

CHAPTER 13
IGNITION INTERLOCK DEVICES

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CHAPTER 13

IGNITION INTERLOCK DEVICES

1. GENERAL.

- a. Ignition Interlock Devices (IID) are valuable tools to help ensure driving under the influence (DUI) offenders refrain from using alcohol before and while driving.
- b. An IID is a device wired to a vehicle's ignition system and requires the driver to provide a breath sample prior to starting their vehicle. Additionally, the IID will also require the driver to provide periodic breath samples while driving. These periodic breath samples help ensure a driver does not consume alcohol after starting the vehicle and is often referred to as a rolling retest.

2. BACKGROUND.

- a. In September of 2016, Senate Bill (SB) 1046 (Hill, Chapter 783) was signed into law and became effective January 1, 2019. Pursuant to SB 1046, the California Department of Motor Vehicles (DMV) requires a person arrested or convicted for specified DUI violations to install an IID. Persons required to install an IID should have an IID restriction printed on their driver license.
- b. The National Highway Traffic Safety Administration (NHTSA) has published reports and guidance documents showing IIDs reduce recidivism among specified DUI offenders.¹
- c. Additionally, the DMV has published reports detailing their findings related to IIDs.²

3. DETERMINING LICENSE RESTRICTION.

- a. An officer may check a driver license during a traffic stop to see if the driver is subject to any restrictions.
- b. Restrictions can be found physically printed on the license and denoted by an "RSTR" near the date of birth, with a more detailed description on the rear of the driver license.

¹ <https://www.nhtsa.gov/laws-regulations/guidance-documents>

² <https://www.dmv.ca.gov/portal/dmv-research-reports/research-studies-reports/>

c. Prior to taking any enforcement action, officers shall check the driver's record through the California Law Enforcement Telecommunication System to ensure any restrictions physically printed on the driver's license are still in effect.

4. TAKING APPROPRIATE ACTION. If applicable, officers should take appropriate enforcement action on all drivers operating a vehicle in violation of IID restrictions. Officers should use the following guidance when encountering IIDs and/or drivers with IID license restrictions during enforcement contacts. Refer to Annex A for additional information.

a. Ignition Interlock Device Installed.

(1) Instruct the driver to turn off and restart their vehicle's engine using the IID. If the driver is unable to start the vehicle after three attempts the officer should examine the IID for signs of tampering and conduct a DUI investigation.

(2) When the driver uses the IID, the officer should observe the device and look for obvious signs of tampering. If the device has been tampered with, the driver may be in violation of Section 23247(d) of the California Vehicle Code (CVC), which states it is a misdemeanor to remove, bypass, or tamper with an IID.

(3) If the driver is cited or arrested for tampering with the device, the officer should take the IID for evidence only if the device can be easily removed without damaging the vehicle. Additionally, if possible, the officer should photograph the IID and document any obvious signs of tampering.

(4) If the driver is cited or arrested for tampering with the device, the vehicle may be impounded pursuant to Section 14602.6(a)(1) CVC or Section 22651(p) CVC.

(5) If seized, the IID and any photographs shall be booked into evidence in accordance with Highway Patrol Manual 70.1, Evidence Manual.

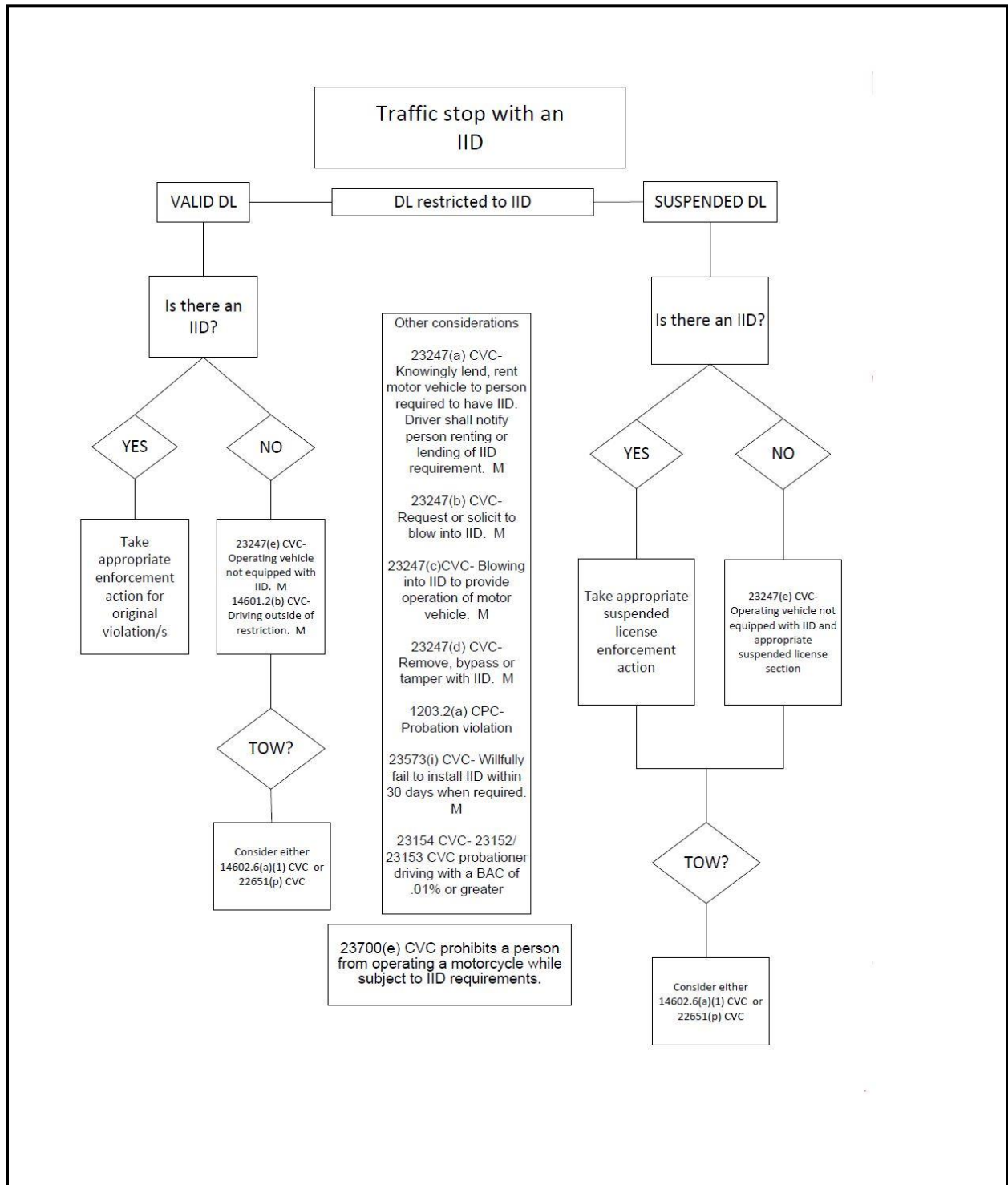
b. Ignition Interlock Device Not Installed.

(1) If the driver is required to have an IID installed and there is no IID installed on the vehicle, the driver should be cited for violation of Sections 23247(e) and 14601.2 CVC.

(2) Additionally, the vehicle may be impounded pursuant to Section 14602.6(a)(1) CVC.

ANNEX A

IGNITION INTERLOCK DEVICE DECISION TREE



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