



Arizona State Senate *Issue Brief*

June 8, 2011

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ARIZONA DRIVING UNDER THE INFLUENCE (DUI) LAWS: *Ignition Interlock Device*

INTRODUCTION

An ignition interlock device (IID) is an in-car alcohol breath screening device that is attached to a motor vehicle's ignition system. Before starting the vehicle, the driver must breathe into the device. The IID system prevents the vehicle from starting if the driver's alcohol content exceeds the device's preset standards. As of February 1, 2006, Arizona began requiring all IID systems installed to be based on alcohol-specific electrochemical fuel sensor technology, to detect an individual's blood alcohol content (BAC).

As a condition of reinstatement of the individual's driving privileges, when an individual is convicted of a first or second offense DUI or extreme DUI, the court is required to order an individual to install an IID for at least 12 months. An individual who is convicted of first time extreme DUI and whose BAC was 0.20 or more must have an IID for 18 months and a person who is convicted of second offense extreme DUI with a BAC of 0.20 or more or aggravated DUI must install an IID for 24 months.

The court may order an individual to install an IID for more than 12 months, in which case the IID requirement begins on the date the Arizona Department of Transportation Motor Vehicle Division (MVD) receives the report of conviction. All other IID requirements begin on the date of reinstatement of the individual's driving privileges.

In 2006 the Legislature enacted IID certification requirements to ensure the reliability and accuracy of an IID in an unsupervised environment. In order to certify an IID the manufacturer must submit a properly completed application form to MVD that includes the manufacturer's business and contact information as well as documentation providing a detailed description of the IID, the technical specifications of the IID and an independent laboratory report and certification stating that the IID meets or exceeds specified IID requirements. For installation, manufacturers are required to refer individuals to an authorized installer who complies with the manufacturer's procedures for installing the IID.

Additionally, legislation enacted in 2003 requires individuals under IID orders to submit to periodic inspections at least once every 90 days to show proof of compliance to MVD that the individual has installed a functional and certified IID in each motor vehicle operated by the driver.

If the inspection and compliance requirements are not satisfied, MVD is required to suspend that individual's driving privileges until proof of compliance is submitted. The 12-month IID compliance requirement begins on the date compliance is proven to MVD. If an individual was convicted prior to August 25, 2004, and is found to be out of compliance during the 12-month time period, the 12-month requirement is paused until the individual proves compliance to MVD. If the individual was convicted after August 25, 2004, the 12-month period of compliance must be consecutive; therefore if there is noncompliance during the 12-month time period, the 12-month time period is restarted when the individual proves compliance to MVD.

ARIZONA SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE

Laws 2005, Chapter 312, established a special ignition interlock restricted driver license. An individual whose driver license is suspended or revoked for a first offense of either refusal to submit to a sobriety test or aggravated DUI with an individual under 15 years old in the vehicle may apply for the special driver license, which allows the individual to operate a motor vehicle during the period of license suspension or revocation. The special driver license requires the licensee to maintain a certified IID on any vehicle the licensee operates and allows the licensee to drive only between certain locations, such as the individual's residence and place of employment.

For a first offense of refusal to submit statutes, the individual can apply for a special driver license after the individual's license has been suspended for at least 90 days. For aggravated DUI with a person under 15 in the vehicle, the individual can apply for a special

driver license after a 90-day administrative license suspension, and the individual must show that he or she has completed alcohol or other drug screening and treatment as required by the court.

Individuals under the age of 21 may have their driving privileges restricted by the court for driving while having any spirituous liquor in the individual's body or for any other DUI offense. In this case, MVD must issue a special ignition interlock restricted driver license to the individual.

MVD may extend the special ignition interlock driver license if the licensee tampers with the IID, attempts to operate the vehicle with an alcohol concentration exceeding the presumptive limit or fails to provide proof of IID compliance or inspection.

Individuals holding the special ignition interlock restricted driver license must meet the same compliance requirements as individuals under IID orders and abide by the same driving restrictions.

RECENT LEGISLATION

Laws 2011, Chapter 341 makes various changes to IID requirements, beginning January 1, 2012. (see "*Arizona Driving Under the Influence [DUI]: DUI Laws and DUI Courts*").

ADDITIONAL RESOURCES

- Ignition Interlock Device Statutes: A.R.S. §§ 28-1461 through 28-1464
- Special Ignition Interlock Restricted Driver Licenses Statutes: A.R.S. §§ 28-1401 through 28-1403
- "*Arizona Driving Under the Influence (DUI): DUI Laws and DUI Courts*" Arizona State Senate Issue Brief, www.azleg.gov/briefs.asp
- Arizona Department of Transportation Motor Vehicle Division
1801 W. Jefferson
Phoenix, AZ 85007
602-255-0072
<http://www.azdot.gov/mvd/>