

# Ignition Interlock Devices in Alaska



*“It was my choice to drive, but three DUI’s I got were all reported to police by witnesses and, believe me, I’d like to thank them for their concerns, but I know for sure that I would have made my destinations just fine.”*

*-- taken from a letter to the Corrections Commissioner*

# **An ignition interlock device (IID) is ...**

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- a breath alcohol measuring device that prevents a vehicle from starting if it measures a blood alcohol concentration (BAC) at .02 to .04 (typically).
- The IID is located inside the vehicle, near the driver's seat and mounted on the dashboard, and is connected to the engine's ignition system. It is about the size of a cell phone.

**TALLAHASSEE** — Thousands of Florida motorists convicted of driving drunk will soon face a new obstacle to getting back on the road: the ignition interlock device. Those drivers will not be able to start their cars if their blood alcohol level is higher than 0.05 percent.

WE OUGHTA USE THAT TECHNOLOGY ON PHONES!

AND VOTING MACHINES!

AW, COME ON, CAR!  
IT'S ONLY  $\gg$ HICE MOUTHWASH!

NO YOU DONT!

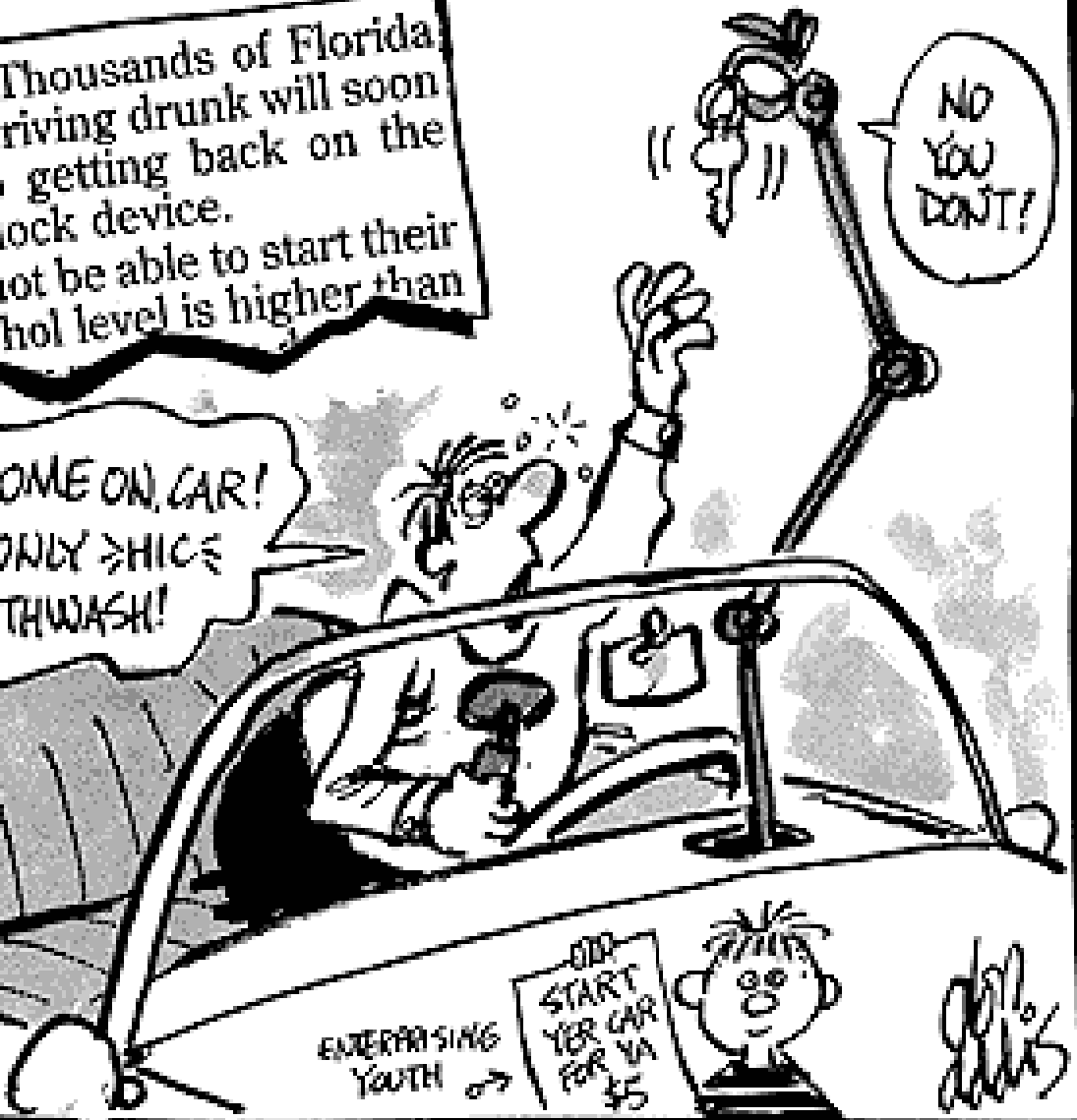
St. Petersburg Times

ENTERPRISING YOUTH  $\rightarrow$

OLD START YER CAR FOR YA \$5



*Handwritten signature*



# In addition, these devices ...

- Can be installed in construction equipment, commercial vehicles, motorcycles, scooters, and snowmobiles.
- Are designed to make sure a human being is providing the breath sample.



- To make sure the driver is the person tested, IIDs generally require a re-test while the vehicle is being driven.
- If a “rolling” test fails, the device will record that information and shut down the vehicle.
- The vehicle will not be disabled in a way that creates a traffic hazard, however.
- With a failed test, the vehicle will operate but with an alarm activated, horn sounding and lights flashing for example.

# Can IIDs prevent drunk driving?

- Yes. The International Council on Alcohol, Drugs and Traffic Safety maintains that IIDs, when combined with a comprehensive monitoring and service program, lead to a 40-95% reduction in the rate of repeat drunk driving offenses among offenders as long as the IID remains on the vehicle.

*-- California Department of Motor Vehicles*

# The Department of Corrections Connection

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- Alaska statute AS 33.05.020 assigns three duties to the Commissioner:
- 1. Make sure qualified Probation Officers are assigned to Superior Courts, and, 2, make sure these POs are paid and have clerical support.
- The third duty brings interlock devices into the picture ...

**(c) The commissioner shall by regulation**

- (1) establish standards for calibration, certification, maintenance, and monitoring of ignition interlock devices required as a condition of probation ...
- (2) establish a fee to be paid by the manufacturer for the cost of certifying an ignition interlock device.

## **But it's never that simple ...**

- Part (d) requires (through regulation) that the devices which are certified will operate anywhere in Alaska, in all environments.
- Part (e) requires the devices to have a sticker stating any tampering with or circumventing the device is in violation of AS 11.76.140 and may be imprisoned up to 30 days and be fined up to \$500.

# Part (d) brings a small dilemma

- Manufacturers do not certify these devices for extreme cold weather; if it's colder than 5 degrees to -40 degrees (depending on which brand of device you're using) you have to pre-warm the unit before it will work.
- The devices are designed so the measuring unit can be easily detached and taken inside to warm up.
- It's the user's responsibility to properly pre-warm the device.

# The certification process ...

- At present, four vendor companies are certified to provide ignition interlock devices in Alaska.
- These are: Autosense of Alaska LLC, Draeger Safety Diagnostics, Inc.; LifeSafer of Alaska; and Smart Start of Alaska.
- All are certified for all of Alaska
- To gain certification, vendors must pay a \$1000 initial application fee, or a \$500 recertification fee.

# The applicant must ...

- Provide proof from a testing laboratory that vendor's devices meet or exceed standards set by Alaska statute and regulation.
- Provide a list of authorized installers (who are qualified to install, calibrate, maintain and remove the devices) and their addresses.

# Certification standards ...

- Alaska's certification standards are those that are set by the National Highway Traffic Safety Administration's model specifications as found in the Federal Register, Vol. 57, No. 67, April 7 1992, docket No. 91-07, notice 2.
- Draft regulations were posted in 2006, but these have never been adopted.



# Regulation requires reporting.

- The vendor (installer) is required to inspect the device every 90 days.
- The device makes a record of every time it is used. If there's an attempt to circumvent or tamper with the device, it will be recorded.
- The 90-day inspections provide for this record to be downloaded and retained.
- The vendor is required to keep copies of these records as well as a report on the inspection.
- The vendor must supply these records to the court, motor vehicles and/or the Department of Corrections, if asked.

# These regulations are being updated to require ...

- The vendor (manufacturer's authorized installer) to report evidence of circumvention or tampering to 1. the court of conviction, 2. Division of Motor Vehicles, and 3. the Department of Corrections ...
- within 72 hours.
- The vendor will also be required to retain records of their inspections for three years.

[www.correct.state.ak.us/](http://www.correct.state.ak.us/)

corrections/admin/

departments/documents/

ignitioninterlock.html

# FAQs:

- **How is information gathered?**
- The IID has a built in data recorder with its own power source. Every request for a breath sample and every breath sample itself is recorded and held in the data recorder until the data is downloaded by the service provider, who is responsible for the maintenance of the equipment.

*-- Yukon Department of Community Services*

- **How do these devices work?**

- Modern ignition interlock devices use an ethanol-specific fuel cell for a sensor. A fuel cell sensor is an electrochemical device in which alcohol undergoes a chemical oxidation reaction at a catalytic electrode surface (platinum) to generate an electric current.

This current is then measured and converted to an alcohol equivalent reading. Although fuel cell technology is not as accurate or reliable as infrared spectroscopy technology used in evidentiary breathalyzers, they are cheaper and tend to be more specific for alcohol.

-- wikipedia

The devices keep a record of the activity on the device and the interlocked vehicle's electrical system. This record, or log, is printed out or downloaded each time the device's sensors are calibrated.

Periodic calibration is performed using either a pressurized alcohol–gas mixture at a known alcohol concentration, or with an alcohol wet bath arrangement that contains a known alcohol solution

# Man eats underwear to beat breathalyzer

By D'ARCY RICKARD  
of The Advocate

STETTLE — An 18-year-old Stettler man tried to eat his underwear in the hope that the cotton fabric would absorb alcohol before he took a breathalyzer test, provincial court heard this week.

David Zurfluh was subsequently acquitted of a charge of impaired driving because he blew .08, the legal limit.

But the testimony broke up people in Judge David MacNaughton's provincial court here Thursday afternoon.

Mr. Zurfluh was collared by RCMP Const. Bill Robinson after he ran from his vehicle, which had been seen weaving down the highway.

While sitting in the back of the patrol car, Mr. Zurfluh tried to eat his shorts, Const. Robinson told the court.

Mr. Zurfluh said he ripped the crotch out of his shorts, stuffed the fabric in his mouth and then spit it out.

A class of law students from William E. Hay Composite High, in court as observers,

was removed by the teacher when testimony enlivened the proceedings. The Grade 11 and 12 students had difficulty maintaining composure.

"People were leaving the courtroom with tears in their eyes, trying not to laugh," said RCMP Const. Peter McFarlane.



# Ignition Interlock History In Alaska

- 1989
  - AS 09.50.250 - Can't sue the state for an action arising from use of ignition interlock
  - AS 12.55.102 – New sentencing statute
    - IID may be condition of probation
  - AS 11.76.140 – Avoidance of IID a misdemeanor

# Ignition Interlock History In Alaska

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- 1989
  - AS 28.35.030(DUI) and AS 28.35.032 (Refusal) are amended to provide that probation may include IID
  - AS 33.05.020(c) is added to require DOC Commissioner establish IID standards (33.05.020(c) has not been amended since)

# Ignition Interlock History In Alaska

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- 1995
  - Legislature enacts Felony DUI and Refusal statutes,  
Both still potentially eligible for IID as probation condition.  
AS 28.15.201 (Limited licenses) does not yet address IIDs

# Ignition Interlock History In Alaska

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- 2004
  - IID now may be part of a sentence for alcohol related crime
  - AS 28.15.201(d) Changes when a limited license may be issued by court or DMV – includes use of IIDs, but still provides that no Limited License for felony, repeat offender, or refusal

# Ignition Interlock History In Alaska

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- . . . 2004
  - AS 28.35.030(s) added to require IID for six months when breath test is .16 or over *after* privilege to drive is restored (one year of .24 or over) Not dependent on probation  
(This statute is still in effect)

# Ignition Interlock History In Alaska

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- 2008
  - New Ignition Interlock law passed
    - All DUI and Refusal sentences include, “the court shall . . . require the person to use an ignition interlock device after the person regains the privilege . . . to operate a motor vehicle for a minimum of \_\_\_ months/years *during the period of probation* . . . .”

# ELIGIBILITY FOR IID

- LIMITED LICENSE – AS 28.15.201(d)
- DMV or Court Ordered
  - Misdemeanor DUI – not for Refusal
  - No violation of
    - IID statute – AS 11.76.140
    - Probation when on probation for DUI or Refusal

# ELIGIBILITY FOR IID

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- Must acknowledge that tampering or circumventing IID is a crime and . . .

# ELIGIBILITY FOR IID

Driving a vehicle without an IID has the same penalty as Driving While License Revoked, Suspended, or in Violation of a Limitation – Class A Misdemeanor

# HOW DOES IT WORK?

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- First DUI Conviction

AS 28.15.181 provides:

- License suspended for at least 90 Days
- IID required for minimum of one year during probation
- Eligible after 30 days

# HOW DOES IT WORK?

- Second (and subsequent but NOT felony) DUI Conviction

AS 28.15.181 provides:

- License suspended for at least one year
- IID required for minimum of two years during probation
- Eligible after 90 days

# ENFORCEMENT

- If IID is permitted, court will issue document replacing license stating that person must have an IID installed on whatever vehicle is being driven.

# ENFORCEMENT

- (iii) the person is required to maintain the ignition interlock device throughout the period of the limited license, to keep up-to-date records in each vehicle showing that any required service and calibration is current, and to produce those records immediately on request;

# ENFORCEMENT

- The vendor must keep records of IIDs and supply these records to the court, motor vehicles and/or the Department of Corrections, if asked.

# ENFORCEMENT

- A person with an ignition interlock prior to January 1, 2009 is subject to former law, i.e., maximum 30 days in jail / \$500 fine.
- New law in effect 1/1/2009 only applies to arrests and convictions after that date.