



FREQUENTLY ASKED QUESTIONS ABOUT IIDs

Q&A: COURT ORDERS & LEGAL ISSUES

Q: Has the more stringent IID law made our roads safer?

A: The roads will be safer as long as OWI offenders actually comply with their court order to have an IID installed. Once equipped with a device, a vehicle will not start if the driver has an alcohol concentration above 0.02% and will activate the alert mode after a non-passing retest confirmation is recorded.

Q: What if the offender chooses not to drive?

A: The IID order will remain in place until fulfilled and will not expire. In addition, the prohibited alcohol concentration order will also stay in place, so the driver cannot legally operate a vehicle in Wisconsin with an alcohol concentration above 0.02%— not the per se limit of 0.08% for the general public.

Q: What if the offender does not own a motor vehicle?

A: Even if the OWI offender does not own a vehicle, the operating privilege will be restricted. If the offender borrows leases or rents a vehicle, it must be equipped with an IID for them to legally operate it.

It is acceptable for a family member or friend to “loan” the offender a vehicle so that they can have an ignition interlock device installed. DMV has procedures in place to ensure the installation is noted on the offender’s driver record.

Q: What happens if the offender does not comply with the IID order?

A: Failure to install an IID in each vehicle owned by the offender will result in a fine of \$150-\$600 and/or up to six months in jail at the court’s discretion, plus a mandatory six-month extension of the interlock order period. A second or subsequent violation within five years will result in fines up to \$1,000.

Q: What happens if the offender attempts to circumvent, disconnect, remove, or tamper with an IID?

A: AN IID will activate the vehicle’s emergency lights and horn if any attempt to circumvent, disconnect, remove, or tamper while the vehicle is running is detected. The event is also recorded in the device memory, and a service reminder will be immediately activated.

Act 100 criminalized circumvention, disconnection, removal or tampering with fines from \$150-\$600 and/or up to six months in jail at the court’s discretion, plus a mandatory six-month extension of the IID order period. Circumvention includes breath samples from sources (human and non-human) other than the offender, manipulation of samples that enable a driver with a prohibited alcohol concentration to start or operate a vehicle equipped with an IID and failure to complete any required servicing.

Q: How do I get a vehicle exempted from an IID order?

A: The law does give the court some discretion to exclude one or more vehicles from an IID order if the offender can convince the judge that compliance would cause undue financial hardship. Each vehicle must be specifically identified on MV3617, which must be submitted directly to DMV by the court.



FREQUENTLY ASKED QUESTIONS ABOUT IIDs

Q: What are the options to operate a motorcycle under an IID order?

A: DMV will automatically exempt any motorcycle registered to an individual with an interlock order. However, one must have a valid driver license to legally operate *any* vehicle in the state.

Q: Are there extra requirements if the offender is in a Huber program?

A: Offenders who are serving a sentence in county jail and qualify for daily work release, will have two weeks in which to show proof of having the IID installed. Failure to do so will result in revocation of work release privilege.

Q: Is there any way to have the length of the order reduced if I don't have any violations after 6 months?

A: No, there are no provisions in state law to reduce the length of the order for "good behavior" or any other reason.

Q: Can I get "credit" if I voluntarily install an IID before my case goes through the court system?

A: No, there are no provisions in state law to credit an order with voluntary installation. The court does have the discretion to order IID installation before the case is adjudicated.