



## FREQUENTLY ASKED QUESTIONS ABOUT IIDs

### BASIC INFORMATION

Breath alcohol ignition interlock devices (IIDs) have been required for use by Wisconsin drivers convicted of either:

- A first time OWI with an alcohol concentration of 0.15% or higher,
- A repeat OWI offender, or
- A driver that refused to provide a breath or blood sample for a chemical test at a traffic stop.

At the time of conviction, the court will order an interlock to be installed and that the offender cannot operate a motor vehicle with a prohibited alcohol concentration of 0.02%, in addition to mandatory driver license revocation and, if required, confinement in either county jail or prison.

The interlock order affects the offender in two ways. First, the interlock order applies to every Class D vehicle owned or registered by the offender. Second, the offender's driving privilege is restricted so that they can operate only IID-equipped vehicles during the duration of the order.

Offenders may not operate a vehicle that requires a regular (Class D) driver's license if the vehicle is not equipped with an IID while their operating privilege is restricted. The courts have no discretion to waive or modify that restriction.

Convicted OWI offenders may choose not to drive, but they cannot simply "wait out" the clock on their order. Offenders may be prosecuted for failure to comply with their order. The courts may order an IID be installed prior to conviction, immediately after conviction if participating in a Huber (work release) program, or as soon as the offender can reinstate their driving privilege. When and if offenders choose to restore their operating privilege, the clock will start on their interlock order on the day DMV issues them any kind of license.

If offenders choose to apply for an Occupational License from DMV, which allows them to drive to/from work or school, or to take care of essential household activities, then their restricted operating privilege will be conditioned on driving a vehicle equipped with an IID— and it will not matter who owns the vehicle (the offender, a family member, their employer, or whomever loaned them a vehicle).

### 2023 PROGRAM CHANGES

Ignition interlocks have been in use on a voluntary basis in Wisconsin for nearly 30 years. These requirements, originally approved in 1992, found in chapter Trans 313 of the administrative code, were significantly updated in 2021. Since that time, WisDOT staff have been working with the currently approved device manufacturers to update device function and their systems to meet these improvements. All new device installations after January 1, 2023, are required to comply with these modifications.

Changes in device operation include:

- Allowing more than 3 attempts to provide a pass within 5:00 for every sample
- 4 possible results for any breath sample attempt (actual concentrations will not be displayed)
  - PASS- when the sample is accepted, and the alcohol concentration is at or below 0.020 g/210 L
  - FAIL- when the sample is accepted, and the alcohol concentration is above 0.020 g/210 L
  - ABORT- when the sample is not accepted; a message describing the error will be displayed
  - REFUSAL- when no attempt is made



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- Elimination of the temporary lockout when aborted or failed samples are provided when trying to start a vehicle
- Allowing removal of the handset when the vehicle is off to help speed up starting in the winter
  - Only the handsets of devices with a camera may be removed.
- Adding an alert mode, consisting of flashing emergency lights, and honking horn, whenever a violation occurs, or a circumvention or tamper is detected
- The only way to end the alert is to provide a retest PASS
- If the engine is turned off while in alert mode, a sample PASS is required to restart the vehicle
- Adding a confirmation process for every non-passing retest sample
  - There will be a 2-minute wait before the device requests another retest sample
  - If the driver provides a PASS for that test, the device returns to normal operation
  - If the driver provides a FAIL for that test, a violation is recorded, and alert mode activated
  - If the driver provides an ABORT for that test, a violation is recorded, and alert mode activated
  - If the driver records a REFUSAL, a violation is recorded, and alert mode activated
- Clarifying that a violation reset occurs after either:
  - A single bypass, circumvention or tamper is detected, or
  - The accumulation of any combination of 3 aborted, failed or refused confirmation retest violations  
*This used to be after either 3 refused retest samples in a single driving event or 3 failed retests in a 60-day service interval*
- Implementing use of cameras and wireless data transmittal
  - The camera will be mounted on the passenger side so the driver can be identified
  - A cellular modem built into the system (or as a separate component) will transfer all violation data in near real-time

There are also changes in the program administration including:

- Eliminating installation and removal forms to be presented to DMV to obtain a driver license
- Allowing authorized users to have access to IID test data to assess on-going compliance:
  - Assessment and treatment agencies
  - Probation and parole agents
  - Treatment court staff
  - Law enforcement agencies
  - Circuit and municipal court staff
  - WisDOT staff
- Email BAIID@dot.wi.gov to request database access
- Allowing the use of a one-time use lockout code if a device is in permanent lockout
- Formalizing requirements for mobile service centers
- Requiring service centers to train multiple family members on how to use the device
- Clarifying fee structure and expanding the information available online