

OWI, IGNITION INTERLOCK DEVICE, AND VEHICLE EXEMPTION INFORMATION

You are receiving this information because you have been convicted of operating while under the influence, operating with a prohibited alcohol concentration, operating under the influence of a restricted controlled substance, or any combination of these charges, and have been ordered by the court to install an ignition interlock device (IID) on all vehicles registered in your name.

You may petition the Court for a 50% cost reduction of installing and maintaining an IID on your vehicle if your household income is at or below 150% of the federal poverty guidelines. To do so, complete the **Petition for Half-Priced Ignition Interlock Device (IID)**, Form TR-305, and the top portion (caption) of the **Order for Half-Priced Ignition Interlock Device (IID)**, Form TR-309, and submit both documents to the Clerk of Court. The documents will be forwarded to the judge assigned to your case for review and approval or denial.

You may also petition the Court for an order exempting you from the requirement to have an ignition interlock device installed on every motor vehicle owned by you or registered in your name, for the reasons you set forth in your petition. To do so, complete the **Petition for Ignition Interlock Vehicle Exemption**, the top portion (caption) of the **Order for Ignition Interlock Vehicle Exemption**, and the **MV3617, Order for Ignition Interlock Exemptions and Removing Title Transfer Stops**. If any of your vehicle lists exceed the space allowed in the Petition, you may attach an **Addendum to Petition for Ignition Interlock Exemptions** to your petition. Also complete a **Confidential Disclosure of Protected Information (GF-241)** by filling in the top portion (caption) and 1.A., printing your name and driver's license number where indicated, and then sign and date the form at the bottom. Submit the completed **Petition for Ignition Interlock Vehicle Exemption, Order for Ignition Interlock Exemption, MV3617 Order for Ignition Interlock Exemptions and Removing Title Transfer Stops**, and the **Confidential Disclosure of Protected Information** to the Clerk of Court. The documents will be forwarded to the judge assigned to your case for review and approval or denial.

The OWI law requires the Court to send an offender to jail or prison **immediately** after being found guilty for all **OWI 3rd and subsequent offenses**. You are presumed innocent, but even before you are found guilty by plea or trial, **if you will be requiring Huber Law privileges, you will need to contact Mary Reel, Huber Officer, at 683-4945 to prescreen for a work release sentence with the jail. If your sentence is 20 days or less, your Huber fees have to be paid in full to have work release. Fees are listed in Huber packets available at the jail 24 hours a day or on the jail website at www.mtwjail.com.**

Whether you receive work release is ultimately up to the Sheriff and the Judge who sentences you. Prescreening for work release does not guarantee you will receive work release as a sentence.

IGNITION INTERLOCK DEVICES (IIDs) will be **mandatory** for the following convictions, effective 7-1-10:

- ALL repeat OWIs
- ALL refusals
- ALL 1st Offense OWIs with an alcohol concentration of 0.15 or higher

and the court **MUST** order: **(1)** an ignition interlock device (IID) to be installed on every vehicle titled or registered in your name (unless the vehicle is specifically exempted by the Court (using MV3617)); and **(2)** order a restriction of your operating privileges to only vehicles equipped with an IID.

IIDs must be ordered for a **minimum of one year**. DMV will schedule the IID order to begin on the date DMV issues you any kind of license (however, the court can require immediate installation). Therefore, if you choose not to drive during your revocation period, when you reinstate your driving privileges after your revocation period is over, that will trigger the start of your IID order, so you cannot get around it and just wait it out. You may also be prosecuted further if you fail to comply with the IID order.

No occupational license or reinstated regular license will be issued until you provide DMV with proof that the IID has been installed on every vehicle that is titled or registered in your name, unless specifically exempted by the Court. You may wish to contact DMV for a complete list of all vehicles registered in your name to expedite this entire process. The DMV **reinstatement fee for alcohol related offenses** increases from \$60 to **\$200**.

If an offender does not have any vehicles owned or registered in their name, there will be no proof of IID installation required, however, the IID restrictions will be applied to their driver's license.

Even if you do not own a motor vehicle, **your operating privilege is restricted** for operation of all Class D motor vehicles. If you borrow, lease, or rent a vehicle, it must be equipped with an IID for you to legally operate it.

Nothing in the **MV3617 Order for Ignition Interlock Exemptions** permits the defendant to operate any of the vehicles being exempted, **including motorcycles or mopeds**, while his/her operating privilege remains restricted unless ignition interlock devices are installed and used in the vehicles.

Huber inmates who will be operating a motor vehicle for work release privileges are required to show proof of ignition interlock device installation. Failure to show proof may result in loss of work release privileges.

WHAT IS AN IGNITION INTERLOCK DEVICE (IID)?

An ignition interlock device (IID) is a breathalyzer for your vehicle that requires an alcohol-free breath sample before a car can be started. If the breath alcohol concentration analyzed result is greater than the programmed blood alcohol concentration (.02%), the device prevents the engine from being started. Depending on the model, you will be asked to provide a series of breath samples into the device mouthpiece. The device will instantly tell you if you pass or fail. If you fail, you will be allowed to retest after five minutes. If you still do not pass, you can retry again five minutes later. After the third failed attempt, your device will lock out for 15 minutes and your vehicle will not start.

IIDs are leased from a service provider for the duration of the vehicle sanction. The lease and service agreement includes fees for installation, monthly service and removal at the conclusion of the sanction. Other fees may be assessed by the service provider for periodic calibration, violation resets or permanent lockout conditions. DOT estimates the full installation and maintenance costs for one year of IID to be in the range of \$835 to \$1290 per vehicle.

All installed ignition interlock devices will be scheduled for service at intervals not to exceed 60 days. Any failure to report for required servicing shall be reported to the sheriff of the county where the customer resides. Each time the device is serviced, the service provider shall review the data recorded in the device's memory and retain a copy in the customer's file. Any tampering, circumvention, bypass or violation resets shall be immediately reported to the sheriff in the county where the customer resides.

An IID will activate the vehicle's emergency lights and horn if any attempt to circumvent, disconnect, remove or tamper is detected. The event is also recorded in the device memory, and a service reminder will be immediately activated. If the vehicle is not taken in for IID service within seven days of the violation reset, the IID will go into "permanent lockout", which means the vehicle will not start until the IID is reset by the service provider. The offender might need to have the vehicle towed to the service provider or request mobile service in the event of permanent lockout.

Pursuant to Trans 313.04, Wis. Admin. Code, the Chemical Test Section is responsible for evaluating and approving ignition interlock devices for use in the state of Wisconsin. The following devices are currently approved for use:

Wisconsin DOT Approved IID Manufacturers		
APPROVED DEVICE MANUFACTURER	APPROVED MODEL & TYPE	TELEPHONE NUMBER
Consumer Safety Technology, Inc. www.intoxalock.com	Intoxalock 1001A	877-777-5020
Draeger Safety Diagnostics, Inc. www.draeger.com	Interlock XT	800-332-6858
Lifesafer Interlock www.lifesafer.com	FC-100	800-584-1226
Smart Start, Inc. www.smartstartinc.com	SS1 2020	800-234-0198

A list of Service Centers is available at:
www.dot.state.wi.us/statepatrol/services/chemtest.htm

NOTE: Sec. 340.01(46m)(c), Wis. Stats. provides that a person subject to an Ignition Interlock Device Order may be convicted of Operating a Motor Vehicle With a Prohibited Alcohol Concentration if the person's alcohol concentration is more than 0.02.

If a person has three or more prior convictions, suspensions or revocations as counted under s. 343.307(1), **they will have a .02 PAC restriction identified on their driver's license for the rest of their life**, per the PAC definition found in Chapter 340 of the Wisconsin Statutes.

Failure to install, removal, disconnection, tampering or circumvention of the IID is a criminal offense and may result in a fine and/or up to six months in jail, plus a mandatory six-month extension of the IID order. A second or subsequent violation within five years will result in fines up to \$1,000.

The Clerk of Court office will notify the Wisconsin Department of Transportation (DOT) of your IID Order, Order of Revocation, and Order for Intoxicated Driver Assessment. Contact Diane Drinkman of the Chemical Test Section at (608)243-2952 or diane1.drinkman@dot.wi.gov with questions about ignition interlock devices, manufacturers or service centers. Alternatively, offenders can contact the Chemical Test Section @ (608)243-2946 or chemtest@dot.wi.gov.

OCCUPATIONAL LICENSE

A Wisconsin occupational license is a restricted license and a requirement of an OWI offense. An occupational license limits you to where and when you can drive. To find out if you are eligible to obtain an occupational license, you can visit DMV online services at www.wisconsin.dmv.gov, emailing information.dmv@dot.state.wi.us, or by calling the DMV Driver Information Section at (608)266-2261. Allow two hours to process an application.

To obtain an occupational license, you will need to complete the following:

- Wisconsin Driver License Application, Form MV3001
- File proof of SR22 insurance
- For 2+ OWI convictions, provide proof of completed AODA alcohol and drug assessment
- Install an ignition interlock device in any vehicle you operate (if court ordered----your IID provider will provide proof of installation to the DMV)
- Submit application and required forms in person at a DMV Customer Service Center
- Pay all fines and fees (including a \$50 IID surcharge)

LINKS TO INFORMATION ON DMV WEBSITE:

Frequently asked questions about ignition interlock devices

<http://www.dot.wisconsin.gov/statepatrol/docs/iid-faq.pdf>

Summary of drunk driving law changes (2010)

<http://www.dot.wisconsin.gov/drivers/drivers/enforce/owi.htm>

How to apply for an occupational license

<http://www.dot.wisconsin.gov/drivers/drivers/revoke/occ-apply.htm>

How to reinstate a driver's license or driving privilege (Wisconsin residents)

<http://www.dot.wisconsin.gov/drivers/drivers/revoke/suspend-revoke.htm>

Ignition interlock device installation and service centers – list

<http://www.dot.wisconsin.gov/statepatrol/docs/iid-service-center-list.pdf>