

## **NOTICE OF PROPOSED GUIDANCE DOCUMENT**

### **Ignition Interlock FAQ DSP14**

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Ignition Interlock FAQ DSP14, Wis. Stat. ss. 343 & 347, ch. Trans 313, a proposed guidance document.

### **PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION**

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DSP14>

2. Mailing written comments to:

Division of State Patrol  
Wisconsin Department of Transportation  
9<sup>th</sup> Floor South  
4822 Madison Yards Way  
Madison, WI 53705-9100

### **WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT**

The final version of this guidance document will be posted at [wisconsin.dot.gov](http://wisconsin.dot.gov) to allow for ongoing comment.

### **AGENCY CONTACT**

DOTDSPGuidanceDocs@DOT.WI.GOV

**Background**

Wisconsin Act 100, which took effect on July 1, 2010, requires judges to order an Ignition Interlock Device (IID) for:

- ALL repeat OWI offenders
- ALL first time OWI offenders with an alcohol concentration of 0.15 percent or higher
- ALL drivers who refuse to provide a breath or blood sample for a chemical test at a traffic stop

The order affects the offender in two ways. First, the IID order applies to every vehicle owned by the offender, regardless of what type of vehicle (car, pickup, van, motorcycle, or large truck). 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.

If offenders choose to apply for an Occupational License from the Department of Motor Vehicles (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 offenders, their employer, or whomever loaned them a vehicle).

All OWI convictions include mandatory license revocation/suspension periods. The offender will be eligible for an occupational license:

| <b>Conviction</b>                    | <b>Occupational License Eligibility</b> |
|--------------------------------------|-----------------------------------------|
| OWI- 1 <sup>st</sup>                 | Immediate                               |
| OWI- 2 <sup>nd</sup> and up          | 45 days                                 |
| Causing injury while intoxicated     | 60 days                                 |
| Great bodily harm                    | 120 days                                |
| Negligent homicide while intoxicated | 120 days                                |
| Refusal- 1 <sup>st</sup>             | 30 days                                 |
| Refusal- 2 <sup>nd</sup>             | 90 days                                 |
| Refusal- 3 <sup>rd</sup>             | 120 days                                |

The waiting period begins on the effective date of the revocation or suspension, and may vary depending on previous driving history and the reason for the current revocation/suspension.

An offender must have an ignition interlock device installed in every vehicle registered or titled in their name (unless specifically exempted by the courts), prior to applying for an occupational license. When issued, license restrictions will indicate an IID is required and the end date of the requirement.

Convicted OWI offenders may choose not to drive, but they cannot simply “wait out” the clock on their IID order. Offenders may be prosecuted for failure to comply with the IID order. When and if offenders choose to restore their operating privilege, the clock will start on their IID order on the day DMV issues them any kind of license.

Low-income offenders, with annual incomes less than 150 percent of the Federal Poverty Level (FPL), are entitled to pay one-half of the regular cost of equipping (installation and removal) each motor vehicle with an IID and one-half of the cost per day per vehicle for routine fees. There are no provisions for a reduction in any other fee that may be assessed by an ignition interlock provider.

Contact the Clerk of Courts in the county where your arrest occurred to determine what information must be provided for the court to make this declaration. It is optimal that eligibility be determined at the time of

conviction, as there is no requirement for a refund if determined at a later date.

### **Legal Issues and the Courts**

#### ***Has the more stringent IID law made our roads safer?***

The roads will be safer as long as OWI offenders actually comply with their court order to have an IID installed. Once equipped with an IID, a vehicle will not start if the driver has an alcohol concentration above 0.02 percent and will activate the vehicle's emergency lights and horn if the driver's alcohol concentration reaches that level after the vehicle has been started.

#### ***When do I have to install an IID?***

The court has the discretion to order IID installation before the case is adjudicated, or post-conviction, when the offender is eligible for a driver license.

#### ***What if the offender chooses not to apply for an occupational license?***

If offenders choose to wait until after their court-ordered license revocation period is completed, the clock starts on their IID order the day their full operating privilege is reinstated.

#### ***What if the offender does not own a motor vehicle?***

Even if the OWI offender does not own a vehicle, their operating privilege is restricted to only operating vehicles with an IID installed. If the offender borrows leases or rents a vehicle, it must be equipped with an IID for them to legally operate it.

#### ***It is acceptable for a family member or friend to "loan" the offender a vehicle so that they can have an ignition interlock device installed?***

DMV has procedures in place to ensure the installation is noted on the offender's driver record.

#### ***Are there extra requirements if the offender is in a Huber program?***

Offenders who are serving a sentence in county jail and qualify for daily work release, will have two weeks in which to show proof of having an IID installed. Failure to do so will result in revocation of work release privilege.

#### ***How do I get a vehicle exempted from an IID order?***

The law does give the court some discretion to exclude one or more vehicles from an IID order if the offender can convince the judge that compliance would cause undue financial hardship. Each vehicle must be specifically identified on MV3617, which must be submitted directly to DMV by the court.

#### ***What happens if the offender does not comply with the IID order?***

Failure to install an IID in each vehicle owned by the offender will result in a fine of \$150-\$600 and/or up to six months in jail at court's discretion, plus a mandatory six-month extension of the order. A second or subsequent violation within five years will result in fines up to \$1,000.

#### ***Can I get "credit" if I voluntarily install an IID before my case goes through the court system?***

No, there are no provisions in state law for credit when an IID is installed before the order has been issued.

#### ***What happens if the offender attempts to circumvent, disconnect, remove or tamper with the IID?***

An IID will activate the vehicle's emergency lights and horn if any attempt to circumvent, disconnect, remove or tamper is detected. The event is also recorded in the device memory, and a violation reset will be immediately

initiated.

***What are the options to operate a motorcycle under an IID order?***

Vendors have not installed IIDs on motorcycles since 2012. The only way an offender can legally operate a motorcycle is if it has been specifically exempted by the courts by form MV3617.

***Is there any way to have the length of the order reduced if I don't have any violations after 6 months?***

No, there are no provisions in state law to reduce the length of the order for "good behavior" or any other reason.

**Drivers License and Vehicle Registration**

***What happens when I can get my regular license back and still have to have an IID?***

When an offender has completed the revocation/suspension period, DMV will issue a regular, Class D license. The IID requirement and end date will continue to appear as a license restriction.

***I obtained my Occupational License the same day as my OWI- 1<sup>st</sup> conviction and a week later I received a notice that it had been cancelled. Why?***

When you obtained your occupational license, there was no record of the conviction and IID sanction on file. As soon as DMV received these records, your license was flagged for cancellation as there was no proof of IID installation at the time of issuance.

You must have the device installed before DMV will re-issue your occupational license.

***What if our vehicles are registered in both mine and my spouse's name?***

The law requires an ignition interlock device be installed in each Class D vehicle for which the person's name appears on the certificate of title or registration. If the couple has three vehicles registered, then each of them must be equipped with an IID, and everyone who operates the vehicle is required to provide samples during operation.

***I travel out of state for business and frequently have to rent a car- is this permissible?***

An offender's driver license restricts operation to motor vehicles equipped with an ignition interlock device. Since it is highly unlikely that rental companies would offer IID-equipped vehicles, one would be violating the restriction and could be subject to fines and an automatic extension of the order.

***What happens if I register another vehicle while subject to an IID order?***

When DMV receives the vehicle registration, they verify whether the owner is subject to an IID order. If there is no proof of IID installation on the newly-registered vehicle, DMV will notify the offender that they have 15 days in which to install an IID. If no device is installed, their license will be cancelled.

***Who do I contact to verify that I can have the IID removed?***

Contact DMV's Driver Information Service at 608-266-2261 to verify the end date of an IID sanction. You can also contact DMV via [web-based form](#).

***Can I transfer my IID to a different vehicle?***

Yes, an IID can be transferred to another vehicle at any time during the sanction period. You will incur additional

fees for the removal and reinstallation of the device.

**Can I sell an IID-equipped vehicle?**

Yes, you can sell a vehicle that is subject to an IID order. If the sanction period has not been completed, the device must be installed another vehicle to fulfill the sanction. If the offender does not have another IID-equipped vehicle, DMV will notify them that they have 15 days in which to install the device in different vehicle or the license will be cancelled.

**What happens if I remove the IID before the year is up?**

The Division of Motor Vehicles is notified of every IID installation and removal. Since the sanction will not have been completed, the offender will receive a letter from DMV indicating their driver license will be cancelled unless they receive proof of IID installation within 15 days.

The offender could be arrested for early removal of the IID. If convicted, they may be subject to fines, jail time and a mandatory 6-month extension of the IID order.

**Fees**

**How much does an IID cost?**

Each vendor charges fees for device installation, monthly service, and removal at the end of the IID order. Some service centers may offer promotions for installation, service and removal fees; these are clearly indicated on the WisDOT [IID service center list](#).

Fees (at the time of publication) are:

|                                   | <b>FC-100</b>   | <b>Interlock XT</b> | <b>Intoxalock</b> | <b>SSI 20/20</b> |
|-----------------------------------|-----------------|---------------------|-------------------|------------------|
| Typical Installation <sup>A</sup> | \$75 - \$125    | \$0 - \$110         | \$0 - \$140       | \$0 - \$45       |
| Monthly Service                   | \$70            | \$65 - \$75         | \$65              | \$70             |
| Removal                           | \$50 - \$75     | \$1 - \$100         | \$40 - \$80       | \$55             |
| Annual Cost <sup>B, C</sup>       | \$1050 - \$1130 | \$900 - \$1050      | \$950 - \$1060    | \$895 - \$940    |

<sup>A</sup> Vehicles equipped with smart key, security systems and remote starters may have higher installation fees due to the complexity of the ignition system

<sup>B</sup> Includes typical installation, 12 months service, associated calibration or reporting and removal fees

<sup>C</sup> Annual cost does not reflect any promotion for free or reduced installation or removal that may be in effect.

A \$10 reporting fee is charged at each service appointment for the FC-100; a \$15 fee is assessed for recalibration of the Intoxalock.

**What is a “typical installation”?**

A “typical installation” fee charged by a service center is based on the amount of time needed to install an IID in a keyed vehicle ignition. The wiring is relatively straight-forward and hasn’t changed significantly since electronic ignition systems were introduced in the mid-1970’s.

Push-button systems typically require recognition of a key fob, either by inserting it into a slot, or by sensing the radio waves it emits. These systems include additional electrical components and the wiring diagrams can become complex. As a result, it will take more time to properly install the ignition interlock device and a service

center will adjust the installation fee accordingly. If your vehicle has one of these ignition systems, you may want to ask for an estimate for the installation.

***My spouse and I have 4 registered vehicles and we cannot afford to have IIDs installed in all of them. How do I prove undue financial hardship to the court?***

When the IID rule was updated in 2010, the legislature included a provision that allowed the court to exempt one or more vehicles from the order if it would create an undue financial hardship. The court cannot modify or waive the license restriction, so the offender must have at least one vehicle equipped with an IID to comply with the order.

*John and Betty Smith (not real persons) own a minivan, a pickup, a sedan, and an SUV. John drives the SUV to work and the pickup to tow their camper and for hunting trips out west and their daughter, who is attending college in New York, has the sedan. Betty and 2 other teenage children share use of the minivan. Betty was convicted of refusing the chemical test, and received a 12-month IID order. The law requires each of these vehicles be equipped with an ignition interlock device, at an annual cost over \$4,000.*

*At the time of sentencing, Betty explained to the court that she only drives the minivan, and that other family members use the other vehicles exclusively. Since they have a daughter attending college in New York, and another hoping to attend college in the fall, they simply cannot afford the additional \$3,000 to equip vehicles that she does not drive. The judge agreed and subsequently exempted the pickup, sedan, and SUV from the order. If Betty is caught driving any of the exempted vehicles, she could be facing fine, of \$150-\$600 and/or up to six months in jail, plus a mandatory six-month extension of the IID order.*

The offender should make this request at the time of sentencing as the form must be signed and submitted directly to DMV by the court.

***Are there additional fees beyond those on the WIDOT IID Service Center list?***

Yes, each company is allowed to charge additional fees for items that are specified in the customer contract. These fees includes, but are not limited to: account setup and closing, damaged, lost or stolen handset and/or controlbox, early contract termination, expedited and overnight shipping, missed appointment, mobile service (also time and mileage), NSF check, reinstall, security deposit, and vehicle switch.

Additional fees are explained when the driver makes arrangements for device installation, or at the time of installation. These fees are not subject to reduction for low-income offenders.

### **Operation**

***How does an IID work?***

All ignition interlock devices approved for use in Wisconsin must meet specifications established by the National Highway Traffic Safety Administration and WisDOT. The IID must:

- Prevent the vehicle from starting when alcohol concentration exceeds 0.020 g/210 liters
- Use an alcohol-specific sensor
- Allow up to three attempts in 5 minutes for each requested breath sample
- Meet minimum accuracy and precision criteria
- Request rolling retests that occur approximately 5 minutes after vehicle start and random 5 to 30 minute intervals for as long as the engine is running
- Record the date, time and alcohol concentration of every breath sample

- Remind the offender of service appointments
- Issue a warning to obtain service when circumvention or tampering is detected

All drivers of an IID-equipped vehicle must provide breath samples, and it is the offender's responsibility to ensure that they have been properly trained and are alcohol-free at the time of operation.

### ***What sample results are possible on an IID?***

There are four primary sample results for all approved IIDs in Wisconsin: **PASS**, **FAIL**, **REFUSED** and **ERROR**.

- **PASS**, breath sample has alcohol concentration less than .020
- **FAIL**, breath sample has alcohol concentration equal to or above .020
- **REFUSE**, no breath sample attempt
- **ABORT**, breath sample error

### ***How do I start a vehicle equipped with an IID?***

The driver must provide a alcohol free breath sample (the device setpoint is 0.020 g/210 L ). There are up to three attempts allowed within 5 minutes to provide a passing sample. If the first breath sample result is **PASS** (or **WARN**), the driver has approximately two minutes to start the engine and proceed to their destination. If the driver does not start the vehicle within two minutes of the pass, the device will turn itself off and the driver must repeat the process to start the vehicle.

If the result is **ABORT**, **FAIL**, or **REFUSED**, the device will request a second sample. If this result is **PASS** or **WARN**, the engine can then be started; another result of **ABORT**, **FAIL**, or **REFUSED** will require a third sample attempt. A **PASS** or **WARN** will allow the driver to start the engine. If no attempt to provide a sample is made, the device will shut itself off and the start routine must be re-initiated.

After a third **ABORT** or **FAIL** result, the device goes into a temporary lockout period of 15 minutes.

If sample result is **FAIL**, and the driver consumed alcohol earlier, it is possible there is still alcohol in their system that is being measured above the device setpoint.

Failed samples during vehicle start-up do not count toward violation reset activation (see below). The device is simply doing what it is supposed to, which is preventing operation of a motor vehicle with a prohibited alcohol concentration. However, failed samples may be a violation of parole or probation requirements if the offender is subject to an absolute sobriety order.

There are no ramifications for aborted or refused samples a vehicle start-up. The incidence of aborted samples will decrease dramatically as the driver becomes more familiar with device operation.

### ***What causes an IID to go into a temporary lockout?***

A 15-minute temporary lockout occurs after 3 aborted or failed samples when attempting to start an IID-equipped vehicle. The device is doing exactly what it is supposed to do- prevent you from operating a vehicle without providing a passing sample. With practice, the occurrence of aborted samples during vehicle start should be minimal or nonexistent. The only way to eliminate the possibility of failed samples is to remain alcohol free for the duration of the IID order.

### ***What can I expect to happen while driving?***

After the vehicle has been started, the device will request a rolling retest sample within the first five minutes of operation and at random 5 to 30 minute intervals until the vehicles ignition is turned off. There are also up to three attempts allowed within 5 minutes for this sample. All devices are programmed to allow sufficient time to

pull out of traffic, if necessary, prior to providing a breath sample.

If a sufficient sample is not provided the horn will honk and the running lights will flash until a sufficient sample is provided or the engine is turned off.

***Can an IID turn the vehicle engine off?***

No, the only way the engine can be stopped is by the driver turning the ignition off.

***Will I get stranded while operating a vehicle equipped with an IID?***

No, under normal operating conditions, an IID will not strand a driver. If the IID has entered a temporary lockout after attempting after 3 aborted sample attempts, the offender should be able to restart the vehicle with an acceptable breath sample. If the lockout is due to failed samples, they will not be able to restart the vehicle until their breath alcohol concentration drops below .02.

***Can an IID drain a battery so it won't start the engine?***

When a vehicle equipped with an IID is serviced, the technician verifies that the battery is maintaining the necessary charge. If the voltage drops below 10V, they may recommend that the vehicle's battery be replaced or electrical system be examined to determine the source of the problem.

Most batteries installed in vehicles in Wisconsin have at least 500 cold cranking amps, which means you can crank the engine for 30 seconds at 0°F and maintain a terminal voltage of at least 1.2V/cell. When IIDs are in a standby mode, they draw under 50 milliamps, or 0.01% of cranking capacity. By comparison, a cell phone charger draws ~1 amp, and a single interior light draws at least double that 2 amp. In the middle of winter, if the vehicle is not started, an IID could drain the battery in about 3 weeks. User's manuals suggest that all vehicles be started every 2-3 days, especially in winter months, to ensure that the battery remains fully charged.

***What happens if someone else drives my IID-equipped vehicle?***

Any other driver must be alcohol-free and trained so that they can successfully provide samples while operating the vehicle. The offender is responsible for all breath samples attempted and provided into the IID. If someone else is operating the vehicle, and provides anything other than passing samples, contact the vendor's customer service department as soon as possible for assistance.

**Installation and Service**

***The court ordered that I install an IID after a 30-day revocation for a refusal. Where do I start?***

IIDs are leased from a service provider for the duration of the vehicle sanction. The lease and service agreement includes fees for installation, monthly service, and removal at the conclusion of the sanction.

There are currently four IID models approved for use in Wisconsin:

| Model                   | Vendor              | Phone        | Website                      |
|-------------------------|---------------------|--------------|------------------------------|
| FC-100                  | LifeSafer Interlock | 800-584-1226 | <a href="#">FC-100</a>       |
| Interlock XT            | Draeger Safety      | 800-332-6858 | <a href="#">Interlock XT</a> |
| Intoxalock, Model 1001A | Intoxalock          | 877-262-6481 | <a href="#">Intoxalock</a>   |
| SSI 20/20               | Smart Start         | 888-234-0198 | <a href="#">SSI 20/20</a>    |

WisDOT maintains a list of approved service centers [online](#). This list is sorted by county and includes a breakdown of routine fees for each service center. Once you have identified a potential location, call the toll-free number for the vendor and a customer service representative will guide you through their installation process.



When you call, have your court documents, vehicle registration and payment information readily available. After establishing the service agreement, they will set-up an appointment to have the ignition interlock device installed in your vehicle(s).

### ***How do I select the best IID and service center?***

All approved devices have been evaluated by WIDOT to ensure that they meet all requirements established in ch. Trans 313, Wisconsin Administrative Code. This includes:

- Preventing a vehicle start if the user has a prohibited alcohol concentration
- Measuring alcohol concentrations accurately and reliably under all circumstances
- Verifying the device programming meets all specifications
- Ensuring that the device provides the user with information about samples and service
- Reviewing all data recorded in the device memory
- Confirming that IID vendors and service providers meet all specified responsibilities Any device that does not meet these criteria will not be approved for use in the state.

Service centers are established businesses, such as auto dealers, repair shops and those that install after-market accessories that meet the requirements of an IID vendor.

### ***Do I have to have the IID installed in the same county where I live?***

No, requirements do not specify which service center must be used by an offender. It may be more convenient to have the device installed and maintained closer to your workplace than your home.

### ***Can I “try out” an IID before selecting one?***

Ignition interlock vendors may have videos on their websites showing how to operate the device. You can also find videos posted online by searching for the device vendor and name (Draeger Interlock XT, Intoxalock, LifeSafer FC-100, Smart Start 20/20), and IID operation.

You can also call the toll-free number on the service center list and ask if you can try the device before committing to having the device installed. This will also give you an opportunity to interact with service center personnel prior to deciding which device to have installed in your vehicle(s).

### ***What do I need to take to an IID installation appointment?***

You will need to take a copy of the IID order. If the offender is having the IID installed in a vehicle registered in another person's name, they will need written permission from the owner to have the device installed. Optimally, the vehicle's owner would drive the vehicle to the service center for the installation appointment.

### ***What can I expect at the installation appointment?***

You will need to have someone drive your vehicle to and from the appointment with you. The IID will be installed by a trained technician, using wiring diagrams obtained from the vehicle manufacturer.

While the device is being installed, service center staff will go through the user manual and train you in the proper operation of the IID. They will ensure that you can successfully start your vehicle and provide you with a supply of mouthpieces before you leave.

The service center will provide you with a copy of MV3598, which you will need to take to DMV when you apply for your occupational license. You will need someone to drive you to DMV when you apply for your occupational license.

### ***Why do I have to have the IID calibrated every 60 days?***

The 60 day interval is put into place to ensure the continued accuracy of the IID and to download all data maintained in the devices memory.

During installation, the date of the next calibration is established and programmed into the device. A reminder is displayed on the handset, either a message on the device screen or indicator light, is issued seven days prior to this date. The device will continue to display these reminders until the device is recalibrated at the service center.

If service is not obtained within seven days, the device will enter a permanent lockout, where the vehicle is completely disabled. It will then either have to be towed to the service center or, serviced remotely for an additional fee, if available.

### ***What happens when I return to the service center after 60 days for the service appointment?***

During a routine service appointment the service center will:

- Recalibrate or replace the device
- Download all data for processing by the vendor (if device replaced, vendor downloads data)
- Inspect device wiring, vehicle electrical system and tamper seals
- Program the next service due date into the device
- Answer questions about device operation

The downloaded data is securely transmitted to the vendor, where all records are reviewed for program compliance. Any bypass, circumvention, or tampering is immediately reported to the sheriff in the county where the customer resides. The sheriff's office also receives a copy of the MV3598 when the IID is removed.

### ***What do I have to do if my car battery goes dead?***

Contact the vendor's customer service department immediately as all power interruptions are recorded by the IID and may cause a tamper attempt to be documented. You will have to provide proof that the battery has been recharged or replaced, at the next service appointment.

### ***Can my auto dealer unplug or bypass the IID when the vehicle is in for service?***

No, if the service technician disconnects the IID, the device will record that it has been tampered with and a violation reset will be initiated.

All IID vendors have procedures in place for major repairs, service work and battery maintenance, that are detailed in user manuals. Contact the vendor customer service department prior to having any work performed on an IID-equipped vehicle. They will also explain what paperwork is required to be submitted at the next service appointment.

### ***Our family is planning an extended summer vacation and we will not be in Wisconsin when the IID calibration is due. Can I go to a service center in another state for the appointment?***

No, all service centers must be approved for use by WisDOT. Under these circumstances, you should contact the vendor's customer service department and arrange to have the device calibrated early. If the device is not recalibrated within 67 days it will enter a permanent lockout.

### ***Can I voluntarily install an IID in a vehicle operated by my children?***

Yes, contact any of the approved vendors and ask about voluntary monitoring programs. Each of these companies have experience in providing equipment for use by non-offenders.

**How might my business become an IID service center?**

Service centers act as contractors to one of the approved vendors in Wisconsin. Each company has their own criteria for establishing these relationships. Businesses should call the company and indicate that they are interested in becoming an IID service center.

|             |              |
|-------------|--------------|
| Draeger     | 800-332-6858 |
| LifeSafer   | 800-584-1226 |
| Intoxalock  | 877-262-6481 |
| Smart Start | 888-234-0198 |

The responsibilities for service providers are specified in chapter [Trans 313](#), Wisconsin Administrative Code.

**Violations**

**What causes the emergency lights and horn to be activated?**

A rolling retest result of FAIL, ABORT or REFUSED will activate the vehicle’s emergency lights and horn. Their activation provides an indicator to law enforcement of a possible violation of an operating restriction.

The following table explains when the IID will activate a vehicle’s emergency lights and horn and what may happen on second and third sample attempts:

| Sample Attempt | Result  | Device and Vehicle Action                                                                 |
|----------------|---------|-------------------------------------------------------------------------------------------|
| 1              | Fail    | Emergency lights and horn activated, fail recorded, device readies for next retest sample |
|                | Abort   | Emergency lights and horn activated, device will request 2 <sup>nd</sup> sample           |
|                | Refused | Emergency lights and horn activated, device will request 2 <sup>nd</sup> sample           |
| 2              | Pass    | Emergency lights and horn deactivated, device readies for next retest                     |
|                | Abort   | Emergency lights and horn stay on, device will request 3 <sup>rd</sup> sample             |
|                | Refused | Emergency lights and horn stay on, device will request 3 <sup>rd</sup> sample             |
| 3              | Pass    | Emergency lights and horn deactivated, device readies for next retest                     |
|                | Abort   | Abort recorded, device readies for next retest, emergency lights and horn stay on         |
|                | Refused | Refusal recorded, device readies for next retest, emergency lights and horn stay on       |

The only way to deactivate the horn and emergency lights is to either provide a **PASS** on a subsequent attempt or to pull out of traffic and turn the engine off. After approximately 2 minutes, the driver will be able to restart the vehicle, provided their breath alcohol concentration is below .02.

**What happens if I have consumed alcohol but was able to start my vehicle?**

If the driver was able to start the vehicle and, while driving their breath alcohol concentration rises above .02, they will **FAIL** the next rolling retest sample. The driver then must decide whether they want to continue to operate a vehicle with activated emergency lights and the horn honking or pull over, stop the engine, and attempt to restart the vehicle.

The device will prevent the vehicle from being started until their breath alcohol concentration drops below .02. A temporary lockout will occur if the driver provides 3 failed attempts to restart the vehicle.

### ***What is a “violation reset”?***

A violation reset is triggered if one of three situations occurs:

- Three rolling retest sample results above .02 within a 60 day service interval
- Three consecutive retest refusals (in the same driving event)
- Device detects circumvention or tampering

The next time the driver attempts to start the vehicle, the device will either display a flashing light or message indicating service is required. As soon as you see this indicator, you must contact your provider to schedule an appointment for service. You will be required to return for service within 7 days, and pay a violation reset fee.

### ***What data gets reported and to whom is it reported?***

The sheriff in the county where the offender lives (not necessarily where convicted), is immediately notified after violation reset service, if tampering is detected during the vehicle inspection or if you do not report for regularly-scheduled service. The District Attorney could pursue legal action, if the device has been circumvented, disconnected, removed or tampered with.

There is no report when the offender completes a 60-day service interval without a violation reset, and no other illicit activity has been detected.

### ***Why do I have to pay extra for a violation reset?***

When a violation reset occurs, the offender must return to the service center within 7 days. Since this appointment occurs outside of any regularly-scheduled activity, the service center must make available staff and materials to accommodate the shortened timeframe. A report detailing the violations is immediately issued to the sheriff office in the county where the offender resides for possible legal action.

## **Health-Related Issues**

### ***Are there any provisions in the law to modify an IID to accommodate an offender with medical conditions?***

No, there are no provisions for exempting individuals with medical or other conditions from a mandatory ignition interlock order.

***I have a medical condition that makes providing breath samples difficult, what are my options?*** Each WIDOT-approved IID incorporates an anti-circumvention sampling technique which reduces the likelihood of successfully starting a vehicle using anything other than human breath.

There are no provisions in state law to exempt an offender with a medical condition from an IID order. However, there are three options that one can pursue when providing a breath sample is challenging:

- Practice starting the vehicle while parked in a driveway or vacant parking lot. You may also seek additional training from the service center or by watching videos posted online by the vendor, YouTube or other websites.
- If you are unable to provide an acceptable sample, you can change to a different ignition interlock device. Call your device’s customer service department for assistance. You should make arrangements to have the old device removed and the new one installed on the same day, if possible. Also, remember that you cannot legally operate a vehicle that does not have an IID, so you will need someone else to drive your vehicle to the installation appointment.
- State law requires that all drivers meet minimum physical standards to be eligible for a driver license. If an offender asserts that they are incapable of providing successful breath samples, they may be required to comply with the medical evaluation requirements detailed in [ch. Trans 112, Wisconsin](#)

[Administrative Code](#). This requires a medical examination, paid for by the offender, and may include behind-the-wheel testing by DMV.

### ***Can the IID be made more user-friendly for a hearing-impaired offender?***

Service centers may be able to install the handset so that the display and indicator lights are more easily seen. They may be able to install a light on the dash for additional assistance. Contact the vendor's customer service department or your service center for assistance.

### ***Can the IID be made more user-friendly for an offender that uses hand controls to operate a vehicle?***

The offender will have to communicate this information to the vendor's customer service department when establishing an account. The service center will work to locate the device within close proximity while driving. It will likely take additional practice to become accustomed to operation of the IID, particularly providing rolling retest samples in a timely manner.

## **Tips and Troubleshooting**

### ***Do IIDs contribute to distracted driving?***

The National Highway Traffic Safety Administration (NHTSA) is very concerned with distracted driving and the risks that distraction can pose for drivers, and the agency acknowledges that it currently has little data regarding crashes involving drivers taking interlock tests. NHTSA also recognizes that alerts such as a honking horn and flashing lights may be a distraction but acknowledges that they may play an important role in creating a deterrent effect for drivers in violation of a retest, and in drawing attention to the offending motor vehicle and driver. WIDOT does not have any data linking IID usage to distracted driving.

### ***Are there tips for operating an IID in extreme temperatures?***

IID vendor recommendations for cold weather operation:

- Do not place or leave the device on the floor of the vehicle where it will come into contact with snow, ice, water and dirt
- Positioning the device to prevent breath condensation from damaging the unit
- Do not disconnect the device, for any reason
- Remove the mouthpiece and keep in a warm place until needed
- Do not leave the vehicle unattended to 'warm up' with the engine running. It is very likely that you will miss a rolling retest and could be subject to a violation reset for the refused samples
- Storing the device in an insulated ski mitten or woolen sock to minimize condensation
- Warming the device by gently blowing air in a few times before attempting to start the vehicle

IID vendor recommendations for hot weather operation:

- Do not store the device in direct sunlight
- Do not attempt to keep the device cool by storing it with ice
- Do not leave the vehicle unattended to 'cool off' with the engine running. It is very likely that you will miss a rolling retest and could be subject to a violation reset for the refused samples
- Do not disconnect the device, for any reason

### ***Why does the device display a countdown every time I turn off the ignition?***

The device is required to have a feature where, after successfully starting the vehicle and the engine stops for

any reason, the engine can be restarted without providing a breath sample within two minutes.

***I keep getting “false positive” alcohol readings. Will they cause a violation reset?***

In addition to intoxicating beverages (i.e., beer, liquor, wine), alcohols can be found in consumer products, food and beverages in sufficient concentrations to be detected by an IID.

A violation reset could occur if the IID records three failed samples from *any* source of alcohol above the setpoint in retest samples. It is also possible for the device to enter a temporary lockout if the alcohol was detected while attempting to start the vehicle.

**Potential Sources of Alcohol**

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ethanol</b>     | <b>Consumer Products:</b> Air freshener sprays, colognes and perfumes, deodorant, disinfectants, eye makeup, hand sanitizer, glass cleaner, hair spray, insect repellent, mouthwash and breath spray, nail polish and remover, OTC and prescription medications, premoistened towelettes, shampoos and soaps, sunscreen and suntan lotion, windshield washer fluid                                                                  |
|                    | <b>Food &amp; Beverage:</b> Energy drinks, flavorings and extracts (e.g., almond, lemon, peppermint, vanilla), foods prepared with beer, liquor or wine (cooking may not remove 100%), vinegars                                                                                                                                                                                                                                     |
| <b>Methanol</b>    | <b>Consumer Products:</b> Adhesive removers, air fresheners, antifreeze, bug & tar remover, disinfectants, glass cleaner, insecticides, household pesticides, lock de-icer, windshield washer fluid                                                                                                                                                                                                                                 |
|                    | <b>Food &amp; Beverage:</b> None, methanol is highly toxic (less than a teaspoon can cause blindness and less than a tablespoon is potentially lethal)                                                                                                                                                                                                                                                                              |
| <b>Propanol</b>    | <b>Consumer Products:</b> Adhesives, antiseptic, art supplies (e.g., dyes, fixatives, inks), colognes and perfumes, cosmetics, degreaser, leather conditioner, lotions, nail polish, shampoos and soaps                                                                                                                                                                                                                             |
|                    | <b>Food &amp; Beverage:</b> Energy drinks, flavorings and extracts (e.g., almond, lemon, peppermint, vanilla), vinegar                                                                                                                                                                                                                                                                                                              |
| <b>Isopropanol</b> | <b>Consumer Products:</b> Air freshener sprays, aftershave, antifreeze, body lotion, carpet and upholstery cleaner, colognes and perfumes, glass cleaner, hair spray, household cleaners, insect repellent, nail polish and remover, OTC and prescription medications, premoistened towelettes, rubbing alcohol, shampoos and soaps, sunscreen and suntan lotion, veterinary antiseptic and medical sprays, windshield washer fluid |
|                    | <b>Food &amp; Beverage:</b> Energy drinks, flavorings and extracts (e.g., almond, lemon, peppermint, vanilla), soft drinks                                                                                                                                                                                                                                                                                                          |

Check the labels of the items on this list that you use, and avoid using them before and while operating an IID-equipped vehicle. If you must use them, allow 10-15 minutes after use to allow for the alcohol to dissipate.

IID vendors recommend not smoking, eating or drinking anything while operating an IID-equipped vehicle. **If you have not consumed alcoholic beverages and have failed breath samples, contact the vendor’s customer service department for assistance.**

***I think my IID has malfunctioned, who do I contact?***

If you believe your ignition interlock device has malfunctioned, contact the vendor’s customer service department and explain what has happened. In some cases, the device may go into an early recall, which requires service within a few days. The manual provided at the time of installation will detail what to do when the device fails. You may also contact your local service center for assistance.

***Is there a way to use a remote starter in an IID-equipped vehicle?***

No, you must provide a breath sample before starting an IID-equipped vehicle. Any remote starter must be disconnected when the ignition interlock device is installed. It will be reconnected when the offender has fulfilled the sanction, after the IID is removed.

***My breath samples keep getting rejected- can I change to a different IID?***

Yes. A service center is required to ensure that you can successfully operate the device during the installation appointment. If you are incapable of providing successful breath samples, contact the customer service department and explain the situation to them. They may ask you to take the phone into your vehicle and listen while you attempt a sample. In many cases, they can provide additional instruction so that you can perfect your sampling technique. If working with a customer service representative is unsuccessful, then the next alternative is to change the device. If the change in breath flow direction) is causing the failure, you may want to try one that utilizes a hum tone.

Contact another company and ask if you can go to one of their service centers to see if their device is a better alternative. Once you have decided to change IIDs, try to have the new device installed as soon as possible after the other is removed. Remember that you must have a licensed driver to get your vehicle to the installation appointment.

***Is it legal to have the IID installed and only drive to service appointments for the duration of the order?***

Yes, there are no requirements that the vehicle must be driven a certain amount of time or distance while the order is in place. You may want to start and run the vehicle for a few minutes every 3-4 days to ensure that the battery remains fully charged. The vendor may question whether the device has been tampered with when it is not routinely driven. The offender should contact their customer service department if they opt to not drive the IID-equipped vehicle.

Remember that it is a violation of the driver license sanction to operate a vehicle that does not have an IID. You could face penalties and/or jail and a mandatory 6 month extension of the order if convicted.

***Who can I contact when the IID company or service center will not resolve a problem?*** WisDOT Chemical Test Section staff is available for assistance at (608) 243-2946 or [chemtest@dot.wi.gov](mailto:chemtest@dot.wi.gov).

**Appendix A: Key IID Terms**

| <i>Term</i>                      | <i>What it Means</i>                                                                                                                                                                                                                                                                                                               |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alcohol                          | Any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol.                                                                                                                                                                                                                                    |
| Alcohol setpoint                 | Concentration at which IID is set to lock a vehicle ignition.                                                                                                                                                                                                                                                                      |
| Bogus sample                     | Human breath sample that has been altered, diluted or filtered AND artificial sample from compressor, hair dryer, balloon or air pump.                                                                                                                                                                                             |
| Calibration                      | Processes to ensure breath alcohol result accuracy.                                                                                                                                                                                                                                                                                |
| Circumvention                    | Unauthorized, intentional act or attempt to start, drive or operate IID-equipped vehicle without the driver providing all required breath samples. Includes bogus samples, tampering, allowing someone other than driver with prohibited alcohol concentration to provide breath samples and failing to complete required service. |
| Disconnection                    | Detection of power interruption to the device, this may include service to the battery or other components of the electrical system.                                                                                                                                                                                               |
| OWI                              | Operating while intoxicated, as specified in s. 343.63, Wisc. Stats.                                                                                                                                                                                                                                                               |
| Permanent lockout                | IID feature where vehicle will not start until device reset by service center.                                                                                                                                                                                                                                                     |
| Prohibited alcohol concentration | If person is subject to IID order, an alcohol concentration more than .02.                                                                                                                                                                                                                                                         |
| Removal                          | IID is uninstalled from the vehicle by the offender before the order period has been fulfilled.                                                                                                                                                                                                                                    |
| Restart                          | Device feature that after successful start, allows a restart within 2 minutes without providing a breath sample if the engine stops for any reason.                                                                                                                                                                                |
| Retest                           | Breath samples requested within the first 5 minutes and at random 5-30 minute intervals for as long as the engine is running.                                                                                                                                                                                                      |
| Tampering                        | Unauthorized, intentional act or attempt to bypass, disable, disconnect or remove IID from the power source.                                                                                                                                                                                                                       |
| Temporary lockout                | Feature where IID prevents vehicle from starting for 15 minutes after 3 failed or aborted attempts to start occur within 5 minutes.                                                                                                                                                                                                |
| Vendor                           | An approved retail or wholesale supplier of an approved device, and may include a service provider.                                                                                                                                                                                                                                |
| Violation reset                  | Feature where IID activates a service reminder after: <ol style="list-style-type: none"> <li>1. 3 retest results above .02</li> <li>2. 3 retest refusals during a single driving event</li> <li>3. Detection of tampering or circumvention attempt</li> </ol>                                                                      |



**Appendix B: Administrative Code and Wisconsin Statute Citation Topics**

| Administrative Code                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Chapter Trans 112 MEDICAL STANDARDS FOR DRIVER LICENSING</a>                                                                                                                       |
| <a href="#">Chapter Trans 113 ADMINISTRATIVE SUSPENSION OF OPERATING PRIVILEGE FOR OPERATING A MOTOR VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION MOTOR VEHICLE WITH PROHIBITED ALCOHOL</a> |
| <a href="#">Chapter Trans 117 OCCUPATIONAL DRIVER'S LICENSE</a>                                                                                                                                |
| <a href="#">Chapter Trans 119 COMMERCIAL MOTOR VEHICLE OPERATOR ALCOHOL USE RESTRICTIONS</a>                                                                                                   |
| <a href="#">Chapter Trans 313 BREATH ALCOHOL IGNITION INTERLOCK DEVICES</a>                                                                                                                    |

| Statutes                                                  |                                                                       |
|-----------------------------------------------------------|-----------------------------------------------------------------------|
| Section                                                   | Citation Topic                                                        |
| <a href="#">Chapter 110 MOTOR VEHICLES</a>                |                                                                       |
| 110.10                                                    | Authority for WisDOT ignition interlock device program                |
| <a href="#">Chapter 340 VEHICLES — GENERAL PROVISIONS</a> |                                                                       |
| 340.01(1q)                                                | Alcohol definition                                                    |
| 340.01(23v)                                               | Ignition interlock definition                                         |
| 340.01(46m)(c)                                            | Person with IID order subject to .02 prohibited alcohol concentration |
| <a href="#">Chapter 341 REGISTRATION OF VEHICLES</a>      |                                                                       |
| 341.605                                                   | Unlawful transfer of vehicle registration                             |
| <a href="#">Chapter 343 OPERATORS' LICENSE</a>            |                                                                       |
| 343.01(2)(cr)                                             | Occupational license definition                                       |
| 343.03(3)(a)                                              | Regular license provisions                                            |
| 343.03(3)(b)                                              | Commercial license provisions                                         |
| 343.03(3)(e)                                              | Occupational license provisions                                       |
| 343.04(1)(a)                                              | Class A vehicle classification                                        |
| 343.04(1)(b)                                              | Class B vehicle classification                                        |
| 343.04(1)(c)                                              | Class C vehicle classification                                        |
| 343.04(1)(d)                                              | Class D vehicle classification                                        |
| 343.04(1)(e)                                              | Class M vehicle classification                                        |
| 343.10(2)(f)                                              | Occupational license eligibility- IID provisions                      |
| 343.10(5)(a) 3                                            | Occupational license IID restriction                                  |
| 343.10(7)(cm)                                             | Proof of IID installation prior to issuance of occupation license     |
| 343.10(8)                                                 | Violating occupational license restrictions                           |
| 343.13(3)                                                 | Occupational license IID restriction                                  |
| 343.16(5)                                                 | Medical examination provisions                                        |
| 343.30(1q)                                                | Operating privilege revocation and suspension for OWI                 |

## FREQUENTLY ASKED QUESTIONS ABOUT IIDS

|                                                                            |                                                                               |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 343.301(1g)                                                                | IID vehicle restriction                                                       |
| <b>Statutes</b>                                                            |                                                                               |
| <b>Section</b>                                                             | <b>Citation Topic</b>                                                         |
| 343.301(1m)                                                                | Undue financial hardship to install IID                                       |
| 343.301(2m)                                                                | Operating privilege restriction                                               |
| 343.301(3)(a)                                                              | Offender responsible for all IID costs                                        |
| 343.301(3)(b)                                                              | Reduced IID cost if income less than 150% federal poverty limits              |
| 343.301(4)                                                                 | IID order violation if not installed, circumvention or tampering detected     |
| 343.301(5)                                                                 | IID surcharge                                                                 |
| 343.305(10m)                                                               | IID required when license revoked for refused chemical test                   |
| 343.44(1)(a)                                                               | Operating while suspended- violation of IID restriction                       |
| 343.44(1)(b)                                                               | Operating while revoked- violation of IID restriction                         |
| 343.44(2)                                                                  | Penalties for operating while revoked or suspended                            |
| <a href="#"><u>Chapter 346 RULES OF THE ROAD</u></a>                       |                                                                               |
| 346.63(1)(a)                                                               | Operating a vehicle under the influence and incapable of safely driving       |
| 346.63(1)(b)                                                               | Operating a vehicle under the influence with prohibited alcohol concentration |
| 346.63(2m)                                                                 | Absolute sobriety for minors                                                  |
| 346.63(5)                                                                  | Commercial driver license OWI and alcohol limits                              |
| 346.63(7)(a)                                                               | Commercial driver license duty time consumption limits                        |
| 346.65(2)                                                                  | OWI penalties                                                                 |
| <a href="#"><u>Chapter 940 CRIMES AGAINST LIFE AND BODILY SECURITY</u></a> |                                                                               |
| 940.09 (1)                                                                 | Homicide by intoxicated use of vehicle or firearm                             |
| 940.25                                                                     | Injury by intoxicated use of vehicle                                          |

