

IGNITION INTERLOCK PILOT PROJECT

Preliminary Report to the Minnesota Legislature



Minnesota Department of Public Safety

December 1, 2008

This is a preliminary ignition interlock report as required by Minnesota Statute 171.306 to be submitted to the chairs and ranking minority members of the Senate and House of Representatives committees having jurisdiction over criminal justice policy and funding.

To assist in understanding the report, critical terminology is defined in the Lexicon in Appendix A. Additional technical definitions regarding the ignition interlock device are defined in Appendix B.

Table of Contents

Executive Summary	- 1 -
Preliminary Report	4
Background	4
Device Performance Standards	5
Program Guidelines.....	6
Key Changes to the Pilot Program Guidelines	8
Implementation and Results of the Pilot Programs.....	10
Hennepin County Experience	10
Beltrami County Experience.....	12
Ignition Interlock System Issues.....	13
Preliminary Findings.....	15
Continuous Pilot Program Improvements.....	19
Appendix A – Lexicon- <i>Critical terminology has been captured and defined in the Lexicon</i> A-1	
Appendix B - Minnesota Ignition Interlock Performance Standards	B-1
Appendix C - Minnesota Ignition Interlock Program Guidelines.....	C-1

Executive Summary

During the 2007 session, the Legislature mandated the Department of Public Safety (DPS) to conduct a two-year pilot program using ignition interlock devices with repeat Driving While Impaired (DWI) offenders. The purpose of this pilot is to determine:

1. Benefits of an ignition interlock program as correlated to a reduction in alcohol related fatalities, alcohol related severe injuries, DWI arrests, and driving after revocation charges.
2. Benefits of the ignition interlock device for monitoring the alcohol use of DWI offenders.
3. Program guidelines for implementation of a statewide ignition interlock program.
4. Performance standards for ignition interlock devices.

The program is being piloted in two counties, one metropolitan (Hennepin) and one rural (Beltrami). This preliminary report documents progress for the first 16 months of the two-year pilot.

Performance standards were written for the certification of devices to be used for the ignition interlock program. In addition, as required by the statute, program guidelines were written establishing the procedures for the pilot program. Critical issues considered when developing the program guidelines included:

- The program should enable a DWI offender to be productive in society without jeopardizing public safety.
- The need to maintain a reasonable driver's license revocation time period.
- An ignition interlock device should be required for a minimum of one year.
- Prior to removal of the device, no violations of alcohol use by the offender should be detected.
- If the participant is cancelled as inimical to public safety, the device should be used in conjunction with an intensive supervision program.

Hennepin and Beltrami counties were selected to pilot the ignition interlock device. Hennepin County implemented the program on August 1, 2007, and Beltrami County began offering the program on October 1, 2007. Currently, there are 67 participants in the program; sixty-four reside in Hennepin County and three in Beltrami County. The research and evaluation conducted by Hennepin County is based on 40 participants. Subsequent to completion of this report and the supporting research, an additional 24 participants entered into the program. The average participant is a white, single, 40-

year-old male with an average income of \$34,000 in Hennepin County and \$25,000 in Beltrami County. A participant survey determined that most became aware of the program through a judge, lawyer, or probation services. The top two reasons for participating in the program were the opportunity to get a driver's license back early and the need for transportation to maintain employment.

It remains difficult to obtain participation in the program. Some of this difficulty stems from the high costs to the participants, including car insurance, re-licensing fees, and the costs associated with the ignition interlock program. Further, it is difficult to offer a sufficient incentive (reduced driver's license revocation period) to participate in the program with the current statutorily defined short revocation periods. For instance, the original pilot program guidelines reduced the revocation time from 90 to 30 days. The opportunity to obtain a license back 60 days early was not enough of an incentive to encourage people to participate. The pilot program guidelines were, therefore, adjusted effective September 15, 2008, to attract more participants. The changes to the guidelines include:

- Further reduction in hard revocation periods.
- Participant is no longer required to complete chemical health treatment prior to entry into the program.
- Participant is no longer required to be monitored by an intensive supervision program.

Early indications suggest that the new program guidelines will not significantly increase participation.

Emerging pilot program issues continue to be identified. First is the rather complicated procedure to participate in the ignition interlock program. There are two sets of requirements that create this complexity; the requirements for reinstatement of driving privileges, and the requirements for participating in the ignition interlock program. In order to participate in the program, an individual must follow a set of complicated processes to obtain reinstatement of a driver license, obtaining new license plates, secure probation services and install the ignition interlock device. This procedure will be reviewed for efficiencies during the remainder of the pilot program.

Second, is the need for the DPS to review the impaired driving driver's license sanctions. These sanctions have not been thoroughly reviewed for over 20 years. Consequently, the pilot program applied new technology within the context of dated driver's license sanctions. During the remaining nine months of the project, DPS will work with key stakeholders to review existing driver's license sanctions for impaired drivers and to determine how ignition interlock can most effectively be used in conjunction with the sanctions.

A review of three years of Minnesota crash data suggests that potentially 29 alcohol-related fatalities and between 975 and 2,196 DWI arrests may have been prevented if the offenders had been required to drive with an ignition interlock device. Other benefits include a reduction in driving after revocation and cancellation violations, as well as closer monitoring of DWI offenders by probation services.

Preliminary Report

Background

An ignition interlock device is a system installed on a vehicle that is designed to prevent an impaired driver from operating a motor vehicle. To start a vehicle, a driver is required to blow into a tube that measures the driver's alcohol concentration. If the device detects alcohol at or above a set level, the vehicle will not start. Minnesota has determined the set level of the device to be 0.02. A 0.02 set level prevents impaired driving, but still allows for a margin of error for the device and minimizes system violations. The device also requires random running retests. A running retest requires a participant to blow into the ignition interlock device periodically while driving the vehicle. The participant is required to take the vehicle to a service provider monthly to have the information recorded in the system downloaded. Reports from the download are sent to the court's monitoring authority. The vehicle may be recalled to the service provider early if violations are detected over the number allowed by the Minnesota Performance Standards. The device will alert the participant that they have exceeded the number of allowable violations and require the participant to bring the vehicle in for calibration within 120 hours. Information from the device is sent to the monitoring authority for review and required corrective action.

History

A report on a previously conducted ignition interlock pilot program was submitted to the Legislature on January 2002. Nine people participated in that program. Limited information was obtained from the program due to the low number of participants. Since that time, the DPS can issue a limited license to a person that is cancelled as inimical to public safety if they install an ignition interlock device. A person's driver's license is cancelled as inimical to public safety due to impaired driving if the person has three impaired driving arrests in 10 years or four impaired driving arrests in a life time. The limited license allows a person to drive to work, school, and support programs such as Alcoholics Anonymous (AA). To participate in the program the person must have completed treatment and half of their required sobriety time period (MS171.305).

Effectiveness

Research demonstrates that interlock devices are associated with a reduction in recidivism (re-offense) ranging from 50% to 90% (Voss and Marques, 2003). Since statutes governing impaired driving vary from state to state, each state's ignition interlock program is unique; consequently, program results vary greatly. Studies indicate that once the device is removed, the recidivism rate returns to the same level as that of DWI offenders that did not participate in the program.

Other State Programs

There are 45 states with an ignition interlock law. A 2006 report of installed systems indicated that only 25 states had an active program. Some programs are administered through the judicial system, others through the driver's licensing agency and some through a combination of both. Since all states have unique impaired driving laws, it is extremely difficult to take another state's program and apply it to Minnesota. Minnesota's program seeks to use the lessons learned and best practices from other states and incorporate strategies that are best suited to address impaired driving within Minnesota.

Minnesota Pilot Program

Minnesota passed MS171.306 during the 2007 Legislative session requiring DPS to conduct a two-year pilot ignition interlock program in two counties, one rural and one metropolitan. The pilot focuses on DWI offenders with two or more offenses. Minnesota Statute 171.306 requires DPS to develop performance standards for certification of ignition interlock devices and program guidelines for implementation of the pilot program. Pilot program preliminary reports were due on the February 1, 2008, and December 1, 2008; the final report is due on September 1, 2009.

Device Performance Standards

Performance standards were developed for ignition interlock devices installed in Minnesota. The performance standards were signed by the Commissioner of the Department of Public Safety on June 14, 2007, and published in the state register. Ignition interlock providers must certify that their device(s) complies with the standards before operating within the program. The performance standards include compliance with the following requirements:

- Procedure for the approval, suspension and/or revocation of devices.
- Process for installation, support and removal of ignition interlock devices.

The original performance standards allowed two running retest violations. On November 1, 2008, the performance standards were adjusted to allow three running retest violations of failure to take a test. Participants were missing (failing) running retests when shutting off their vehicle causing it to enter into an early recall condition. An early recall condition requires a participant to bring their vehicle to a service provider for calibration and to pay \$50. The last nine months of the pilot will be used to determine if three running retest failures solves this early recall problem. A complete copy of these performance standards are documented in Appendix B.

Certified Devices

Four ignition interlock devices and three manufactures have been certified for use by DPS. Those devices include:

- Smart Start BAIID model SSI 20/20.
- Smart Start BAIID model SSI-1000.
- Draeger Interlock® XT.
- Consumer Safety Technology Inc, Intoxalock.

Only one provider is actively installing ignition interlock devices in Minnesota. The devices currently installed on vehicles in Minnesota are Smart Start model SSI 20/20 and Smart Start model SSI-1000.

Costs

Table 1 details the current costs for participation in the ignition interlock program. These costs are determined by the service provider.

Table 1
Cost of Ignition Interlock

Service	Hennepin County Cost	Beltrami County Cost
Installation	\$90.00	\$99.00
Monthly Fee	\$125.00	\$125.00
Lockout Fee	\$50.00	\$50.00
Removal	\$50.00	\$50.00

Program Guidelines

DPS developed program guidelines to define the participation requirements for both the pilot and the statewide ignition interlock programs. The DPS goal is to develop program guidelines that provide the ability for DWI offenders to obtain a limited license to drive to work and treatment using ignition interlock while ensuring public safety. These program guidelines were adjusted effective September 15, 2008. The guidelines are documented in Appendix C. The following program parameters provided the foundation on which to build the pilot program.

Provide the ability for a DWI offender to be productive in society without jeopardizing public safety

It is important to provide the ability for a person to be productive in society. Some DWI offenders drive illegally to maintain employment and attend treatment. The program guidelines were developed to create a balance between the interest of public safety and the need for an offender to maintain or create a productive life. Program participants are required to comply with the requirements to reinstate their drivers' licenses and maintain insurance on their vehicles.

Some hard revocation should be maintained

Hard revocation is a time period in which a driver is not able to obtain driving privileges for any reason. It is a swift, certain action imposed on a driver for driving impaired. Research has demonstrated a hard revocation can be effective in reducing impaired driving both as a general deterrence and as a sanction. Since 64 percent of those involved in fatal alcohol-related motor vehicle crashes have never had a DWI, it is in the interest of public safety to maintain a general deterrence to help reduce impaired driving.

Minimum of one year ignition interlock installation

An effective ignition interlock program can be used as a tool to modify the behavior of DWI offenders. The device can also help detect the likelihood of recidivism by the offender. To better achieve these objectives, an offender should be required to participate in an ignition interlock program for a minimum of one year. Further, researchers who have studied interlock program outcomes across the country recommend a minimum of one year of participation.

No test failures for the last three to six months

The ignition interlock device should be used as a tool to help detect the likelihood of recidivism. The device detects if a participant is trying to start the car after consuming alcohol and the individual's alcohol content (AC) level. Reports can be reviewed by the monitoring authority. DPS should be using the reports to predict the likelihood of recidivism and determine the length of time a participant is required to drive a vehicle with an ignition interlock device, thus preventing future drinking and driving episodes. Requiring no failed tests during the last three to six months of having an ignition interlock installed provides time for a DWI offender to demonstrate that they have changed their behavior of drinking and driving and their risk of recidivism.

Cancelled as inimical to public safety participants must be in intensive supervision programs

Research demonstrates that ignition interlock devices are effective in reducing impaired driving during the period of time the device is installed on the offender's vehicle. However, once the device is removed, the recidivism rate returns to the rate of DWI offenders that did not have an ignition interlock installed (Voss and Marques, 2003). To have a long-term effect on changing drinking and driving behavior, the person's drinking behavior must be addressed as well. Many courts and probation services require cancelled as inimical offenders to be in an intensive supervision program/DWI court. Since these people are extremely high risk for re-offending, it is in the best interest of public safety to ensure that the offender's drinking behavior is closely supervised.

Key Changes to the Pilot Program Guidelines

Effective September 15, 2008, adjustments were made to the program guidelines to increase participation. To be more effective in obtaining implementation information and determining program outcomes, the pilot program needs to increase participation. Described below are key modifications to the pilot program guidelines.

Hard Revocation Reduced

The pilot program statute (MS 171.306) allowed the DPS discretion in setting guidelines for the length of hard revocation periods. The current hard revocation for a second time DWI offender is 90 days. This provides very little opportunity to reduce the time period to a length that an offender would find beneficial to participate in the program. The original pilot program guidelines reduced the hard revocation time period to 30 days. These guidelines fostered very little participation. To further encourage participation, hard revocation time periods were eliminated for second time DWI offenders and greatly reduced for others. DPS still acknowledges the importance of maintaining a hard revocation of a driver's license for the purpose of reducing impaired driving. Table 2 indicates the adjustments to the hard revocation periods for participation in the pilot program.

Table 2 No License Allowed (Hard Revocation) Periods		
Offense	Original Pilot Program Guidelines	Program Guidelines Effective September 15, 2008
Second Offense under 0.20	30 days	0 days
Second Offense over 0.20 or test refusal	60 days	0 days
Third Offense-under 0.20 If rehabilitation not required	One (1) month	One (1) month
Third Offense if rehabilitation is not required over 0.20 or test refused	Two (2) months	Two (2) months
Third Offense or first rehabilitation requirement	Six (6) months	Three (3) months
Second rehabilitation requirement	One (1) year	Six (6) months
Third rehabilitation requirement	½ of cancellation period (three years)	One (1) year

Completion of Treatment is Not Required

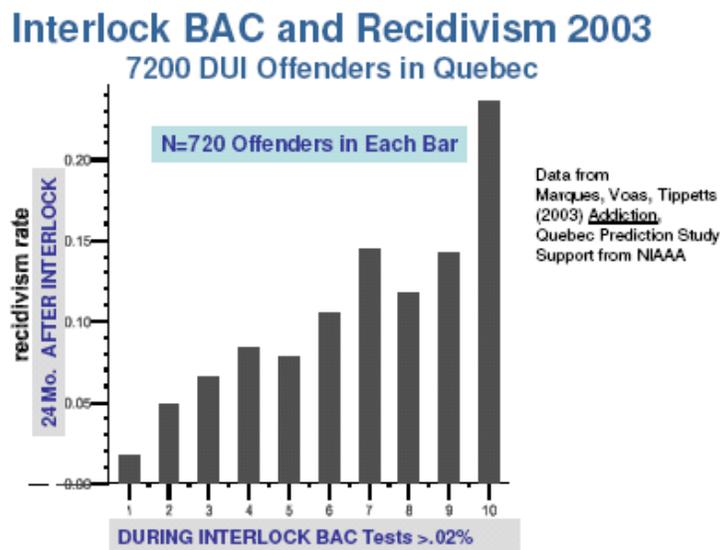
The new pilot program guidelines, effective September 15, 2008, eliminates the completion of treatment as a prerequisite for participation in the program. The guidelines were adjusted to include people that have completed the first 30 days of a treatment program and have a positive prognosis for successfully completing treatment. This provides the opportunity for the participants to drive with an ignition interlock limited license for the remainder of their treatment and support programs.

Intensive Supervision Program is No Longer Required

Participants that are cancelled as inimical to public safety are no longer required to participate in an intensive supervision program. The new pilot program guidelines only require a probation service to agree to monitor the ignition interlock reports and report any detection of alcohol use to the DPS. Ignition interlock is an effective tool that can be used to identify people that are likely to

recidivate. There is a strong correlation between the frequency of positive test results (indicating alcohol use by the participant) and recidivism rates (Marques, Voss and Tippetts, 2003). Figure 1 demonstrates this relationship. Monitoring the ignition interlock reports and taking corrective actions, when needed, can be an effective use of the ignition interlock device by probation services. While the program no longer requires participation in an intensive supervision program, DPS recognizes the value of an intensive supervision program for multiple DWI offenders.

Figure 1



Implementation and Results of the Pilot Programs

Hennepin and Beltrami counties received grant funding from DPS to create a position to implement and monitor an ignition interlock pilot program within each county. An indigent fund was included as part of the grant program to allow participation for people who could not afford to pay the program costs. Eligibility for access to the fund followed current guidelines under MS563.01, Forma Pauperis.

Hennepin County Experience

Participants in Hennepin County

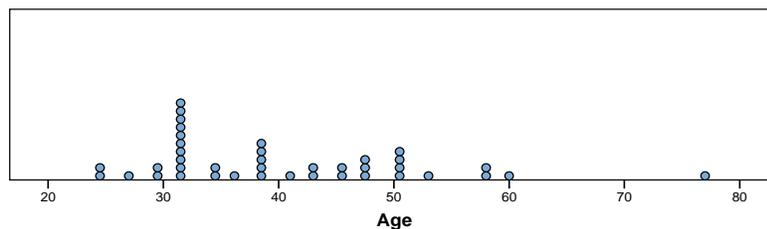
Hennepin County started receiving referrals on August 1, 2007. As of October 30, 2008, Hennepin County had 40 participants enrolled in the ignition interlock program, which is reflected in the following evaluation. (Subsequent to the completion of this report, an additional 24 participants entered into the pilot

program for a total of 64 participants.) The 40 participants, included in the preliminary evaluation, fall into four categories:

1. Participants whose licenses have been revoked, but not canceled and denied as inimical to public safety.
2. Participants who are on Hennepin County felony DWI probation. A person arrested for four DWI offenses or previously convicted of a felony related to an impaired driving incident may be charged and convicted of felony DWI.
3. Participants in the Hennepin County DWI Court program. DWI Court is an intensive supervision program.
4. Participants whose licenses have been cancelled and denied as inimical to public safety and have accomplished the following:
 - a. Successfully completed treatment.
 - b. Maintained the appropriate period of abstinence.
 - c. Monitored by administrative probation.
 - d. Meets with the probation agent to provide verification of weekly AA attendance.
 - e. Submits to random testing.

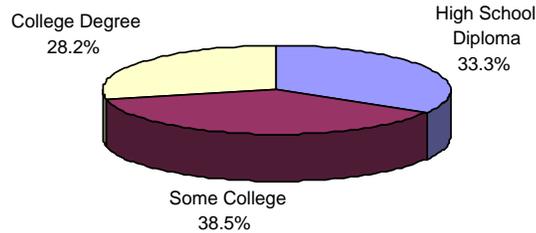
The typical participant is white (92.5%), and male (75%). The average age is 40, and females, on average, are older (mean age=43) than the male (mean age=39) participants. Figure 2 is a scatter plot of ages of participants.

Figure 2
Ages of Participants



The average annual income of male participants is \$34,000 while the average annual income of female participants \$37,000. Half the participants in the program (50 percent) are single; only 27.5 percent are married. Most of the participants did not have children (67.5 percent). Participants in the program were well-educated (see Figure 3); 28.2 percent had some college education (22.5 percent had a college degree, 5.7 percent had post college degrees), and 38.5 percent had some college coursework.

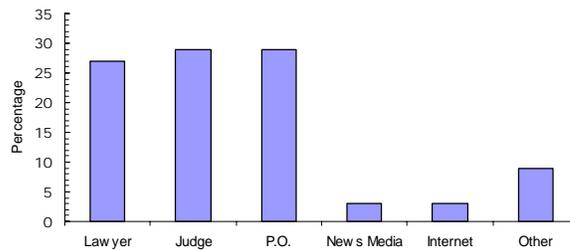
Figure 3
Highest Attained Educational Level



Results of Participation Survey

Participants were asked to complete a survey designed to identifying reasons for participation and how they learned about the program. The legal system was the primary source of ignition interlock program information. Almost 54 percent of the respondents learned of the program from either judges, lawyers, or their probation officer (P.O.). Figure 4 reflects the survey results.

Figure 4.
Source of Information about Program



Among the 40 participants in the program, the top two reasons for participating were the opportunity to get a driver's license back more quickly and the need for transportation to maintain employment. Participant survey data will continue to be collected throughout the pilot program.

Beltrami County Experience

Referrals to the Beltrami program did not begin until October 1, 2007. Currently three offenders have enrolled in the program.

To educate the public about the ignition interlock program, local TV stations featured a special segment on the functions of the ignition interlock device and the guidelines to participate in the program. The program was also presented to the Bemidji City Council and the Beltrami County Board. Interviews were conducted with offenders referred to the program. Six of the offenders referred to the program declined to participate. Two of these offenders did not have their own vehicle and neither wanted to install the device on an available family car. Two offenders found the program to be interesting, but decided that obtaining alternative transportation was sufficiently convenient. One person stated that he would soon be eligible for reinstatement of his license and, therefore, he declined to participate. The sixth offender, who declined participation, cited a lengthy (six year) cancellation period as being cost prohibitive.

Beltrami County reported two reasons for the low number of participants in the program. The first reason is the necessity for offenders to complete all driver's license reinstatement requirements prior to participation in the program. By the time a person meets all of the reinstatement requirements, a significant amount of the revocation period is completed. The second reason is the length of time the device is required to remain on the participant's vehicle after license reinstatement. The program requires a participant to maintain the ignition interlock device installed for 6-12 months after reinstatement of a license.

Beltrami County experienced some difficulties with the ignition interlock device. The device malfunctioned on two separate occasions and participants, especially those with breathing and lung problems, found it difficult to learn how to use the device.

Ignition Interlock System Issues

Key issues have surfaced related to the ignition interlock device and program guidelines. These are overall issues and not unique to the pilot counties. These key issues will be closely monitored throughout the completion of the pilot program period and are listed in Table 3.

Table 3
Key Issues

	Identified Issue	December 1, 2008 Update
1.	Performance of the device in extremely cold weather (not working properly, many aborts).	There has not been any cold weather since the first preliminary report.
2.	Customer service at the installation center (long waits, unprofessional	The service provider location in Hennepin County has been changed. No negative

	Identified Issue	December 1, 2008 Update
	behavior).	reports have been received since that change.
3.	Alcohol readings detected by the device that are not within the control of the participant. Positive alcohol readings were detected from mechanics and other service providers that used the vehicle.	This problem has decreased.
4.	Number of violations allowed by the participant prior to entering into early recall.	The Performance Standards were adjusted to add one additional running retest violation.
5.	Low participation with voluntary program.	Program guidelines were adjusted to encourage participation. Low program participation remains an issue.
6.	Complicated procedure for license reinstatement with ignition interlock.	The procedure is currently being reviewed to determine improvements.
7.	Vendors available and cost of the ignition interlock device.	One additional manufacturer was certified on October 30, 2008. A higher participation rate would help lower the cost.
8.	Cost of licensing.	This issue remains.
9.	A driver may have their license cancelled due to violating a restriction on their license to not use alcohol or drugs. These people are not always monitored by a probationary service, therefore, do not qualify for the program.	This issue remains.
10.	Need for a permanent indigent fund	This issue remains and has been discussed with the vendor.
11	Current driver's license sanctions are dated. The ignition interlock program guidelines were developed within the framework of the current statutorily defined driver's license sanctions.	A committee was formed to conduct an in-depth analysis of driver's license sanctions, including their relationship with ignition interlock, and develop recommendations for changes.

Preliminary Findings

Preliminary findings indicate the ignition interlock device is effective in detecting alcohol use and reducing impaired driving. The following summarizes reporting results, participation, and program effectiveness.

Reports of Alcohol Use Provided by the Ignition Interlock Device

The ignition interlock device will not allow a driver to start their vehicle if the person has an alcohol concentration of 0.02 or above. This will cause a participant to register a test failure on a report provided by the device. Only three pilot program participants have been unable to start their vehicle for this reason. None of the test failures have been formally contested.

Participation

Preliminary findings indicate that a voluntary program will not gain a large number of participants. Minnesota's current statutory hard revocation period for second time DWI offenders does not provide the opportunity to greatly reduce the hard revocation period as an incentive to participate in the program. Eliminating the hard revocation period for second time DWI offenders and greatly reducing it for others has not significantly changed the low participation in the program. Furthermore, the risk of driving illegally does not offset the cost of ignition interlock. Licensing, insurance, and program participation is very costly. The high cost to participate and the apparent low incentives have contributed to low participation.

Program Effectiveness

Several benefits to implementing an ignition interlock program include the following:

- Reduced alcohol-related fatalities and severe injuries.
- Reduced DWI arrests.
- Reduced driving after driver's license revocation incidents.
- Improved probation monitoring.

The extent of these benefits will vary depending on program implementation. For instance, the length of time the participant is required to keep the ignition interlock device on their vehicle influences the extent of the public safety benefit. Below are the estimated level of benefits based on an evaluation of Minnesota's alcohol-related crash and DWI arrest data.

Reduce Alcohol-Related Fatalities and Severe Injuries

Driving records of drinking drivers involved in a fatal crash were analyzed to determine previous DWI arrest records. The purpose was to determine the number of fatal crashes that could have been prevented if the drinking driver was required to drive only a vehicle with an ignition interlock device. This would have been a consequence of their previous DWI. Table 4 below, indicates the number of drinking drivers involved in a fatal crash and the number of months between the date of the previous DWI arrest and the occurrence of the fatal crash. Over a three year period, 29 drinking drivers were involved in a fatal crash within 12 months of a DWI arrest. Potentially, 29 alcohol-related fatalities may have been prevented if ignition interlock was required to be installed on all DWI offenders for one year.

Table 4							
Drinking Drivers Involved in a Fatal Crash							
Length (in months) between previous DWI offense and fatal crash							
Year	No prior DWI offense	0-12 months	13-24 months	25-36 months	37-48 months	49+ months	Total drinking drivers
2005	90	11	10	7	5	40	163
2006	98	9	4	5	6	27	149
2007	100	9	6	6	3	40	164
Total	288	29	20	18	14	107	476

Table 5 indicates the number of DWI offenses on the driving record of drinking drivers prior to being involved in a fatal crash. Driving records indicate that 45 percent (85 out of 190) of the drinking drivers had only one prior DWI offense. To achieve the greatest number of lives saved, all DWI offenders should have ignition interlock installed on their vehicle.

Table 5							
Drinking Drivers Involved in a Fatal Crash							
Number of prior DWI offenses on the driving record							
Year	No prior offenses	1 prior offenses	2 prior offenses	3 prior offenses	4 prior offenses	5 or more prior	Total drivers with a prior DWI offense

						offenses	involved in a fatal crash
2005	90	27	24	12	5	5	73
2006	98	25	14	6	4	2	51
2007	100	33	18	5	5	3	66
Total	288	85	56	23	14	10	190

Reduce DWI Arrests

Recidivism rates of second, third, and fourth time DWI offenders were analyzed to determine an estimated number of DWI arrests that could have been prevented by installing an ignition interlock device on an offender's vehicle. Tables 6 to 8 indicate the number of DWI offenders who incurred a new DWI offense within the stated time periods. Research has demonstrated that the device is effective in reducing the impaired driving incidences 50–90 percent of the time (Voss and Marques, 2003). The tables below reflect the potential number of DWI's prevented if 50 percent of offenders participate in the program. (States that have a mandatory ignition interlock program normally achieve 25 – 50 percent participation.) If all first, second, and third time DWI offenders were required to have ignition interlock installed on their vehicle for a minimum of 12 months, 325 to 732 DWI offenses could be prevented.

Table 6					
Length (in months) between <u>first time DWI offenders</u> that incurred a <u>second offense</u>					
17,162 DWI offenders					
	0-12	13-24	25-36	36-48	48+
Number of DWI arrests	1,098	2,094	2,883	3,673	6,985
Possible reduction in DWI based on 40-90% effectiveness	439-989	838-1,884	1,153-2,595	1,469-3,305	2,794-6,286
Number of potential DWI arrests prevented based on 50% participation in the program	220-495	419-942	577-1298	735-1653	1397-3143

Table 7					
Length (in months) between <u>second time DWI offenders</u> that incurred a <u>third offense</u>					
6,504 DWI offenders					
	0-12	13-24	25-36	36-48	48+

Number of DWI arrests	371	806	1,177	1,528	3,447
Possible reduction in DWI based on 40-90% effectiveness	148-334	323-726	471-1,060	611-1,376	1,379-3,102
Number of potential DWI arrests prevented based on 50% participation in the program	74-167	162-363	236-530	306-688	690-1551

Table 8					
Length (in months) between <u>third time DWI offenders</u> that incurred a <u>fourth offense</u>					
3,044 DWI offenders					
	0-12	13-24	25-36	36-48	48+
Number of DWI arrests	155	339	493	609	1,613
Possible reduction in DWI based on 40-90% effectiveness	62-140	135-304	197-444	244-548	645-1,452
Number of potential DWI arrests prevented based on 50% participation in the program	31-70	68-152	99-222	122-274	323-726

Information is based on Department of Public Safety 2002 DWI arrest data.

Reduce Driving After Revocation Citations

It is estimated that 70 percent of individuals with suspended or revoked driver's licenses continue to drive. This may be due in part to the lack of public transportation, particularly in rural communities. It is difficult for a person to maintain employment, attend treatment, and AA meetings without a driver's license. The ignition interlock tool is an opportunity to allow a person to drive legally and still protect the public's safety on the road.

Tool to Monitor Participant by Probation Services

The ignition interlock device is another alcohol monitoring tool that can be used by probation services. Impaired drivers are often court ordered to not consume alcohol as a condition of probation. The ignition interlock device will detect alcohol use by a participating driver and alert a probation officer that a client may be in need of additional treatment or monitoring services.

Continuous Pilot Program Improvements

The program guidelines and performance standards will continue to be reviewed for improvements. Program elements that will be closely monitored for the remainder of the pilot program include:

- Strategies to increase participation.
- Frequency of the device malfunctioning.
- Problems that occur as a result of current device performance standards.
- Improvements in the current business process for participating in the pilot program.
- Strategies for development of an indigent fund.

It became evident early in the pilot program that there was a need for evaluating all impaired driving driver's license sanctions to increase the effectiveness of an ignition interlock program. The current sanctions have not been thoroughly reviewed for over 20 years, during which time national innovations and improved practices have been developed. Emerging research and improved technologies known to reduce impaired driving offer new opportunities that may improve the results of Minnesota's system of administrative sanctions. DPS has formed a committee to evaluate and make recommendations for improvement of impaired driver's license sanctions, including their relationship with the ignition interlock program.

A final report summarizing the findings of the two-year ignition interlock program will be submitted by September 1, 2009.

Appendix A - Lexicon

Critical terminology has been captured and defined in the Lexicon.

AC – alcohol content – The number of grams of alcohol per 210 liters of breath

Cancelled as inimical to public safety – If the Commissioner of Public Safety has good cause to believe that the operation of a motor vehicle on the highways by a person would be inimical to public safety or welfare, the Commissioner has the authority to cancel driving privileges. A person is defined as inimical to public safety for three or more impaired driving arrests in ten years or four impaired driving arrests in a life time.

Court supervision program – Court program that requires a person to be monitored by a probation officer

DWI court – An intensive supervision program for repeat DWI offenders. The program holds offenders to a high level of accountability while providing them with long-term, intensive treatment and compliance monitoring.

Early recall – A condition, signaled by a visual and or audible indication on the device, that requires the participant to return the vehicle to the service provider for an unscheduled monitoring check

Failed tests – A test result indicating that alcohol concentration equals or exceeds the startup set point value of 0.02 AC.

Felony DWI- A person arrested for four DWI offenses or previously convicted of a felony related to an impaired driving incident may be charged and convicted of felony DWI.

Felony DWI probation – An intensive supervision probation service provided for DWI offenders that were convicted of felony DWI.

Forma Pauperis – A person who is without the funds to pursue the normal costs of a lawsuit or a criminal defense. People that are classified as Forma Pauperis are eligible for the use of indigent funds to assist in offsetting the costs of the ignition interlock device.

Hard revocation – Revocation of driving privileges for which a limited license is not issued.

Ignition interlock device - A breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.

Indigent fund- A fund that pays for a portion of the cost associated with the use of an ignition interlock device. To qualify for use of the indigent fund a person must qualify as a Forma Pauperis under MINN. STATUTE 563.01.

Intensive supervision program - A probation supervision program that requires mandatory random alcohol testing, support group attendance, and frequent visits to a probation officer.

Limited license – A restricted license issued to a person while their driving privileges are under revocation or suspension. It provides the ability for a person to driver to work, school, and support programs such as Alcoholics Anonymous (AA).

MINN. STATUTE 171.305 – Minnesota statute that defines a statewide ignition interlock program for people that are cancelled as inimical to public safety, completed treatment, and completed half of their required sobriety time period.

MINN. STATUTE 171.306 – Minnesota statute that defines a pilot ignition interlock program for repeat DWI offenders in two counties, one metro and one rural.

Performance standards – standards set that define the performance requirements for ignition interlock devices used in Minnesota.

Program guidelines – Guidelines set for defining the program policies and participation qualifications.

Recidivism – An act of a person re-offending for an offense of driving while impaired.

Revocation – Loss of driving privileges.

Running retest – After passing the test allowing the engine to start, the device requires follow-up testing within random intervals.

Service provider – The person or entity representing the manufacturer(s) of an approved device and responsible for the day-to-day operations of a service center.

Appendix B - Minnesota Ignition Interlock Performance Standards

1. Scope

The purpose of this document is to establish performance standards pursuant to Minn. Statute Section 171.306 subd. 3. (2008) for the approval, suspension and or revocation process and the installation, support, and removal of ignition interlock devices in the State of Minnesota. If the Department approves a device, the Department shall notify the manufacturer in writing. The state reserves the right to change these standards as additional information is received. The State of Minnesota or any political subdivision may not be held liable in any civil or criminal proceeding arising out of the use of a device approved under this document.

2. Definitions

A. The following terms have the meanings indicated.

B. Terms Defined.

1. "Alcohol": Ethyl alcohol, also called Ethanol.
2. "Alcohol concentration or AC" means the number of alcohol per 210 liters of breath.
3. "Alcohol Set Point" means a pre-set alcohol concentration setting that requires the ignition interlock device to perform a specific operation.
4. "Alveolar air" (also called "deep lung air" or "alveolar breath") means an air sample, which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of the alcohol concentration in the breath that best represents the person's true alcohol concentration. "Alveolar" refers to the alveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.
5. "Anti-circumvention feature(s)" means any feature or circuitry incorporated into the device that is designed to prevent human tampering which could cause the device not to operate as intended.
6. "Bogus breath sample" means any sample introduced into the ignition interlock device other than unaltered, undiluted and unfiltered alveolar breath delivered directly from the respiratory system of the driver of a vehicle equipped with an ignition interlock device.
8. "Breath alcohol analysis" means an analysis of a sample of a person's expired alveolar breath to determine the alcohol concentration.

-
9. “Breath alcohol test” means the proper delivery and analysis of a person’s expired alveolar breath to determine breath alcohol concentration.
 10. “Calibrate” means to test and adjust an ignition interlock device so that it accurately measures breath alcohol concentration.
 11. “Certification Tests” means tests performed to check the compliance of an ignition interlock device with these specifications.
 12. “Circumvention” means an overt, conscious attempt to bypass the ignition interlock device whether providing samples other than the natural unfiltered breath of the driver, or by starting the car without using the ignition interlock device, or any other act intended to start the vehicle without first taking and passing a breath test, and thus permitting a driver with a AC in excess of the alcohol set point to start the vehicle.
 13. “Data storage system” means an internal, computerized (battery backed) recording of all events monitored by the installed device, which may be reproduced in the form of required reports.
 14. “Department” means the Minnesota Department of Public Safety.
 15. “Device” means an ignition interlock device.
 16. “Early recall” is a condition, signaled by a visual and or audible indication on the device that requires the participant to return the vehicle to the service provider for an unscheduled monitoring check.
 17. “False Negative” means a breath alcohol concentration determination that incorrectly permits a vehicle to be started when the driver’s AC is at or above the set point.
 18. “Free restart” means ability to start the engine again, within three minutes, without completion of another breath alcohol analysis.
 19. “Ignition interlock device” means a device that is a breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.
 20. “Illegal start” is an event wherein the ignition interlock device-equipped vehicle is started without the requisite breath test having been taken and passed or is started when the device is in a lockout condition.
 21. “Installation Service Center” – See “Service Center.”
 22. “Installer” means an individual who has been trained by a manufacturer/service provider to install, calibrate, remove and service ignition interlock devices.
 23. “Interlock” means the mechanism which prevents a motor vehicle from starting when the breath alcohol concentration exceeds a preset value.
-

-
24. “Lockout condition” is a temporary condition in which the device will not permit a breath test to be conducted and thereby prevents the participant from starting the motor vehicle.
 25. “Manufacturer” means the actual producer of a device.
 26. “Manufacturer's representative” means an individual and or entity designated by the manufacturer to act on behalf of or represent the manufacturer of a device. Manufacturer’s representative is synonymous with vendor, and is synonymous with service provider.
 27. “Mobile Service” – See “Service Center.”
 28. “Motor Vehicle” means a passenger motor vehicle, including an automobile, pickup truck, truck, or van normally used for personal, family, business or household purposes that is owned or registered in the State of Minnesota. This does not include a motorcycle.
 29. “Negative result” means a test result indicating that the alcohol concentration is less than the startup set point value.
 30. “New device model” means an ignition interlock device that has never been approved by the Department. The new device model would be a technologically advanced device that determined by the Department has any or all of the following: a) new model name, number, and/or serial numbers; b) distinctive or different exterior casing in color, shape, size and dimension, and/or labeling; c) new, different, additional, enhanced and/or technologically advanced exterior and/or interior parts and/or components; d) new, different, additional and/or enhanced functions and capabilities related to technologically advanced performance; e) new, different, additional, enhanced, and/or technologically advanced data collection capabilities; and/or f) new, different, additional, enhanced and/or technologically advanced software and/or firmware that directly affects, alters, enhances device functions and/or capabilities related to performance, function and capability. A device determined by the Department to be a new device model would be subject to the New Device Approval Testing process described herein.
 31. “PBT” means a Portable Breath Tester as used by law enforcement agencies/Department of Corrections/Community Corrections.
 32. “Permanent Lockout” is a condition in which the device will not permit a breath test to be conducted and thereby disables the operation of the vehicle until the service provider conducts an inspection and servicing of the device.
 33. “Positive result” means a test result indicating that the alcohol concentration equals or exceeds the startup set point value.
 34. “Purge” means any mechanism by which a device cleanses or removes a previous breath test sample from the device and specifically removes residual alcohol.
-

-
35. “Random retesting” – See “Running retest.”
 36. “Reference sample device” is a device which simulates the alcohol concentration of an individual who has been drinking alcoholic beverages and whose alcohol concentration is reflected in an analysis of a breath sample.
 37. “Retest set point” means a pre-set or pre-determined alcohol concentration setting, which is the same as the startup set point.
 38. “Revocation” is the permanent removal of the approval of a manufacturer, service provider or both to install, maintain, calibrate or remove ignition interlock devices in Minnesota.
 39. “Running retest” means after passing the test allowing the engine to start, the device shall require a second test within a randomly variable interval.
 40. “Running retest violation” means an event, recorded in the data storage system when the running retest requirement is not met.
 41. “Service center” or “Installation Service Center” means the physical location where service providers perform their services. Mobile service units are permitted.
 42. “Service provider” means the person or entity representing the manufacturer(s) of an approved device and responsible for the day-to-day operations of a service center.
 43. “Startup set point” means a pre-set or pre-determined alcohol concentration setting at which, or above, the device will prevent the ignition of a motor vehicle from operating.
 44. “Suspension” is the temporary removal of the approval of a manufacturer, service provider or both to install, maintain, calibrate or remove an ignition interlock device in Minnesota.
 45. “Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the device from its power source or bypass the interlock components of the device and thereby allow the operator to start the engine without taking and passing the requisite breath test.
 46. “Upgraded device model” means an ignition interlock device that has been approved by the Department, but following such approval the manufacturer has changed, modified and/or altered any or all of the following:
 - a) interior component layout and/or circuit board; b) actual wiring and/or circuitry; c) components (i.e. fuel cells, air flow sensors, microprocessors, valves, pumps, batteries, etc.); d) software and/or firmware programming that could affect the performance and function of the device (i.e. warm-up times, sampling rates, retest times, early recalls, service warnings, etc.); e) data collection capabilities; f) service and/or maintenance programs of the device; and/or g) exterior components (i.e. dimensions, color mouthpieces, labels, wires, lights, etc.). A device determined by the Department to be an upgraded device model could be subject to any and/or all of the following processes as
-

described herein: Device Approval/Re-Evaluation Testing; Quality Assurance Pre-Screening Testing; and Revocation/Denial of Approval of Ignition Interlock Devices.

48. "Violation" means any of several events including but not limited to such things as high alcohol, whether from a violation set point or from a retest set point, a running retest violation, tampering or an illegal start.
49. "Violation reset" means an unscheduled service of the device and download of the data storage system by the service center required due to an early recall condition.
50. "Violation set point" means a pre-set or pre-determined alcohol concentration setting at which, or above, the device will record the high alcohol result in the data storage system as a violation.

3. Ignition Interlock Technology Requirements

- A. Approved ignition interlock devices for use in Minnesota must have, but are not limited to, the following:
 1. The ignition interlock device shall have the ability to detect and record attempts to tamper, alter, or bypass the device and any violations such as an alcohol concentration equal to or above 0.020.
 2. The ignition interlock device shall have the ability to prevent normal operation of a motor vehicle by a participant who fails to retest or fails to appear at a scheduled monitoring appointment.
 3. The ignition interlock device shall issue a warning of an impending lockout.
 4. The ignition interlock device shall be able to analyze a specimen of alveolar breath for alcohol concentration.
 5. The ignition interlock device shall indicate when a sufficient sample of breath has been collected and shall indicate this by audible and/or visual means.
 6. The results of the test shall be noted through the use of pass/fail signals. There shall be no numerical AC level displayed.
 7. The ignition interlock device shall have an alcohol concentration set point of 0.020 or higher and when detected shall not permit a driver from starting their vehicle. If an alcohol level is detected which meets or exceeds the alcohol set point the device will enter into a lockout mode. The initial lockout period shall be five minutes with subsequent lockout periods of thirty minutes.
 8. The ignition interlock device must be capable of random re-testing. After passing the test and upon restarting the engine, the device shall require a second random test within 5 to 15 minutes. Third and subsequent retests shall be required at random intervals between 15 and 45 minutes from the previously requested test for the duration of travel. During the running retests, the retest set point shall be the same as the startup set point. In order to alert the driver that a retest is required a warning light, tone or both shall be activated inside the passenger compartment of the vehicle. The driver will then have 6 minutes to retest. If the engine is intentionally or accidentally shutdown after or during the warning but before retesting, the retest clock shall not be reset. The failure to take a retest shall be recorded in the data storage system as a violation and the failure to
-

successfully complete a retest shall cause the device to prevent normal operation of the motor vehicle by activating an audible signal inside the passenger compartment of the vehicle. Three (3) of such failures will cause the vehicle to enter into an early recall condition.

Failure to take a random re-test or random re-tests resulting in ACs equal to or exceeding 0.020, must not sound the vehicle horn nor any type of siren, bell, whistle or any device emitting a similar sound or any unreasonably loud or harsh sound that is audible outside of the vehicle and must not cause the engine of the vehicle to shut off.

9. Three (3) failures to take a retest shall cause the device to enter into an early recall condition.
10. The startup set point value for the interlock device shall be an alcohol concentration of 0.020. The accuracy of the device shall be plus or minus 0.005 grams of alcohol/210 liters of breath. The accuracy will be determined by analysis of an external standard generated by a reference sample device.
11. The device must operate between -40 degrees Celsius and +70 degrees Celsius.
12. The ignition interlock device shall operate at altitudes up to 2.5 KM above sea level.
13. The ignition interlock device's operation shall not be significantly affected by humidity, dust, electromagnetic interference, radio frequency interference, or normal automobile vibration.
14. The ignition interlock device's operation shall not be affected by normal fluctuations of power source voltage.
15. The ignition interlock device, after successful completion of a breath alcohol test, shall enable the ignition relay. The ignition interlock device shall allow three (3) minutes from the time the ignition is enabled to start the vehicle. The ignition interlock device shall allow the vehicle to be restarted within three (3) minutes of a stall without requiring an additional test.
16. If the initial test results in a lockout, due to the operator's AC level, the device shall not allow an additional attempt for five minutes. If the operator's AC remains higher than the specified setpoint, the device shall lockout for an additional thirty (30) minutes.
17. If the result of the retest is higher than the fail point, the device shall prevent normal operation of the vehicle by activating an audible signal inside the passenger compartment of the vehicle and entering into an early recall condition.
18. The ignition interlock device must be capable of thwarting attempts at evasion or circumvention with the use of bogus or filtered breath.
19. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to positive results.
20. The device shall have the following operational features:
 - a. The device shall be designed to permit a free restart of a motor vehicle's ignition within three minutes after the ignition has been shut off, without requiring a further alcohol analysis. The free restart function shall be checked by the service provider during each service.
 - b. The device shall also automatically purge alcohol before allowing subsequent analyses.
 - c. In addition to the operational features of these specifications, the Department may impose additional requirements, as required by law or as needed, depending upon design and functional changes in device technology.

-
21. The device shall be designed so that anti-circumvention features will be difficult to bypass.
 - a. Anti-circumvention provisions shall include, but not be limited to, prevention or preservation of evidence of cheating by attempting to use bogus or filtered breath samples or bypassing the breath sampling requirements of the device electronically.
 - b. The device may use special seals or other methods that record attempts to bypass anti-circumvention provisions.
 - c. The device shall be checked for evidence of tampering during each monitoring service.
 - d. When evidence of tampering is discovered, the manufacturer/service provider headquarters shall be notified in writing by the service center and the records shall be made available immediately to the Department or its designee(s).
 22. A warning label containing the following language shall be affixed to each device: “Any individual tampering, circumventing, or otherwise misusing this device may be subject to a minimal sanction of removal from the program.” The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer. The manufacturer shall submit to the department a prototype of the warning label for approval.
 23. The device shall record any attempt to start the vehicle without first taking the breath test, such as the use of an electrical bypass.
 24. The device shall warn the driver of upcoming routine service appointments for five days prior to the appointment. Should the participant fail to appear, the device shall enter into a permanent lockout condition after a five-day grace period and the vehicle shall not be operable until the service provider has reset the device.
 25. The ignition interlock device must have a data storage system that does the following: (1) has sufficient capacity to facilitate the recording and maintaining of all daily driving activities and all monitoring requirements for the period of time elapsed from one maintenance and calibrating check up to the next 70 days; (2) records any attempt to start the vehicle without first taking a breath test, such as the use of an electrical bypass; (3) has an internal memory that can store a minimum of three thousand five hundred (3500) events and shall enter a service reminder if the memory reaches ninety percent (90%) of capacity or has the capacity of store a minimum of ten thousand (10,000) events; and (4) warns the driver of an upcoming routine service appointment and if the driver fails to appear, the device enters into a permanent lockout condition after a five-day grace period and disables the vehicle until a service provider resets the device.
 26. The ignition interlock device alcohol detection sensor shall be based upon electro-chemical fuel cell technology or other advanced technology approved by the Department.
 27. The device must be capable of entering into an early recall condition. When the early recall condition is initiated, the participant will have five days to return to the service center. If the participant does not return within this time period, the device will enter into a permanent lockout condition. Violations resulting in an early recall include any of the following: a) two (2) lockouts due to alcohol readings above the startup set point; b) three (3) running retest violation of failure to take a test; c) one (1) running retest violation of a positive AC use; d) one (1) event of tampering; e) one (1) illegal start violation; f) any equipment malfunctioning and g) any other violation of restrictions placed upon the offender. The data storage system must record and store all violations, attempts to tamper with the system and all illegal starts.
-

28. Failure of the manufacturer, service provider or both to abide by the terms and conditions contained within this section may result in suspension or revocation of the approval of the device.

4. Ignition Interlock Approval

A. New Ignition Interlock Approval:

1. Manufacturers applying for approval on all new devices must follow the application process as described in the subsequent sections of these performance standards. Prior to final approval, the Department reserves the right to conduct actual device testing by a Department specified designee and either approve or reject an ignition interlock device based upon the results of the testing.

2. No device may be leased, sold, serviced, repaired, installed or used unless the device has been approved, tested or both by the Department in accordance with Minnesota's ignition interlock performance standards.

5. Manufacturer's Application Procedure

- A. The manufacturer shall provide to the Department a signed statement that the manufacturer and the manufacturer's service providers/installation service centers meet all of the specifications described in this document.
- B. The manufacturer shall provide to the Department for each device submitted for approval, a written precise set of specifications which describe the features of the device relevant to the evaluation of its performance, a written set of detailed operating instructions including installation and removal, a written copy of the program participants' reference and problem-solving guides, and the 24-hour toll-free emergency service telephone number.
- C. The manufacturer of the device shall carry product liability insurance with minimum liability limits of 1 million dollars per occurrence, with 3 million dollars aggregate total and provide proof of insurance to the Department at the time of application for approval of the device, or at any other time upon request by the Department, its designee or both. The liability covered shall include defects in product design and materials as well as in the work of manufacturing, calibrating, installing, and removing the devices. The proof of insurance shall include a statement from the insurance company that 30 days' notice will be given to the Department before cancellation of the insurance.
- D. The manufacturer shall provide a signed statement that the manufacturer will indemnify and hold harmless the State of Minnesota and any political subdivision, the Department and its officers, employees and agents from all claims, demands and actions as a result of property damage and or injury or death to persons which may arise, directly or indirectly, out of any act or omission by the manufacturer or their representative relating to the installation, service, repair, use and or removal of an ignition interlock device.
- E. The manufacturer shall provide to the Department, its designee or both and to program participants a Warranty of Performance to ensure responsibility of support for service within 48 hours after a report of a problem. This support shall be available for the duration of the period during which the device is required to be installed in a program participant's vehicle(s).
- F. The manufacturer shall also provide to the Department, its designee or both a list of its vendors/installation service centers operating within the State of Minnesota, including the vendor's/installation service center's name, business address, phone number, fax number and e-mail address. A service center must be located in Hennepin and Beltrami Counties, and within any other judicial district that has a DWI Court or other intensive supervision court authorized by the Department of Public Safety or within (50) miles of an operating DWI Court or other intensive supervision court authorized by the Department of Public Safety. If the manufacturer plans to utilize one or more mobile service centers they must explain in writing to the Department, its designee or both how the mobile service centers will be utilized and the locations that will be served in accordance with the definition of "service centers" or "installation service centers". The manufacturer shall

immediately notify the Department, its designee or both of any changes made to this list. Failure to notify the Department, its designee or both in a timely manner, within 30 days, may result in suspension, revocation, or denial of certification or approval of the device in Minnesota.

- G. A manufacturer or manufacturer's representative must submit to the Department a written request for approval. The Department may decline to review requests for approval on ignition interlock devices that have been previously evaluated and found unacceptable. In the event of non-approval, subsequent and or additional requests for approval may be limited by the Department. The Department shall not be required to engage in research and development procedures involving interlock devices.
- H. Accompanying the request for approval for each device, there must be a notarized letter and or affidavit from an independent third party testing laboratory dated, subsequent to the release of these performance standards, specifically certifying that the submitted device by model and or class meets or exceeds all requirements set forth in these specifications, and must at a minimum meet the National Highway Traffic Safety Administration (NHTSA) guidelines/specifications as published in the Federal Register Volume 57, Number 67, Tuesday April 7, 1992, pages 11772-11787 or any subsequent revisions. This affidavit shall specifically and individually include each of the following:
1. The name and location of the independent testing laboratory.
 2. The address and phone number of the testing laboratory.
 3. The qualifications and experience of the testing laboratory and the names and qualifications of the individuals actually performing the tests.
 4. A certified summary which demonstrates that all of the following tests have been performed on the device. For specific testing information refer to the Federal Register information as referenced in above paragraph H.
 - a. Accuracy Tests for Safety Specification-Unstressed
 - b. Accuracy Tests for Safety Specification-Stressed
 - c. Breath Sampling Tests
 - d. Calibration Stability Tests
 - e. Lockout Evaluation Tests
 - f. Power Tests
 - g. Temperature Ranges Tests
 - h. Temperature Extremes Tests
 - i. Vibration Tests
 - j. Post Shake Damage Inspection Tests
 - k. RFI/EMI Tests
 - l. Tampering/Power Loss Tests
 - m. Tampering/Circuit Tests
-

-
- n. Circumvention/Non-human Sample Tests
 - o. Circumvention/Filtered Sample Tests
 - p. Circumvention/Rolling/Running Retest Tests
 - q. Sample Free Restart Tests
 - r. Data Recorder Tests
 - s. Accuracy/Precision for Utility Specification-Unstressed Tests
 - t. Stressed Utility Tests
 - u. Clearance Rate Tests
 - v. Warm Up Tests
 - w. Display Readability Tests
 - x. Display User Feedback Tests
 - y. Display Warning Tests
 - z. Low Temperature Provisions Tests
 - aa. Altitude Tests
 - bb. AC Readout Tests (Optional)
 - cc. Sample Acceptability Tests (Optional)
 - dd. Smoke Tests (Optional)
 - ee. Dust Tests (Optional)
 - ff. Alert Conditions Tests (Optional)
5. A detailed list of all equipment used during the testing process including the following information:
- a. Name of Equipment or Apparatus
 - b. Manufacturer
 - c. Part Number
 - d. Serial Number
 - e. Calibration Date (when applicable)
6. Descriptions and explanations of the actual certified tests conducted and/or completed copies of the raw data from such tests and the results from such tests that verify the ignition interlock device accurately, regularly and reliably performs each of the device technology requirements stated above. (See performance standard number 3.)
- I. The manufacturer shall provide a serial number inventory of at least 50 devices from which the Department may select a minimum of two and as many as five for compliance testing conducted by the Department, its designee or both.
-

-
- J. If a device is submitted for approval by a party other than the manufacturer, the submitting party shall submit a notarized affidavit from the manufacturer of the device certifying that the submitting party is an authorized manufacturer's representative; and it is agreed and understood that any action taken by the Department or any cost incurred in accordance with the provisions of these specifications shall ultimately be the responsibility of the manufacturer.
 - K. The manufacturer or its authorized representative assumes all costs and responsibilities for the Manufacturer Application Procedure, as described herein.
 - L. Only after the Department has received all the documentation described herein, will the Department determine the suitability and reliability of the submitted device and consider it for approval. The Department also reserves the right to request additional documentation as required.
 - M. Failure of the manufacturer to meet the requirements contained within this section may result in rejection of manufacturers' application by the Department. The Department reserves the right to limit or restrict future applications for device approval by manufacturers.

6. Manufacturer's Requirements Upon Device Approval

- A. The manufacturer shall notify the Department, its designee or both in writing if the certification and or approval of a device that is approved for use in Minnesota is or has ever been suspended, revoked or denied in another state, whether such action occurred before or after approval in Minnesota or if and when an appeal to the action(s) was made and the outcome of the appeal. This notification shall be made in a timely manner, not to exceed 30 days, after the manufacturer has received notice of the suspension, revocation, or denial of certification or approval of the device, whether or not the action is or has been appealed. Failure to notify the Department may result in suspension, revocation, or denial of approval of the device in Minnesota.
- B. The manufacturer will provide installation and service within Hennepin and Beltrami Counties, and within any other judicial district that has a DWI Court or other intensive supervision court authorized by the Department of Public Safety or within (50) miles of an operating DWI Court or other intensive supervision court authorized by the Department of Public Safety. The manufacturer shall be responsible for providing uninterrupted service of installed devices as defined by these specifications regardless of the circumstances which could cause such interruption. Should the manufacturer become unable to comply with any of these specifications or if certification is revoked for any other reason, the manufacturer shall notify the Department, its designee or both in writing. The manufacturer shall also be responsible for removing its devices from program participants' vehicles and shall bear the cost of having them replaced with an approved device from another manufacturer.
- C. All ignition interlock installation, service and removal must be performed at an installation service center. Mobile service units are permitted. However, with the exception of Hennepin and

Beltrami Counties the manufacturer may provide only mobile service where the reduced number of eligible clients would place an undue financial burden on the manufacturer to maintain stationary service centers. Mobile service is permitted throughout the entire State of Minnesota in emergency situations or cases involving extenuating circumstances when it is not possible for a client to travel to a stationary service center for device maintenance. Mobile units will be held to the same security and procedural standards as stationary service centers. The Department may deny, suspend or revoke a manufacturer's/service centers permission to perform mobile service if the mobile units fail to meet required specifications.

- D. Manufacturers are not permitted to ship interlock equipment to the participants' residences under any circumstances.
- E. The manufacturer shall immediately notify and inform in writing the Department and its designee of any modifications or alterations to an approved device, its interior and exterior design, its parts, and or its operating firmware and or software.
- F. In the event that a manufacturer is introducing an upgrade or modification(s) to a currently approved device, the manufacturer must provide the Department, its designee or both with a comprehensive plan of action for the phasing out of the use of the older device. This plan of action must be approved by the Department prior to the deployment of the action plan.
- G. The manufacturer agrees to cooperate with the Department regarding its request for information relative to the approved device and to provide expert testimony as necessary at no costs to the State of Minnesota or any political subdivision, the Department or its officers, employees or agents.
- H. Failure of the manufacturer and or service provider to abide by the terms and conditions stated in paragraphs A through G above may result in suspension or revocation of the approval of the device.

7. Requirements of the Manufacturer's Service Provider

A. Installation Requirements:

- 1. The service provider/installation service center must install ignition interlock devices according to the following guidelines:
 - a. A service provider/installation service center must inspect all motor vehicles prior to installation to determine that mechanical and electrical parts of the motor vehicle that are and will be affected by the ignition interlock device are in acceptable condition and no device(s) shall be installed until the motor vehicle(s) is capable of such installation.

-
- b. Installations shall be made in a professional manner in accordance with acceptable industry standards. All electrical connections made between the device and the motor vehicle shall be made permanent, such as soldering or scotch locks.
 - c. Each installation shall include all of the tamper resistant features required by the manufacturer/service provider and the Department which include, but which are not limited to the following:
 - (1) A unique and identifiable covering such as seal, epoxy or resin at all exposed electrical connections used to install the device, which are not inside a secured enclosure.
 - (2) Connections to the motor vehicle shall be installed under the dash or in an inconspicuous area of the motor vehicle.
 - (3) A unique and easily identifiable tamper seal, epoxy, or resin at all openings (except the breath and exhaust openings) and on any portion of the hand-held unit, control and support units that can be disconnected, except in cases where the design of the device allows for the removal of the hand-held unit.
2. Upon completion of an installation of a device(s), the service provider/installation service center shall submit an installation certificate plus the participant's full name, date of birth, driver license number and any other required or appropriate information to the county indicated on the Ignition Interlock Notice.
 3. The installation service center shall calibrate each device using a "reference sample device" at a threshold determined by the concentrations level of either the premixed alcohol reference solution or a dry gas standard before the device is installed into a vehicle. Calibration materials must be stored in such a manner that they are not exposed to excessive heat or cold conditions which may compromise the integrity of the calibration process.
 4. Installations shall be conducted only by individuals trained by the manufacturer/service provider.
 5. Manufacturers of approved devices shall disseminate to its service providers and or installation service centers copies of the ignition interlock performance standards established by the Minnesota Department of Public Safety.
 6. Manufacturers of approved devices shall develop written instructions for the installation and removal of ignition interlock devices which service providers/installation service centers shall follow. A copy of these instructions shall be disseminated to and kept on-site by the service provider/installation service center(s).
 7. Each device shall be provided with disposable mouthpieces. The manufacturer shall ensure the availability of additional mouthpieces, and the service provider/installation service center(s) must keep an adequate inventory, which will be made available to the program participant(s).
-

-
8. The device shall be installed in a manner that it does not interfere in the safe operation of the vehicle when starting the motor vehicle or while the vehicle is being driven.
 9. Service providers must request specific written permission from the Department to lower the air volume for a breath sample on a device for participant(s) with diminished lung capacity. Permission is granted on a case-by-case basis. To be considered, the service provider must submit a written request to the Department, its designee or both which includes the following:
 - (a) Participant's name
 - (b) Participant's address
 - (c) Participant's driver's license number
 - (d) Documentation from a licensed physician verifying and explaining the extent of the participant's diminished lung capacity and the need for a lowered air volume for a breath sample on the device.
- B. User Orientation and Support - The service provider must provide efficient and effective service to the participants of the program according to the following guidelines:
1. An orientation on the use of the ignition interlock device shall be developed by the manufacturer/service provider for program participants and any other persons who will operate the motor vehicle(s).
 2. The service provider shall conduct such an orientation at the time of installation, and shall train participants and any other persons who will drive the motor vehicle(s) on the use of the ignition interlock device, as well as demonstrate and provide written instructions on how to clean and care for the ignition interlock device.
 3. A reference and problem solving guide shall be developed and given to participants at the time of installation. The guide shall include information on the location of service centers, servicing procedures, emergency procedures and a conspicuous warning that the device detects non-compliance. In addition, the guide should include the type of motor vehicle malfunctions or repairs that might affect the ignition interlock device and the procedures to follow when such repairs are necessary.
 4. The service provider shall be available to answer all questions and handle any mechanical problems relating to the device in the motor vehicle or repair or replace an inoperable or malfunctioning ignition interlock device during normal business hours.
 5. The service provider shall provide a twenty-four (24) hour toll-free phone number to all participants for emergencies resulting from the operation or use of the ignition interlock device.

-
6. All service inquiries shall be responded to within twenty-four (24) hours of the initial contact. Within forty-eight (48) hours of initial contact, repair or replacement of the ignition interlock device shall be completed. Furthermore, any changes or alterations to the device shall be reported to the Department within forty-eight (48) hours of its occurrence.
- C. Service and Monitoring Requirements - The service provider/installation service center must provide effective and efficient regularly scheduled maintenance to participant's motor vehicle(s) on which an ignition interlock system is installed and convey the necessary information from the ignition interlock device to the Department, its designee or both according to the following guidelines:
1. Servicing, inspection and monitoring of each device shall occur within thirty (30) days after the initial installation and every thirty (30) days thereafter.
 2. The service provider/installation service center shall perform a calibration check of the device at each monitoring to verify that the device measures an approved reference sample within plus or minus .005 grams of alcohol/210 liters of the known concentration of the reference sample. Service provider/installation service centers that utilize a wet bath standard must store calibration solution(s) in an environment that protects the solution(s) from extremes in temperature. If the result of the calibration check is not within this tolerance range, the service provider/installation service center must re-calibrate or replace the device at the time of monitoring.
 3. The service provider shall maintain records on every participant including results of every monitoring check. Records may be maintained electronically.
 4. Within one (1) business day of performing the monitoring check, the service provider shall report to the Department, its designee or both, any evidence of:
 - (a) Altering, tampering with, bypassing, or unauthorized removal of the device.
 - (b) Any failure to abide by the terms and conditions of the program, including failure to appear for the monitoring visit within the five-day grace period.
 - (c) Any indications of any non-compliance, such as failed or missed tests, or failure to comply with regularly scheduled maintenance.
 5. Within five (5) business days from performing the monitor check, the service provider will provide a full data log report to the state or its designee. This data will be provided electronically via email, web-browser, fax or mail.
- D. Facility and Personnel Requirements - A manufacturer's vendor/service provider must establish installation service centers and employ personnel according to the following guidelines:
-

-
1. Adequate security measures shall be taken by each manufacturer/service provider at its installation service center to ensure that unauthorized personnel cannot gain access to secured materials.
 2. Installation service centers shall be operated in such a manner that the program participant or any other unauthorized personnel cannot witness the installation and or servicing of the ignition interlock device.
 3. The service provider must take corrective action within 48 hours to eliminate reoccurrence, if an ignition interlock report is received that indicates alcohol use by installation personnel.
 4. Personnel who work for the manufacturer/service provider at the installation service centers and who install, calibrate, perform tamper inspections or perform reporting duties may not have been convicted of a crime substantially related to the qualifications, functions, and duties related to the installation and inspection of the devices. This may include, but is not limited to, persons:
 - (a) Convicted of any alcohol or drug-related offense within the last 3 years or currently on probation for such conviction.
 - (b) Convicted of more than one alcohol or drug-related offense overall.
 - (c) Convicted of probation violation.
 - (d) Convicted of perjury, forgery, sworn or unsworn falsification.
 - (e) Convicted of tampering with an ignition interlock device.
 5. Manufacturers/service providers must conduct an annual criminal record check through the Minnesota Bureau of Criminal Apprehension, and or NCIC; and conduct a driver's license record check of all personnel (as described above) employed in Minnesota and make appropriate reports to the Department and or its designee no later than the first day of July. Such checks for newly hired personnel shall be conducted within thirty (30) days of their start date. The Department, its designee or both reserves the right to spot check such records in the event of any discrepancies.
 6. In the event that a relevant criminal history is discovered, the manufacturer/service provider has 30 days to remove that employee from any device installation, calibration and or removal and data storage system downloading duties. Failure on the part of the manufacturer/service provider to take this action may result in suspension or revocation of approval of a device in Minnesota.
 7. Personnel shall be trained by the manufacturer/service provider to install, calibrate, monitor, upload data and remove the device.
-

-
- E. Evaluations, Reports and Information Dissemination - The manufacturer or manufacturer's service provider will be responsible for providing information requested by the Department, its designee or both regarding the program's participants' usage of the device, device and/or service complaints or concerns, technical problems encountered with the device, or any other information that is available. In addition, the service provider has the responsibility of disseminating information about its device to the public.
1. A written summary of all complaints received and corrective actions taken by the manufacturer/service provider shall be provided to the Department, its designee or both on a quarterly basis. The actual reporting forms and or reporting format will be provided by the Department or its designee. Generally, the complaints shall be categorized by:
 - (a) Customer error or operation.
 - (b) Faulty automotive equipment other than the device.
 - (c) Apparent misuse or attempts to circumvent the device.
 - (d) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.
 2. No later than the 15th day of each month, all manufacturers/service providers will provide a written report to the Department, its designee or both of all devices installed and/or removed at its installation service centers during the previous month. This report shall contain the program participant's name and address, date of birth, driver's license number, County of jurisdiction, date of device install and or removal, and reason for removal, or any other pertinent information (i.e. the total number of active program participants, installations, participants that have completed the program, participants that have voluntarily removed the device, miles driven, number of breath tests, tests resulting in ACs equal to or higher than 0.020%, attempts to tamper and time of day when high ACs occur) as requested.
 3. The manufacturer/service provider shall inform the Department, its designee or both in writing of any modifications or adjustments to the ignition interlock device, including changes or modifications to firmware or software, undertaken by the manufacturer.
 4. The manufacturer/service provider shall provide to the Department, its designee or both proof of installation of the device in a participant's vehicle(s) and the results of servicing and monitoring of such devices.
 5. The manufacturer/service provider shall provide public information to interested applicants concerning the device and costs of the program.
 6. The manufacturer/service provider/installation service center shall immediately notify the Department, its designee or both if it becomes aware of a motor vehicle accident involving a vehicle equipped with an ignition interlock device. The manufacturer/installation service center shall provide the name of the program participant, the jurisdiction in which the incident occurred,
-

the name of the investigating officer(s), whether there is evidence of tampering or circumvention of the device, whether or not there is suspicion or evidence of alcohol or other substances involved in the incident, whether there is evidence that a device malfunction occurred and was a factor in causing the accident, if there is pending litigation due to injuries or death resulting from the accident and any other relevant information. The manufacturer/service provider/installation service center shall cooperate with the Department, its designee or both, and provide either entity, in a timely manner, a written report of any and all circumstances of such incidents.

F. Removal of the device

1. All device removals must be done in an expedient manner and the vehicle(s) returned to normal operating condition. All scotch locks associated with the installation of the device must be removed and all severed wires must be permanently reconnected by soldering and insulated with heat shrink tubing.
2. No manufacturer/service provider/installation service center shall remove another manufacturer's device without the written consent of that manufacturer prior to the removal of the device.

G. The service provider must have the manufacturer's approval for use of a particular approved device either through purchase, lease agreement or rental agreement. A service provider may not continue to install, maintain or remove ignition interlock devices if they have been so notified by the manufacturer.

H. Failure of the manufacturer and or service provider to abide by the terms and conditions as stated in the preceding paragraphs A-G may result in suspension or revocation of the approval of the device.

8. Revocation/Denial of Approval of Ignition Interlock Devices

A. The Department may deny, suspend or revoke approval of a device, and remove it from the list of acceptable devices, upon any of the following grounds:

1. Evidence of repeated device failures due to defects in design, materials, or workmanship during manufacture.
2. Termination or cancellation of manufacturer's liability insurance along with failure of the manufacturer to carry the specified amount of liability insurance.
3. Request of the manufacturer to remove a device from the list of approved devices.
4. Any finding that the manufacturer, its service provider, or any one of its installation service centers is not in compliance with the provisions of these specifications, regulations or other applicable law.

-
5. Providing materially false or inaccurate information relating to a device's performance standards, by a manufacturer, service provider or installation service center representative.
 6. Failure to submit reports to the Department, its designee or both.
 7. Discontinuance in the business of manufacturing devices.
 8. Any other reasonable cause to believe that the device was not accurately represented to meet performance standards.
 9. Failure of the manufacturer/service provider to notify and inform in writing the Department, its designee or both of any device modifications or alterations (i.e. firmware and or software changes or upgrades).
 10. Failure of the manufacturer/service provider to notify and inform in writing the Department, its designee or both when an approved device has been denied approval, has been revoked, or has been suspended in any other state.
- B. The effective date of suspension or revocation shall be 30 days after notification is sent to the manufacturer via certified mail, except in cases where the Department determines immediate suspension or revocation is necessary for the safety and welfare of the citizens of the Minnesota.
- C. Manufacturers may request the Department to review a revocation of its participation in the Minnesota ignition interlock program. This request shall be submitted to the Department, in writing, within 30 days of the revocation.
- D. Upon suspension, revocation, or voluntary surrender of an approval to participate in the Minnesota ignition interlock program, a manufacturer shall notify each of its service providers/installation service centers to cease to install that model or class of device(s) in any and all program participant's motor vehicle(s) upon the effective date of the suspension, revocation, or voluntary surrender.
- E. Upon revocation or voluntary surrender of an approval, the manufacturer shall be responsible for removal of all affected like devices from program participant's motor vehicle(s). All reporting requirements concerning data recorded by each of the affected like devices must be met and appropriate records forwarded to the Department, its designee or both.
- F. The manufacturer shall be responsible for any costs connected with removal of its revoked device(s) from a program participant's motor vehicle(s) and the installation of a new device(s) from the Department's list of approved devices.
- G. Upon notice of suspension or revocation of approval, the manufacturer shall ensure minimal inconvenience to the affected customers by removing their device(s) during the customers' regularly scheduled monitoring appointments.
- H. Upon notice of immediate suspension or revocation that involves device malfunction, gross negligence or any other situation that could potentially place program participants, other citizens of Minnesota or
-

both in danger, the manufacturer will notify all program participants in writing within 24 hours of receiving notice so that they may return to the service centers for device removal.

- I. In the event of revocation of a manufacturer's device, the Department has the right to deny or limit subsequent, additional and or new submissions for approval of any device from said manufacturer.

9. Other Provisions

- A. The Department, its designee or both reserves the right to observe the installation and service of any approved device(s).
- B. The Department, its designee or both reserves the right to periodically request statistical data regarding driver/equipment performance, with the guarantee that individual drivers' names and addresses will not be specifically identified.
- C. The Department reserves the right to modify these specifications based upon the needs of the Department.
- D. The Department reserves the right, at any time, to request additional information from Manufacturer, its service provider(s), or its installation service centers concerning an approved device which may lead to re-evaluation of the approval of the device.

Appendix C - Minnesota Ignition Interlock Program Guidelines

1. Scope

The purpose of this document is to establish program standards pursuant to Minnesota Statute Section 171.306 subd. 3. (2008) for participant qualifications and licensing guidelines for the use of ignition interlock devices in the State of Minnesota. Individual county programs and procedures are not within the scope of these program standards and are documented in individual county program and procedure documents. The state reserves the right to change these standards as additional information is received.

2. Statewide Interlock Program Standards -

Qualifications and licensing guidelines for use of ignition interlock devices in counties other than Hennepin and Beltrami Counties.

- A. Individuals who have had their driver’s license canceled and denied due to an alcohol or controlled substance-related incident under Minnesota statute 171.04 subdivision 1, clause (10) (2008) in counties other than Hennepin and Beltrami may apply for an ignition interlock limited license if they meet the following requirements:
 - 1. Participant must have completed chemical dependency treatment and one-half of the person's required abstinence period has expired.
 - 2. Participant must be monitored by a court supervision program and the court must agree to monitor the participant and the ignition interlock device reports for use of alcohol and/or drugs and report any usage to the Department of Public Safety.
 - 3. Participant must obtain a court order that includes the following:
 - A. The Department of Public Safety must be ordered to accept the participant into the Minnesota Ignition Interlock Program.
 - B. The participant’s court supervision program must be identified.
 - C. The participant must acknowledge that they will remain in the supervision program for the entire time period of the ignition interlock program and the court agrees to monitor the participant for use of alcohol and/or drugs. The Department of Public Safety will be notified if the participant is no longer in the court supervision program and/or if the participant has been determined to be using alcohol and/or drugs.
 - D. Participants must agree to the licensing terms and conditions stated in the following chart.

	Ignition Interlock Program Time Period
--	-----------------------------------------------

Offense	Counties Exclusive of Hennepin and Beltrami		
	No License Allowed (Hard Revocation)	Limited license with Ignition Interlock	Full license with Ignition Interlock
First Rehab	½ of cancellation period	Until eligible for reinstatement	One (1) year after license reinstatement
Second Rehab	½ of cancellation period	Until eligible for reinstatement	One (1) year after license reinstatement
Third Rehab	½ of cancellation period	Until eligible for reinstatement	One (1) year after license reinstatement

3. Hennepin and Beltrami County Ignition Interlock Program Standards –

Qualifications and licensing guidelines for participation in the Hennepin and Beltrami Counties Ignition Interlock Programs.

- A. Individuals residing in Hennepin or Beltrami Counties that have had their driver’s license revoked under Minnesota Chapter 169A for a repeat impaired driving incident or canceled under Minnesota statute 171.04 subdivision 1, clause (10) (2008) may apply for an ignition interlock limited license if they meet the following requirements:
 - 1. Participant with a driver’s license canceled must have completed treatment or been participating in a treatment program for the past 30 days and demonstrating positive progress.
 - 2. Participant must be monitored by a court supervision program and the court must agree to monitor the participant and the ignition interlock device reports for use of alcohol and/or drugs and report any usage to the Department of Public Safety.

- B. Participants must agree to the licensing terms and conditions stated in the following chart.

	Ignition Interlock Program Time Period Hennepin and Beltrami County			
Offense	No License Allowed (Hard Revocation)	Limited license with Ignition Interlock	Full license with Ignition Interlock	Total Ignition Interlock Program
2 nd Offense under .20	0 days	Six (6) months	Six (6) months minimum– last three (3) months must have no failed tests recorded on device	One (1) year minimum
2 nd Offense over .20 or test refused	0 days	One Year	One (1) year and six (6) months minimum– last six (6) months must have no failed tests recorded on device	One (1) year and six (6) months minimum
3 rd Offense if rehab not required under .20	One (1) month	Two (2) months	Nine (9) months minimum- last three (3) months must have no failed tests recorded on device	Eleven (11) months minimum
3 rd Offense if Rehab is not required over .20 or test refused	Two (2) months	Ten (10) months	Six (6) months minimum – last six (6) months must have no failed tests recorded on device	One (1) year and four (4) months minimum
3 rd Offense or first rehab	Three (3) months	Until eligible for reinstatement.	One (1) year after license reinstatement	One (1) years and nine (9) months minimum, if participant enters into the program when first eligible
Second Rehab	Six (6) months	Until eligible for reinstatement.	One (1) year after license reinstatement	Three (3) years and six (6) months minimum, if enter into the program when first eligible
Third Rehab	One (1) year	Until eligible for reinstatement.	One (1) year after license reinstatement	Seven (7) years minimum, if enter into the program when first eligible

4. Additional Conditions for Participation in the Ignition Interlock Program

- A. All participants shall provide to the Department or its designee a signed statement that they agree to all of the terms and conditions described in this document.
1. Participant must drive only a motor vehicle equipped with a functioning and certified ignition interlock device during the entire program as specified above.
 2. Participant must not tamper with, circumvent or otherwise misuse the device. Any suspected violation will be evaluated by the Department and sanctions may be imposed. These sanctions could include removal from the program and non-credit for the revocation time period spent using the ignition interlock device.
 3. Participant is presumed to have provided all breath samples introduced into the ignition interlock device. Any indication of use of alcohol detected by the device will be considered use of alcohol by the participant and will be taken into consideration when the Department of Public Safety evaluates the participant's driving privileges.
 4. Participant who has a "no use of alcohol or drug restriction" on their driver license will be considered in violation of that restriction, if alcohol is detected by the ignition interlock device. The participant will be subject to a longer period of cancellation.
 5. Participant qualifies for the ignition interlock program by being monitored by a court supervision program. Participants that are removed from the supervised program will no longer be eligible to participate in the ignition interlock program.
 6. Participant must have their vehicle calibrated by a licensed service provider and serviced every 30 days or as indicated by the interlock device.
 7. Participant is responsible for understanding how to use the ignition interlock device and will be responsible for any misuse of the device.
 8. Participant must provide proof of insurance for the vehicle equipped with the ignition interlock device.
 9. Participant must indemnify and hold harmless the State of Minnesota and any political subdivision, the Department and its officers, employees and agents from all claims, demands and actions as a result of property damage and or injury or death to persons which may arise, directly or indirectly, out of any act or omission by the participant during the use of an ignition interlock device.
 10. Sanctions may be imposed for any violation of this agreement. These sanctions may include removal from the program and/or non-credit for the revocation time period spent using the ignition interlock device.

5. Miscellaneous

- A. Funding

1. Fees - Participants are responsible for all costs incurred to participate in the ignition interlock program.

2. Indigent Funds - An indigent fund will be available for participants in Hennepin and Beltrami Counties. Guidelines for the indigent fund will be in conformity with Minnesota statute 563.01.