

Traffic Safety Resource Prosecutor

Information Sheet: Ignition Interlock Program

Statutory Authority

Minn. Stat. § 169A and Minn. Stat. § 171 were amended in the 2010 legislative session to change the drivers license sanctions for impaired driving and integrate ignition interlock technology. Minn. Stat. § 171.306 was amended to create a permanent, statewide ignition interlock program administered by the Minnesota Department of Public Safety. Minn. Stat. §§ 169A.52 – 169A.54 were amended to change the drivers license sanctions for DWI. Generally, the statutes were changed to provide longer license sanctions, while allowing driving privileges by participating in the ignition interlock program.

The purpose of this information sheet is to outline statutory provisions impacting prosecutors and courts.

What Prosecutors Need To Know

Most of the prosecutor's work will remain unchanged. There are provisions in the new statute to allow for sentencing a DWI offender to the use of ignition interlock while on probation, new crimes created for circumventing or tampering with the ignition interlock device, and violating the ignition interlock restriction.

Minn. Stat. § 169A.275, subd. 7 was amended to allow the defendant to be required, as a condition of probation, to drive only motor vehicles equipped with an ignition interlock device. If the defendant is sentenced to probation conditioned upon ignition interlock, the mandatory minimum jail sentences do not apply. To be effective, ignition interlock should be coupled with long term behavior change programs, such

as DWI Court, intensive supervised probation programs, or staggered sentencing under Minn. Stat. § 169A.275, subd. 6. If a Judge sentences a defendant to ignition interlock as a condition of probation, the defendant should realize that the defendant may need to participate in the Ignition Interlock Program with DPS, Driver and Vehicle Services (DVS), to reinstate driving privileges. The period of probation may be different than the period of license revocation or cancellation. Consequently, the defendant may complete probation, but need to keep the ignition interlock device installed on their car as a condition of having full driving privileges. Contra wise, the defendant may complete the ignition interlock program, but have to keep the ignition interlock device installed as a condition of their probation in the criminal case. Defendants under the age of 18 are not eligible for participation in the Ignition Interlock Program.

For those participating in State's Ignition Interlock Program, Minn. Stat. 171.09, subd. 1(g), was amended to make violating the Ignition Interlock restriction a misdemeanor. If a program participant drives, operates, or is in physical control of a motor vehicle not equipped with the ignition interlock device, they can be charged with a misdemeanor, unless driving an employer owned motor vehicle for employment purposes. Minn. Stat. § 171.306, subd. 6 was amended to make tampering with, circumventing, or bypassing the ignition interlock device a misdemeanor offense, unless it is done for emergency purposes or mechanical repair *and* the person does not operate the motor vehicle while the Ignition Interlock device is disengaged. It also makes it a misdemeanor

offense to knowingly lend, rent, or lease a motor vehicle that is not equipped with the ignition interlock device to a person subject to the Ignition Interlock restriction. Venue for these misdemeanor offenses is proper in the county where the motor vehicle is found; in the county where the defendant resides; in any county where the defendant drove the vehicle; or the county in which the underlying DWI offense occurred. Minn. Stat. § 609.131, subd. 2 was amended to include these offenses in the list of offenses exempt from certification as a petty misdemeanor by the prosecutor. These offenses require the defendant's consent to be certified as a petty misdemeanor.

What The Court Administrator Needs To Know

The Court Administrator should send convictions to DVS for violations of Minn. Stat. § 171.09, subd. 1(g) and Minn. Stat. § 171.306., subd. 6. Under Minn. Stat. § 171.09, subd. 1(e) and 171.306, subd. 5, DVS extends the revocation period for the violation.

Benefits Of Ignition Interlock

Research shows that ignition interlock is an effective tool in the fight against impaired driving *while it is installed on the vehicle*. One study of ignition interlock showed a 64% reduction in recidivism for impaired driving. The device requires the person to provide a breath sample for alcohol testing to start the motor vehicle and periodically while operating the vehicle. The Ignition Interlock improves traffic safety by separating drinking and driving. It also provides a pathway for defendants to obtain valid driving privileges, thereby addressing the large number of people driving after revocation or cancellation. Minnesota's Ignition Interlock Program provides greater protection for the public from impaired

driving while providing increased driving privileges for Defendants.

Relevant Statutes

Minn. Stat. § 169A.275, subd. 7
Minn. Stat. § 169A.52
Minn. Stat. § 169A.54
Minn. Stat. § 171.09, subd. 1(g)
Minn. Stat. § 171.306, subd. 4(b)
Minn. Stat. § 171.306, subd. 6(a), (b)
Minn. Stat. § 609.131, subd. 2

Frequently Asked Questions

- Q: Can't they just have someone else start the car?
- A: While anyone can blow into the device to start the car, it is a misdemeanor to circumvent the Ignition Interlock and the device is equipped with a camera to record who started the vehicle. In addition, the device requires tests periodically after it is started. Consequently, a sober person would have to be riding with the impaired driver and continue providing tests.
- Q: How does the arresting officer know the driver is subject to an Ignition Interlock restriction?
- A: The restriction is denoted on the drivers license and on the driving record.
- Q: How much does the device cost and what about indigent defendants?
- A: The device costs approximately \$25 to install, \$25 to remove, and \$40 per month. Minn. Stat. 171.306, subd. 2(1) provides discounted rates for indigent defendants.

Additional Information

www.dps.state.mn.us/ots/MN_Ignition_interlock/www/index.shtml