

## What Could Cause Me To Lose My Driving Privileges?

If you do the following...	This number of times...	The result is...	What happens next?
Miss a rolling re-test	Any two times during a service period	Lockout	Upon notification of the <b>second</b> lockout, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation.
Fail a rolling re-test with a BAC between .02-.05	Any one time	Lockout	
	Two times during a service period	Lockout	Upon notification of the lockout, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation. If you are found responsible on a <b>second</b> occasion, your license will be revoked for life.
Fail a rolling re-test with a BAC greater than .05	Any one time	Lockout	Upon notification of the lockout, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation. If you are found responsible on a <b>second</b> occasion, your license will be revoked for life.
Miss a monthly service appointment	Any one time	Lockout	Upon notification of the <b>second</b> lockout, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation.
Tamper with the IID	Any one time	Lockout	Upon notification of the lockout, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation.
Remove the IID without authorization	Anytime during the period you are required to have the IID	License revocation	Upon notification of the removal, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation.
Operate a vehicle not equipped with an IID	Anytime during the period you are required to have the IID	License revocation	Upon notification of the operation, the Registry will schedule a hearing. If you are found to be responsible, you will receive a ten-year license revocation.

## RMV Hearings Officers

Hearings are held on a walk-in basis, unless your notice specifies a certain date, time, and place for your hearing.

If you desire a walk-in IID hearing, we strongly recommend you arrive prior to 4:00 pm.

Walk-in hearings hours are 8:30 am to 4:45 pm at the following locations:

### **Full Time Hearings Locations**

**(Monday through Friday, excluding holidays):**

Boston, Brockton, Lawrence, Springfield, and Worcester

### **Part Time Hearings Locations (selected days):**

Beverly (Wed)	Pittsfield (Thurs)
Framingham (Tues/Wed)	Reading (Tues/Thurs)
Lowell (Mon/Wed/Fri)	South Yarmouth (Tues)
New Bedford (Tues/Wed/every other Thurs*)	Watertown (Mon/Tues)
North Attleboro (Mon-Fri*)	

Note: Hearings days or locations are subject to change without notice. If a hearing cannot be held for any reason at a particular location, the branch staff can direct you to the next nearest location for service.

\*Please call the Suspension Line at 617-351-7200 to check if hearings are available in this location. You can also call this number with any other hearing-related questions.

## Removal Of The IID

### Completion of Required Period

If you use the IID for the required period of time and become eligible to operate a vehicle without the IID, you must visit a Hearings Officer and obtain a letter stating that the IID may be removed. You must then schedule an appointment with the vendor and bring the letter with you.

### Early Removal

If your license is suspended due to IID violations, the IID will be removed and you will not be allowed to operate a vehicle.

If, after receiving authorization from a Hearings Officer, you remove the IID early, your license will be suspended. You can get your license back as soon as you have the IID reinstalled (as long as your license is not suspended for any other reasons).

If you remove the IID early without authorization from a Hearings Officer, you will be scheduled for a hearing and your license may be revoked for 10 years.

# Ignition Interlock Devices

## Melanie's Law

The Act Increasing Penalties For Drunk Drivers in the Commonwealth, also known as "Melanie's Law," went into effect on October 28, 2005. Its purpose, as suggested by its name, is to enhance the penalties and administrative sanctions for **Operating Under the Influence (OUI)** offenders in Massachusetts.

Melanie's Law requires that an **Ignition Interlock Device (IID)** be used both by drivers with a hardship license **and** by drivers whose licenses are eligible for reinstatement.

In addition to this new law, the Registry of Motor Vehicles (RMV) is changing its policy regarding who is eligible for a hardship license. To be eligible for a hardship license, you must now be able to present proof that you do not have access by public transportation to your required destination.



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## What Is An Ignition Interlock Device (IID)?

An IID is a handheld breath-alcohol monitoring device (approximately the size of a cellphone) that is electronically connected to a vehicle's ignition. Before starting your vehicle, the IID requires you to take and pass a breath test. It also requires you to take re-tests while you are operating the vehicle.

## Who Needs An IID?

There are four possible scenarios in which you need to use an IID:

1. If you have 2 or more OUI convictions (for alcohol or controlled substances) and are **eligible for a hardship license**, you must use the IID for the length of the hardship license. You must also use the IID for an additional 2 years after your license is reinstated.
2. If you have 2 or more OUI convictions (for alcohol or controlled substances) and are **eligible for license reinstatement**, you must use the IID for 2 years after your license is reinstated. This 2-year period is in addition to any time you may have used the IID with a hardship license.
3. If a court orders you to use the IID for any reason, you must use the IID for the length of the court order.
4. If a court reinstates your license after a suspension of five years or more for a Chemical Test Refusal (pursuant to M.G.L. c.90 s24(1)(f)(1) or s24N), the RMV will reinstate your license (as long as there is no other reason for your license to be suspended). In this case, an IID must be installed for no less than two years.

**Note:** Upon completion of the required period, your IID will **not** be authorized for removal if you had any IID infractions or violations during the past six consecutive months.

The IID must be used in every registered vehicle that you **own, lease, or operate** (including your employer's vehicle). A restriction will be added to your license making it illegal to operate a vehicle that is not equipped with an IID.

If you do not have the IID installed in your vehicle(s), you will not be eligible for a hardship license and you will not be allowed to have your license reinstated.

## Policy for Out-of-State Residents

Melanie's Law **does apply** to out-of-state licensed drivers who are convicted of two or more OUIs in Massachusetts. If an IID is required, you cannot drive in Massachusetts without one. To find out if you are eligible to reinstate your right to operate in Massachusetts, you will need to contact a Hearings Officer.

## Operator's Responsibilities

Upon notification that you need an IID, you are responsible for all of the following:

- ◆ **Installation** - You must contact a vendor and schedule an installation.
- ◆ **Payment** - You must pay the vendor all of the required leasing and maintenance fees.
- ◆ **Maintenance visits** - You must return to the vendor within 30 days for your scheduled maintenance and data upload.
- ◆ **Proper usage** - You must follow all of the rules and guidelines you are given for using the IID and you must never tamper with or try to circumvent the use of the IID.

## Minimum Vehicle Requirements For IID Use

In order for an IID to be installed, your vehicle must have a 12-volt electrical system and it must be in good running order. Check with an IID vendor for more details.

The IID will not be installed on motorcycles.

## How Do I Get An IID Installed In My Vehicle?

1. Visit an RMV Hearings Officer for a hearing. The Hearings Officer will explain the criteria for hardship or full reinstatement.

**Do not have an IID installed before you have received approval from a Hearings Officer.**

2. Once you have been approved for a hardship or full reinstatement, the Hearings Officer will give you a list of certified IID vendors (this list is also posted at [www.mass.gov/rmv](http://www.mass.gov/rmv)). You will also be given paperwork and legal statements (affidavits) that must be completed and notarized. By signing these affidavits, you certify that you, as well as each licensed driver in your household, understand that you are not allowed to drive any vehicle without an IID and that you cannot try to bypass the IID in any way. The penalties for these actions are included on the affidavits.
3. **Call** a certified IID vendor for an installation appointment. Do NOT plan to drive yourself to the appointment – there are no exceptions to your requirement to drive a car with an IID. When you go to your appointment, bring proof of your identity. The vendor will install the IID in your vehicle and will give you detailed instructions on how to use and maintain it.
4. Once the IID has been installed, you must return to a Hearings Officer with the completed affidavits and proof of installation. A "Z" restriction will be added to your license. This restriction means that you are only allowed to operate a vehicle equipped with an IID. At this point, you will be able to complete the license reinstatement process.

## How Does The IID Work?

Once the IID is installed, it must be used as follows:

1. Turn on the ignition and wait for the IID to display instructions indicating that you need to take an initial breath test.
2. Blow into the IID for a few seconds. If you pass the initial breath test, the IID will display the word "pass" and your vehicle will start.

If you fail the test (blood alcohol concentration of **greater** than .02), the IID will display the word "fail" and you will not be able to start your vehicle. You will then need to wait for your blood alcohol concentration to decrease before you take another test.

If you fail a second time within a service period, your vehicle will go into lockout and you will need to visit your vendor.

3. After the vehicle has started, you will be required to take rolling re-tests at random intervals while operating the vehicle. When it is time for a rolling re-test, the IID will beep and you will have five minutes to take the test. You can take the rolling re-test while driving, but it is recommended that, if it is safe and legal to do so, you pull over to the side of the road (on some roads this is illegal). If you do not take the rolling re-test, or if you turn off the ignition before taking the rolling re-test, this will be considered a missed test.

**Note:** The IID will never shut your engine off after it has been started.

The IID records all of your test results and all of your vehicle activity. Within 30 days, you will need to return to the vendor for a monthly maintenance visit (scheduled by the vendor). At this time, the vendor will upload the data from the IID and transmit this data to the Registry of Motor Vehicles.

If your IID goes into a state of lockout, you will be given 48 hours to return to the vendor, who will upload the data and reset the IID. If you do not return to the vendor within this time period, your vehicle will remain in a state of lockout and will need to be towed (at your expense) to the vendor.