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Mapping Out New Solutions: Ignition Interlock Provisions in MAP-21

By Anne Teigen

Since 1998, federal law has required that certain federal highway funding be withheld from states that do not require at least a one-year suspension of the driver's license of a repeat drunk driving offender. States that did not enact such a law were forced to divert highway and infrastructure spending to traffic safety programs. In July 2012, however, Congress passed and President Obama signed the transportation reauthorization bill, Moving Ahead for Progress in the 21st Century Act (MAP-21), which made important changes to these requirements. The law took effect Oct. 1, 2012.

MAP-21 changed the state requirements related to repeat drunk driving offenders (offenders convicted of a second or subsequent DUI), allowing states more flexibility as long as they require offenders to install ignition interlock devices in their vehicles. The law also sets up a discretionary grant program that allows the secretary of the U.S. Department of Transportation to provide additional funds to states that adopt alcohol ignition interlock laws. Ignition interlock devices are breath alcohol analyzers that are connected to a vehicle's ignition switch. They prevent vehicles from being started if alcohol above a set limit is detected on the driver's breath.

Federal Action

The previous federal legislation—requiring a one-year driver's license suspension for repeat offenders—also called for a 45-day “hard suspension.” Although the offender could drive legally after 45 days if an ignition interlock was installed, offenders were limited to driving only to and from work, school and alcohol treatment. This restriction did not allow drivers to drive legally to court-ordered community service, probation appointments, their children's school or work-related destinations other than the designated workplace.

MAP-21 gives states—without losing federal highway funds—the flexibility not only to pass laws that allow immediate interlock installation without the 45-day mandatory license suspension, but also to decide to which locations the repeat offender can drive.

This change may improve efficiency and safety since states can now implement an ignition interlock law without location restrictions. They may save money on the costs of delaying hearings, verifying drivers' locations and updating driving records. In addition, more flexibility may result in safer streets. Researchers have found that after ignition interlock devices were installed, re-arrest rates for alcohol-impaired driving by those with suspended licenses decreased by a median of 67 percent. Before MAP-21, the 45-day “hard suspension” without any driving privileges may have had the unintended effect of increasing the number of

Did You Know?

- According to National Highway Traffic Safety Administration, of the 1.5 million impaired driving arrests each year, one-third involve repeat offenders.
- Approximately 212,000 ignition interlock devices were installed in the United States as of 2010.
- MAP-21 allows states more flexibility and access to federal highway funds.

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chronic drunk drivers on the road without ignition interlock.

Another important set of provisions pertaining to ignition interlock laws is included in the National Priority Safety Program, section 31105 of MAP-21. It creates an incentive grant program allowing the secretary of the U.S. Department of Transportation to make separate grants to each state that adopts and enforces a mandatory alcohol-ignition interlock law for everyone convicted of driving under the influence or driving while intoxicated.

Timeline : Federal Repeat DUI Offender Laws

1998 – TEA-21: Congress restricts highway funds from states that do not suspend all driving privileges for repeat DUI offenders for one year.

2005 – SAFETEA-LU: Congress passes \$286.4 billion surface transportation reauthorization with new core traffic safety programs and incentive grants. No change is made to the repeat DUI offender license suspension requirement.

2008 – Technical Corrections to SAFETEA-LU: Congress amends repeat offender language in SAFETY-LU to allow repeat DUI offenders to drive legally, with an ignition interlock, after a 45-day license suspension. The law allows offenders to go “to and from work, school and alcohol treatment.”

2012 – MAP-21: Section 1403 allows states to determine restrictions and limited exemptions to the repeat offender law, as long as ignition interlock is installed for at least one year.

State Action

Laws in all 50 states and the District of Columbia address ignition interlocks. Some require all offenders to use them, while others require only those convicted of DWI with a high blood alcohol concentration (BAC) or for a repeat offense. Provisions in 32 states require repeat offenders to install ignition interlocks, and about 25 states allow those offenders to install interlocks so they can drive during a license suspension or revocation period.

In 2008, Washington passed legislation that allowed those with a suspended or revoked license to be immediately eligible for an ignition interlock license and drive with no location restrictions. This approach apparently has led to safer roads and less recidivism. An Insurance Institute for Highway Safety study found a 12 percent drop in recidivism with the new ignition interlock requirements. The state forfeited almost \$33 million in federal highway funding during the past three years, but this no longer will occur due to the federal change.

A few months after MAP-21 passed, Michigan enacted legislation providing restricted driver’s licenses to a DWI court participant if an ignition interlock is installed in his or her vehicle. The law provides an incentive for drivers to choose to enter DWI court by offering a chance to more quickly receive a restricted driver’s license. The law also allows participants to drive not only to work, school and treatment, but also to court-ordered hearings, probation meetings, drug and alcohol testing, self-help group meetings and any court-ordered community service.

NCSL Contacts and Resources

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NCSL Alcohol Impaired/
Drunken Driving Resources

Other Resources

NHTSA/NCSL Traffic Safety Legislation Tracking
Database

National Highway Traffic Safety Administration

Governors Highway Safety Association