

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



REGISTRY OF MOTOR VEHICLES

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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 "HZ" license restriction. Any operators seeking reinstatement after completion of the OUI license suspension or revocation periods will receive a driver's license with the "Z" license restriction. The "HZ" and "Z" 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.

Ignition Interlock Device (IID) - 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.

Ignition Interlock Device (IID) - 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 home address or change my vehicle?

A. All operators in the IID program are required to report **status changes** to the RMV's Ignition Interlock Department. Updated information shall include but is not limited to the following:

- 1) Change of address
- 2) Change of IID vendor/service provider
- 3) Transfer of an IID to a new vehicle
- 4) Adding an IID to a second vehicle
- 5) Notification of a disabled, broken-down, non-operational or totaled vehicle that is IID equipped
- 6) Filing of additional licensed driver affidavits

Ignition Interlock Device (IID) - 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**.

Ignition Interlock Device (IID) - 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. For a list of vendor approved service providers in your area, please click on the following link: www.mass.gov/rmv/serviceprovider/contactlist

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

Ignition Interlock Device (IID) – Installation

Q. How do I get an IID installed in my vehicle?

A. **First** visit an RMV Hearings Office 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 IID vendors/service providers. You will also be given paperwork and legal documents (**affidavits**) that must be completed, signed, notarized and returned to the 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 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. Once the IID is installed in the vehicle, do I need to return to the RMV?

A. **YES.** You must return to a RMV Hearings Officer with the completed affidavits and proof of IID installation. A “HZ” or “Z” restriction will be added to your driver’s license. The “HZ” or “Z” license restriction means that you are **only** allowed to operate a motor vehicle equipped with an IID.

The IID must be used in every vehicle that you **own, lease or operate** (including your employer’s vehicle), **no exceptions** are made. If you do not have the IID installed in your vehicle(s), you will not be eligible for a conditional hardship license and you will not be allowed to have your license reinstated.

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 the RMV’s Ignition Interlock Department to remove, transfer or add an IID to a vehicle.

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. 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 booked by a live customer service representative.

Ignition Interlock Device (IID) – Use

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.

Ignition Interlock Device (IID) – 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 upload the data from the vehicle’s IID and transmit that data to the RMV. It is 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.

Ignition Interlock Device (IID) – 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.

Ignition Interlock Device (IID) – Violations Chart

VIOLATION	FREQUENCY	RESULT
Tamper with IID or Circumventing the IID	Any one time	May result in additional License Suspension
Soliciting another to provide air sample or Providing an air sample to a person with an IID restriction	Any one time	May result in additional License Suspension

Providing air sample by artificial means	Any one time	May result in additional License Suspension
Failed Start-Ups	Any two times during a service period (1-30 days)	Lockout
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.

Ignition Interlock Device (IID) – Removal

- 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) Bring your vehicle into the IID service provider for a final service visit. At this final service visit, the “**final download**” of data from the IID will be transmitted to the RMV’s Ignition Interlock Department. This **final download** of data is valid for **24 Hours**.
 - 2) Within 24 Hours of the **final download** of data, you must return to a RMV Hearings Officer for an **IID Removal Hearing**. At this hearing, the RMV will review the data to determine if any **lockouts** or **violations** have occurred in the past **six (6) months**.
 - 3) 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 following the date of your last **lockout**.
 - 4) If you do not have any **lockouts** or **violations**, the RMV’s Ignition Interlock Department will **approve** the IID removal. The RMV will provide the operator with a letter indicating that removal of the IID has

been authorized. You **must** bring this letter with you to your IID vendor/service provider to have the IID removed.

Ignition Interlock Device (IID) – Un-Authorized Removal

- 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.

Ignition Interlock Device (IID) – 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.

Ignition Interlock Device (IID) – 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.

Ignition Interlock Device (IID) – 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. An operator can receive credit for time in which they maintain an IID in their vehicle while residing in another jurisdiction. You must provide proof to the RMV that an IID was maintained, serviced and you were not subject to any program violations during the period in which you seek credit. 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.

Ignition Interlock Device (IID) – Out-of-State Resident 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.** Melanie's Law and the IID program requirements do apply to out-of-state licensed drivers who are convicted of two or more OUI's 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 RMV Hearings Officer or the RMV's Ignition Interlock Department.

IGNITION INTERLOCK DEVICE (IID) PROGRAM – FAQ'S

- 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. My vehicle was totaled in an accident, how do I transfer the IID to a new vehicle?

A. While you are in the IID program, you must report any vehicle changes to the RMV's Ignition Interlock Department. If you do not have another vehicle equipped with an IID, the RMV will suspend your right to operate until you have had a new IID installed. You can contact the RMV's Ignition Interlock Department for more detailed instructions.

Q. I am moving out-of-state, what are my IID requirements?

A. If you want to continue with the IID program, 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.

Q. How do I transfer my IID to a different IID vendor/service provider?

A. You are allowed to transfer your IID to a different IID vendor/service provider. First, you must schedule a hearing with a RMV Hearings Officer and be granted approval on the IID transfer. All IID transfers must be completed on the same day. You can contact the RMV's Ignition Interlock Department for more detailed instructions.

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.