



REGISTRY OF MOTOR VEHICLES

Melanie’s Law / Ignition Interlock Device (IID) Program Table of Contents

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Melanie's Law / Ignition Interlock Device (IID) Program

On October 28, 2005, the Commonwealth of Massachusetts passed new legislation known as "Melanie's Law" increasing the penalties for operating a motor vehicle Under the Influence (OUI) of Alcohol or Controlled Substances. This change helped to usher in new and enhanced periods of license suspension or revocation and further established the Commonwealth's Ignition Interlock Device (IID) Program. The IID program requires multiple OUI offenders to install an IID in their vehicle for a prescribed period of time. The IID program is managed by the Ignition Interlock Department of the Registry of Motor Vehicles (RMV). Massachusetts General Laws, Chapter 90, § 24, Chapter 90, § 24 ½, 540 CMR 25.00 and 801 CMR 4.02 define the rules and regulations that govern the IID program.

Melanie's Law requires that an IID be installed and used by both drivers with a conditional "hardship" driver's license and by those operator's whose driver's licenses are eligible for reinstatement following completion of the OUI license suspension or revocation periods. Any operator meeting the requirements for hardship on the OUI offense will be issued a conditional twelve hour/day hardship license with the "HT" license restriction. Any operators seeking reinstatement after completion of the OUI license suspension or revocation periods will receive a driver's license with the "T" license restriction. The "HT" and "T" license restrictions stands for Massachusetts' "Zero-Tolerance Policy" for drunk driving and assists law enforcement officials in identifying operators with an IID. The IID must remain installed throughout the operator's conditional hardship license period **plus** two years after reinstatement of full operating privileges.

The IID regulations found at 540 CMR 25.00 were created to establish guidelines for the certification, installation, use and maintenance of the IID. Since the IID's program inception, more than 17,000 operators have had the devices installed. Throughout the Commonwealth of Massachusetts, there are seven approved vendors that offer installation and maintenance of the IID at several convenient service provider locations.

The Registrar of Motor Vehicles formed the Drunk Driving Advisory Committee to review and discuss current RMV regulations, policies and procedures as it relates to the administration of laws governing drunk driving. The Drunk Driving Advisory Committee consists of representatives from the Executive Office of Public Safety, Governor's Highway Safety Bureau, Department of Public Health, RMV, law enforcement and other interested parties.

Ignition Interlock Device (IID)

Q. What is an Ignition Interlock Device (IID)?

A. An IID is a handheld breath-alcohol monitoring device (approximately the size of a cell phone) that is electronically connected to a vehicle's ignition. Before

starting your vehicle, the IID requires you to take and pass a breath-alcohol test. The IID also requires you to take breath-alcohol re-tests while you are operating the vehicle.

Operator Requirements

- Q. When is an Ignition Interlock Device (IID) required?
- A. The IID program requires multiple offenders who have accumulated two or more convictions for OUI (Alcohol or Controlled Substances) to have the IID installed in their vehicle. Further, the RMV will honor court orders requesting that an operator install the IID for the full length of that court order.
- Q. What is the length of Ignition Interlock Device (IID) Restriction?
- A. The minimum period for an IID restriction is two years. If the IID is issued on a conditional hardship license, the IID is required for the length of that OUI license suspension or revocation period **plus** two years after reinstatement of full operating privileges.
- Q. Is the IID license restriction automatically removed at the conclusion of the IID license restriction period?
- A. **NO.** All operators must apply to the RMV's Ignition Interlock Department to have the IID removed from their vehicle and the license restriction lifted.

Operator Responsibilities

- Q. Upon notification that an operator needs an IID, what are the operator's responsibilities?
- A. Operators are responsible for the installation, maintenance, proper usage and payment of all associated IID fees.

Installation – You must contact a vendor/service provider and schedule an IID installation.

Maintenance Visits – You must return to the service provider once every 25-30 days from the last service visit for scheduled maintenance and data uploads.

Proper Usage – You must follow all of the rules and guidelines you are given for using the IID and must never tamper with or try to circumvent the use of the IID.

Payment – You must pay the vendor/service provider all of the required leasing and maintenance fees.

- Q. What if I change my address or change my vehicle that has an IID installed?
- A. All operators in the IID program must immediately notify the RMV's Ignition Interlock Department (857-368-7180) with their change of address or to report a non-operational vehicle. Further, operators are required to get approval from an RMV Hearings Officer before transferring any IID between vehicles or

transferring to a new IID vendor. Notification to the RMV is also required, but not limited to the following circumstances:

- 1) Change of IID vendor/service provider
- 2) Transfer of an IID to a new vehicle
- 3) Adding an IID to a second vehicle
- 4) Filing of additional licensed driver affidavits

Further information can be found in the FAQ section at the end of this document as well as on the mass.gov website.

Minimum Vehicle Requirements

- Q. Are there any minimum vehicle requirements to install an IID?
- A. In order for an IID to be installed, your vehicle must have a 12-Volt electrical system and it must be in good working order. Operators are encouraged to check with the approved IID vendor/service provider for more details. The IID will **not** be installed on **motorcycles**.

Vendors / Service Providers

Throughout the Commonwealth of Massachusetts, there are seven approved vendors that offer installation and maintenance of the IID at several convenient service provider locations. The following is a link to those approved Service Providers in your area: <https://www.mass.gov/service-details/ignition-interlock-device-iid-program>.

Alcohol Detection Systems – Phone: 1-888-786-7384

CST Intoxalock – Phone: 1-877-777-5020

Drager – Phone: 1-800-332-6858

Guardian Interlock – Phone: 1-800-499-0994

Lifesafer – Phone: 1-800-987-8040

Sens-O-Lock of America, LLC – Phone: 1-800-219-9936

Smart Start – Phone: 1-781-871-7677

Installation

- Q. How do I get an IID installed in my vehicle?
- A. **First** visit an RMV Service Center and speak with a RMV Hearings Officer. The RMV Hearings Officer will explain the criteria for a conditional hardship license or for full reinstatement. **DO NOT** have an IID installed in your vehicle before you have received approval for the IID from a RMV Hearings Officer.
- Q. If I receive approval, what are the next steps in the process?
- A. Once you have been approved for a conditional hardship license or for full reinstatement, the RMV Hearings Officer will provide you with a list of approved

vendors/service providers along with legal documents (**affidavits**) that must be completed, signed, notarized and returned to an RMV Hearings Officer. By signing these affidavits, you certify that you understand, as well as each licensed driver in your household, 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 in the affidavits.

Q. Do I have to return to an RMV Service Center with the completed, signed and notarized legal documents (affidavits) before having an IID installed in my vehicle?

A. **YES.** You must return to an RMV Hearings Officer with the completed affidavits. An “HT” or “T” license restriction will be added to your driver’s license. The “HT” or “T” license restriction means that you are only allowed to operate a motor vehicle equipped with an IID.

Q. Once I have submitted the legal documents (affidavits), can I schedule a permit exam or road test exam?

A. **NO.** If you do not have an IID installed in your vehicle(s) first, you will not be eligible to have your license reinstated or to schedule a permit or road test examination. You must have an IID installed in every vehicle that you own, lease or operate (including your employer’s vehicle), no exceptions are made to this requirement.

If you transfer your vehicle’s registration to a newly acquired vehicle, or obtain a new registration for an additional vehicle, you must follow the steps for IID installation. You must first seek approval from an RMV Hearings Officer to remove, transfer or add an IID to a vehicle.

Q. Do I need an appointment for an IID installation?

A. **YES.** You must call an approved IID vendor/service provider to schedule an appointment for IID installation. **DO NOT** plan to drive yourself to the appointment – there are **NO EXCEPTIONS** to your requirement to drive a vehicle with an IID. When you go to your appointment, you must bring proof of your identity. The service provider will install the IID in your vehicle and give you detailed instructions on how to use and maintain the device.

Q. Will I be required to take a learner’s permit exam and road test?

A. **YES.** If you have been serving a license suspension for greater than two years without conditional hardship license relief or full reinstatement of operating privileges, you are required to pass a learner’s permit exam at an RMV Service Center Driver Licensing department. You are also required to take a road test in a vehicle equipped with an IID.

Q. How do I schedule a road-test?

A. To schedule a road-test, contact the RMV’s Contact Center at 1-857-368-8000. A “Special” IID road-test is required when the IID vehicle is **not** equipped with an

emergency brake in the center console area of the front seat, or if the vehicle does not provide a seat for the sponsor. A Special IID road-test is taken with a road test supervisor and must be scheduled by speaking with an RMV customer service representative.

Use of IID

Q. Will I receive instructions on how to use the IID?

A. **YES.** Once the IID is installed in your vehicle, you will receive instructions on how to operate the device.

Q. Are there steps that I need to follow when using the IID?

A. **YES.** Please see the steps below.

- 1) Turn on the vehicle's ignition and wait for the IID to display instructions indicating you need to take an initial breath-alcohol test.
- 2) Blow into the IID until you have provided an acceptable breath-alcohol test sample. If you pass the initial breath-alcohol test, the IID will allow you to start your vehicle.

If you fail the initial breath-alcohol test (Blood Alcohol Concentration "BAC" greater than .02%), you will not be able to start your vehicle. You will need to wait for your BAC to decrease before you take another breath-alcohol test.

If you fail a second time within a service period, your vehicle will go into **lockout** and you will need to visit your service provider within **48 hours** to continue operation of the vehicle. A **service period** is the **1-30 day** period following the last IID calibration or service visit.

- 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 to take a rolling re-test, the IID will beep, alerting the operator that they have five minutes to take the breath-alcohol re-test.
- 4) You may take the rolling re-tests while driving, but it is recommended that, if it is safe to do so, you pull your vehicle over to the side of the road and take the breath-alcohol re-tests. If you do not take the rolling re-test, or if you turn the ignition off 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.

Inspection & Maintenance

Q. Am I required to bring my vehicle in for "service visits"?

A. **YES.** An operator must bring his/her vehicle to the IID service provider once every **25 – 30 days** for as long as the operator is subject to the IID license restriction. At these service visits, the IID will be inspected for mechanical and functional defaults. In addition, the IID vendor/service provider will examine the IID device for tampering, a violation of the Interlock program. It is also an IID program violation to **miss a service visit**. If you know that you will miss a service visit, you must contact the RMV's Ignition Interlock Department.

Q. My vehicle is in “**lockout**”, what steps am I required to take?

A. If the IID in your vehicle goes into lockout, you have **48 hours** to return to the IID service provider for a service visit. If you do not return to the IID service provider within this time period, the IID will remain in a state of lockout and must be towed, at your expense, to the IID service provider.

Q. How will I know when a **lockout** occurs?

A. A **lockout** occurs when one of the following events happens:

- 1) **Two (2)** failed start-up tests within one service period (**1-30 days**).
- 2) **One (1)** failed rolling re-test.
- 3) **Two (2)** missed rolling re-tests within one service period (**1-30 days**).
- 4) **One (1)** missed service visit.

If you believe that a **lockout** is improper, you may request a hearing with the RMV's Ignition Interlock Department within **30 days** of the lockout.

Q. What if my IID equipped vehicle is disabled, broken-down or non-operational?

A. It is the operator's responsibility to report any change in the operational condition of their motor vehicle to the RMV's Ignition Interlock Department. If your IID equipped vehicle is disabled, broken-down or non-operational, you must immediately contact the RMV's Ignition Interlock Department and provide proof of the vehicle's operational status. Following notification, the RMV's Ignition Interlock Department will remove you from the IID program and suspend your right to operate until the vehicle is returned to working order.

IMPORTANT: It is a violation of the IID program to miss a service visit for any reason, including the operational condition of the motor vehicle. If you miss a service visit, you are subject to the IID violation penalties.

Violations

Q. What constitutes an IID program violation?

A. An IID program violation is any infraction that violates any requirement of the IID program. An IID program violation consists of any of the following:

- 1) Operating a motor vehicle without an IID.

- 2) Soliciting or allowing any other person to blow into an IID, in an attempt to either start an IID equipped vehicle or during a rolling re-test in an IID equipped vehicle.
- 3) Using any other means other than blowing a breath directly from your mouth into an IID.
- 4) Any attempt to tamper with or circumvent an IID.

Violations Chart

VIOLATION	FREQUENCY	RESULT
<p style="text-align: center;">Tamper with IID or Circumventing the IID</p>	<p style="text-align: center;">Any one time</p>	<p style="text-align: center;">May result in additional License Suspension</p>
<p style="text-align: center;">Soliciting another to provide air sample or Providing an air sample to a person with an IID restriction</p>	<p style="text-align: center;">Any one time</p>	<p style="text-align: center;">May result in additional License Suspension</p>
<p style="text-align: center;">Providing air sample by artificial means</p>	<p style="text-align: center;">Any one time</p>	<p style="text-align: center;">May result in additional License Suspension</p>
<p style="text-align: center;">Failed Start-Ups</p>	<p style="text-align: center;">Any two times during a service period (1-30 days)</p>	<p style="text-align: center;">Lockout</p>

Miss a monthly service visit	Any one time	Lockout
Miss a rolling re-test	Any two times during a service period (1-30 days)	Lockout
Fail a rolling re-test with a BAC of greater than .02%	Any one time	Lockout
Remove the IID without authorization	Anytime during the period you are required to have the IID	License Revocation
Operate a vehicle not equipped with an IID	Anytime during the period you are required to have the IID	License Revocation

NOTE: Upon notification of the IID violation(s), the RMV will schedule a hearing to address the IID violation(s). If you are found responsible for the IID violation(s), you may face additional license suspension, up to and including lifetime license loss.

Removal of IID

- Q. When am I eligible to have the IID removed from my vehicle?
- A. If you have completed all periods of license suspension or revocation and met all IID program requirements, and you wish to have the IID removed from your vehicle, you must complete the following steps:
- 1) **Contact your Ignition Interlock Vendor** to initiate a **Removal Hearing** and request a copy of your device record to review. Within a 24 hour period the Massachusetts (RMV) Ignition Interlock Department will get in touch to conduct that hearing.
 - 2) On this phone hearing, the RMV will review the data to determine if any **lockouts** or **violations** have occurred in the past **six (6) months**.
 - If you have any **lockouts** or **violations**, your IID removal request will be **denied**. You will be required to participate in the IID program for an **additional six (6) months** from the date of your last **lockout and/or violation**.
 - If you do not have any **lockouts** or **violations**, the RMV's Ignition Interlock Department will approve the IID removal. The Hearings Officer will remove your Interlock license restriction (T).
 - 3) It is necessary that you obtain a duplicate unrestricted license. **Visit the RMV Website at <https://www.mass.gov/how-to/replace-your-drivers-license>** for more information or call the customer contact center at 857-368-8000 for assistance.
 - 4) **At your discretion**, return to your IID vendor/service provider to have the IID removed. This is not a Program Requirement.

Un-Authorized Removal of IID

- Q. What happens if I remove the IID before completion of the IID program?
- A. If you remove the IID before program completion, this **early un-authorized removal** will trigger an immediate license suspension. With this early un-authorized removal, you are no longer active in the IID program and receive no credit towards program completion. For more information regarding un-authorized removals, please contact the RMV's Ignition Interlock Department.

Fees

- Q. What is the RMV's fee for an IID?

A. Pursuant to the provisions of 801 CMR 4.02, all operators subject to an IID license restriction shall be charged a \$30 monthly program administration fee. This fee is collected by the IID vendor/service provider on behalf of the RMV at your initial service visit (not installation) and at each subsequent monthly service visit.

Q. Where does this fee go?

A. The \$30 monthly program administration fee helps cover the RMV's cost of running the IID program.

Q. Who must pay this fee?

A. The RMV requires multiple offenders who have accumulated two or more convictions for OUI (Alcohol or Controlled Substances) to have the IID installed in their vehicle and pay the appropriate fees. This fee is effective following installation of the device, payment of all associated license reinstatement fees and successful completion of the license permit exam and driving road test.

Q. I have multiple vehicles, will I be charged multiple fees?

A. The IID must be installed in every vehicle that you **own, lease or operate** (including your employer's vehicle), no exceptions are made. The \$30 monthly fee is collected per IID program participant, not per vehicle.

Out-of-State Operation

Q. Am I required to have an IID equipped vehicle when travelling out-of-state?

A. **YES.** All operators who are licensed in the Commonwealth of Massachusetts and required to have an IID to operate a vehicle **must** continue to use an IID equipped vehicle when travelling out-of-state. Failure to use an IID and meet all IID requirements will result in the immediate suspension or revocation of your driver's license.

Out-of-State Program Credit

Q. I have moved out-of-state and still maintain an IID in my vehicle, will Massachusetts give me credit towards the IID program?

A. **YES.** An operator can receive program credit for time in which they maintain an IID in their vehicle while residing in another jurisdiction. You must be enrolled in the Massachusetts Interlock Program and meet all program requirements. You **must** use an IID vendor/service provider that conducts business in Massachusetts and the state where you reside, and the IID must be set to the same standards as Massachusetts.

Program requirements require IID maintenance and regularly scheduled service visits. No credit will be given if there is evidence of program violations or non-compliance.

Out-of-State Resident Opt-Out Policy

- Q. I am licensed out-of-state and have two or more convictions for OUI (Alcohol or Controlled Substances) in Massachusetts, do I need an IID while travelling in Massachusetts?
- A. **YES.** If a Massachusetts Ignition Interlock Device is required, you cannot drive in the state without one. If you are living out-of-state and choose not to participate in the Massachusetts IID program the interlock restriction will be added to your license until you complete the two (2) year interlock requirement. If you operate a vehicle in Massachusetts without an IID, you could face an additional license suspension as well as being subject to criminal penalties.

Massachusetts will authorize your removal from the IID program upon a showing of out-of-state residency. This release from the Massachusetts Interlock requirement enables you to apply for a license in another jurisdiction but does not satisfy program completion for Massachusetts purposes.

To complete the Opt-Out process, you must submit to the RMV's Ignition Interlock department a completed, signed and notarized Out-of-State Affidavit along with proof of out-of-state residency. Further, all outstanding license reinstatement fees must be paid before relief is granted.

FAQs

- Q. When can I have my Ignition Interlock Device (IID) removed?
- A. Eligibility for removal of the device is based upon completing the two (2) year IID program requirements and having no program lockouts or violations for a period of six (6) months prior to the request for removal of the IID. If you are required to have the IID installed during the conditional hardship license period, the full term of hardship must be served plus an additional two (2) years following full license reinstatement. The length of the IID requirement is never based on the length of time the IID has been installed, but rather on meeting the appropriate periods of license suspension or revocation as prescribed by law.
- Q. Can I transfer my IID between vehicles?
- A. **YES.** You are allowed to transfer your IID to a different or new vehicle but you must first be given approval for the IID transfer from an RMV Hearing's Officer. Operators must submit a newly signed and notarized Operator's Affidavit along with supporting documentation for the vehicle (vehicle title or bill of sale). Once the RMV has received the required documentation, approval for IID transfer will be granted.
- Q. Can I transfer my IID to a new IID vendor?
- A. **YES.** You are allowed to change your IID vendor. An RMV Hearings Officer must first grant you approval to have the IID removed from your current IID vendor. Operators must submit a newly signed and notarized Operator's Affidavit.

Operators must select a new IID vendor and have the IID installed within twenty-four (24) hours of the IID transfer approval or face immediate license suspension.

Q. I committed an IID program violation, what should I do?

A. If the IID program violation is related to a mechanical issue, you should contact your IID vendor/service provider and the RMV's Ignition Interlock Department **within 30 days** and note what occurred. You can address and provide supporting documentation pertaining to the IID program violation to the RMV's Ignition Interlock Department.

Q. I received a violation notice in the mail, do I need to appear for a hearing?

A. **YES.** Upon receipt of an IID program violation notice from the RMV, you must appear for a hearing with the RMV's Ignition Interlock Department. Failure to do so will result in a **default** and the program violations will be considered valid. This failure to answer IID program violations may immediately result in license suspension or lifetime license loss.

Q. Will the RMV allow me to withdraw from the IID program?

A. **YES.** To receive approval for an early withdrawal request from the IID program, contact the RMV's Ignition Interlock department or visit an RMV Hearing's Officer. The IID early withdrawal request will be approved and your license/right to operate will be immediately suspended. Your license/right to operate will remain suspended indefinitely until you apply and re-enter the IID program and satisfy all IID program requirements. All time served in the IID program will be credited towards your Massachusetts IID restriction period.