



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Works To Protect Roadways By Passing Ignition Interlock Legislation

JOHN J. FLANAGAN September 14, 2009

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Senator John Flanagan (2nd Senate District) announced that the New York State Senate has unanimously passed legislation he sponsored that will require all convicted drunk drivers to use ignition interlocks. Senator Flanagan sponsored the legislation, which has now been sent to the Assembly for further action, along with his colleague Senator Charles J. Fuschillo, Jr. (8th Senate District).

The proposed law mandates probation for all DWI offenders and requires all those convicted of drunk driving to install, at their own cost, an ignition interlock device in all vehicles which they use while on probation. The ignition interlock requirement would apply to all drunk drivers, including first-time offenders, and would be in addition to other penalties he or she may receive.

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system that will prevent a car from starting if it detects alcohol in a driver's breath. Offenders who are required to install one of the devices must blow into the interlock before starting their vehicle.

According to Mothers Against Drunk Driving (MADD), interlocks have been proven to reduce repeat drunk driving offenses by an average of 64 percent. Currently eleven states have laws requiring or highly incentivizing ignition interlocks for all convicted drunk drivers.

But under current state law, only those convicted of Aggravated DWI (a .18 BAC and over) who are sentenced to probation are required to install and maintain ignition interlock devices.

Under the legislation that Senator Flanagan sponsored, first time offenders would have to use an ignition interlock between three months to one year, depending on their blood alcohol content (BAC):

- BAC of .08 to .11 – mandatory three months probation and interlock
- BAC of .12 to .17 – mandatory six months probation and interlock
- BAC of .18 or higher – mandatory one year probation and interlock

For repeat offenders, the period of required ignition interlock would be:

- 2nd DWI conviction – a minimum of three years probation and interlock
- 3rd DWI conviction – a minimum of five years probation and interlock
- 4th DWI conviction - a minimum of ten years probation and interlock.

In addition, each person convicted of a drug or alcohol driving-related offense would have to pay a surcharge of \$50 which would be placed in a newly established Mandatory Ignition Interlock Fund maintained by the Division of Probation and Correction Alternatives.

This fund would be used for continued and future support of the interlock program, including updating equipment and hiring more probationary staff. The fund would also support ignition interlock devices for New Yorkers who are unable to finance the devices.

The legislation has been sent to the New York State Assembly for further action.

“The ignition interlock device is a great tool in the fight against drunk driving and one that our state needs to fully utilize to protect everyone on our roads. Too many families have been torn apart by the thoughtless actions of individuals who choose to drink and drive and these devices will help stop those who make bad choices from impacting the lives of others,” stated Senator Flanagan. “I applaud Senator Fuschillo for leading the fight against this deadly problem and urge the Assembly to join the Senate in passing this legislation.”