

Ignition Interlock for DWI Offenders

What happens to a person's driver's license after a DWI?

When a person is charged with a DWI, there are two types of sanctions: administrative and criminal. This short subject deals with just *one* administrative sanction—loss of driving privileges.

DWI charges will result in a person's driving privileges either being revoked or canceled for a length of time based on the person's current and past DWI record (see chart on next page). Instead of waiting out the entire revocation or cancellation period to drive legally again, a person may apply to drive only vehicles equipped with an ignition interlock device during that time.

What is an ignition interlock device?

An ignition interlock device is installed in a vehicle to measure and record a person's alcohol concentration (AC) level. A vehicle will not start if a person blows into the device and alcohol is detected. (The AC level must be below .02.)

Are DWI offenders required to go on ignition interlock?

DWI offenders are not required to go on ignition interlock. However, ignition interlock allows DWI offenders to drive during the revocation or cancellation period, and for certain offenders, it is necessary to reinstate their driver's license.

For persons with **revoked** licenses (i.e., generally first or second DWI offense), a few options are available during the revocation period. The person may: (1) wait out the revocation period and not drive; (2) apply for limited driving privileges (only available to certain offenders); or (3) regain full driving privileges right away by going on ignition interlock. After the revocation period, the person may seek full driving privileges again.

For **canceled** drivers (i.e., generally third and subsequent DWI offenses), ignition interlock is necessary not only to drive during the cancellation period, but also to reinstate a person's driver's license once the cancellation period is over. For this group, participation in the ignition interlock program is proof of abstinence from alcohol, which is one of the requirements for license reinstatement. Participation is required for the length of the cancellation period. Accordingly, a person who chooses not to drive during the cancellation period cannot afterwards apply for a regular driver's license (like a revoked driver can). The canceled person would still need to go on ignition interlock for the entire length of the cancellation period regardless of time spent not driving.

How long do DWI offenders need to be on ignition interlock?

Generally, an offender will be on ignition interlock for the length of the revocation or cancellation period (as briefly described in the chart below). Other factors may affect the overall program length—such as program violations.

Length of Revocation and Cancellation Periods

	DWI Incidents*				
	1st	2nd in 10 Years or 3rd on Record	3rd in 10 years or 4th on record	4th in 10 years	5th+ on record
	Revocation Period		Cancellation Period		
AC < .16	90 days/180 days if under age 21	1 year	3 years	4 years	6 years
AC ≥ .16	1 year	2 years	3 years	4 years	6 years
Test Refusal	1 year*	2 years	3 years	4 years	6 years

* DWI incidents include convictions and administrative loss of license.

Can the ignition interlock device detect who is starting or driving the vehicle?

Anytime a person blows into the device, a photo is taken and recorded. The photos are sent to the Department of Public Safety (DPS) for review. In addition to the initial breath test to start the vehicle, rolling retests are taken, photographed, and recorded. Rolling retests are breath samples taken at random intervals while the person is driving.

What happens if the device detects alcohol?

If alcohol is detected before starting the vehicle, the vehicle will not start and the violation is reported to DPS. During a rolling retest, if alcohol is detected or the driver does not provide a breath sample, the vehicle will *not* stop but the violation will be reported to DPS.

What are the consequences for test failure or skipping rolling retests?

Administrative sanctions for test failure or skipping rolling retests may include extension of, or termination from, the ignition interlock program. Moreover, a **revoked** driver cannot have full driving privileges reinstated until the last 90 days of the program show no positive AC tests over .02. For a **canceled** driver, a positive AC test over .02 recorded anytime during the program results in termination from the ignition interlock program. To regain driving privileges, the person must re-enroll in the program and restart the entire cancellation period.

Can a family member drive the vehicle with ignition interlock?

A family member or any another person may drive the vehicle, but the person must know how to start the car with the ignition interlock device and how to take rolling retests. Typically, the family member will take the same training as the offender.

Who pays for the ignition interlock?

The cost of the ignition interlock is the responsibility of the offender. Discount rates, through ignition interlock providers, may be available to indigent offenders.

For more information: See the House Research publication [An Overview of Minnesota’s DWI Laws](#), March 2016. See also Minnesota Department of Public Safety’s Ignition Interlock Program Guidelines.

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