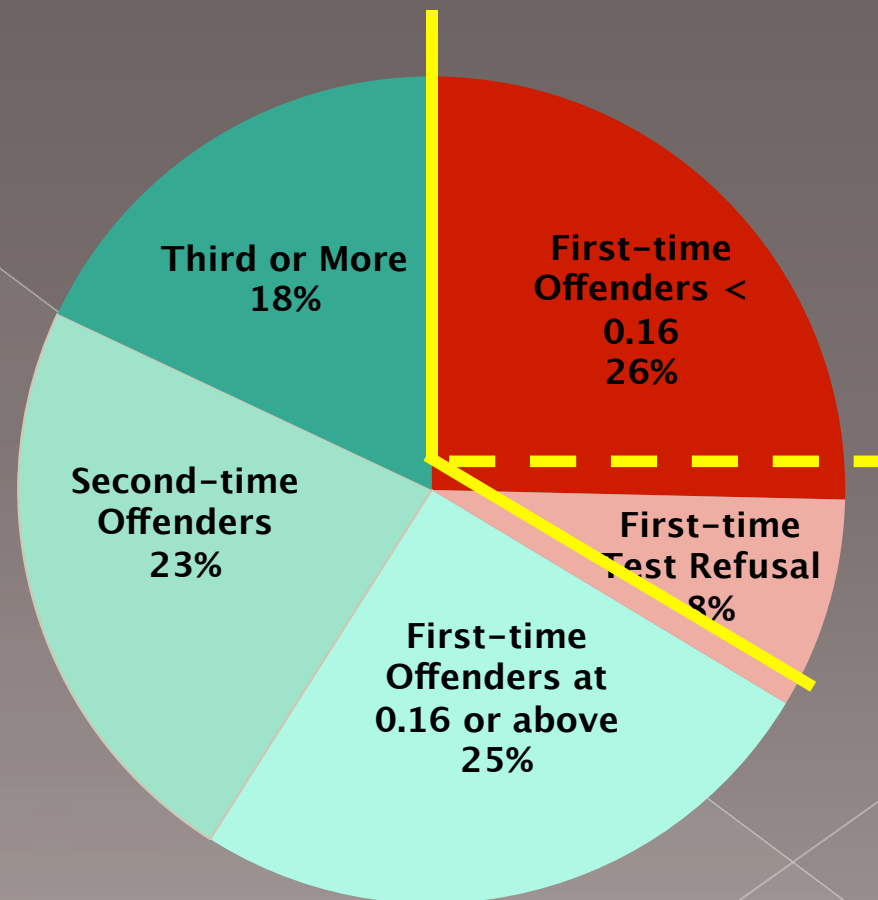
# Who will it effect?

☒ All DWI Offenders

☒ Most significantly

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

## DWI Offenders Likelihood of Installing Ignition Interlock



Approximately 30,000 DWI Arrests per Year

# Why the program changes?

## ☒ Research driven sanctions

- › Swift and certain action for performing at-risk driving behavior
- › Targeted high-risk drivers
  - ☒ First-time offenders – 80% of drinking drivers involved in a fatal crash had one or no previous DWI
- › Targeted high-risk time periods
  - ☒ First 12 months after a DWI arrest

## ☒ Creates a pathway for legal driving

- › Nationally 70% drive illegally

# Significant Changes

## First- and Second-time Offenders

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

# Significant Changes

## Third and More Offenses

### ❏ Revocation periods are based on number of offenses

- › Third offense= three years, fourth offense= four years and fifth offense= 6 years
- › Limited driving privileges for first year
- › Full driving privileges for the remaining period of time demonstrating abstinence

### ❏ Ignition interlock is used to monitor chronic DWI offenders and demonstrate abstinence

- › Maintains treatment requirement
- › Eliminates 5 letters
- › Eliminates requirement of AA meetings

# Significant Changes “B-card” Violations

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

# Employment Variance

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

# Significant Changes Criminal Penalties

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

**The person should be informed that required use of ignition interlock time-periods may not be consistent**

# Violations

## ☒ 171.09 Subd 1 (d) (2)

- › It is a misdemeanor for a person who holds a restricted license issued under section 171.306 to drive, operate, or be in physical control of any motor vehicle that is not equipped with a functioning ignition interlock device certified by the commissioner.

## ☒ 171.306 Subd 6 (a)

- › It is a misdemeanor for a person to knowingly lend, rent, or lease a motor vehicle that is not equipped with a functioning ignition interlock device certified by the commissioner to a person with a restricted ignition interlock driver license

## ☒ 171.306 Subd 6 (b)

- › It is a misdemeanor for a person to tamper with, circumvent, or bypass the ignition interlock device, or assists another to do so

# Partnership with Courts

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

# Current Status

- ❑ Driver and Vehicle Services is responsible for implementation
- ❑ Guidelines for certification of ignition interlock devices
- ❑ Rules for implementation of the program are being written
- ❑ Business processes development
- ❑ System changes are being completed
- ❑ Media and educational material is being created

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

