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TO: All Ignition Interlock Qualified Manufacturers

**FROM: Robert M. Maccarone, Deputy Commissioner and *R.M.M.*
Director, Office of Probation and Correctional Alternatives**

DATE: December 18, 2012

**RE: Department of Motor Vehicles Regulation Changes-
Ignition Interlock Devices (IID's) Required for Certain Operators**

On September 25, 2012, Governor Andrew M. Cuomo announced a multi-pronged initiative to keep drivers with a history of repeat alcohol or drug-related driving convictions off the road. While some of the provisions of these regulations call for extended license revocation periods for certain repeat offenders, other provisions provide for the installation of ignition interlock devices (IID) through administrative action by the Department of Motor Vehicles (DMV). Specifically, Parts 3, 134, and 136 of the New York State Vehicle and Traffic Law were amended by the State Commissioner of Motor Vehicles.

The Office of Probation and Correctional Alternatives has been working closely with DMV to be able to inform our Leandra Law monitoring entities, qualified manufacturers and installers of the potential impact the regulations may have on them.

Of interest, the DMV regulations do *not* establish monitoring responsibilities placed upon probation departments or any monitors under Leandra's Law monitors with respect to these administratively imposed IID cases. However, it is still prudent and necessary to preserve the data download history of operators with an IID and thus manufacturers should preserve the test history of operators who install their IID pursuant to the newly promulgated DMV regulations. Operators will be required to routinely visit the installation service centers to ensure that the IID is properly calibrated, and/or for the IID to be reset to avoid "lock-outs".

Motorists who apply to DMV to have their drivers' license restored will undergo a comprehensive record review and DMV will notify the motorist if the license can be restored and what terms and conditions, if any, are associated with that restoration. Second, all forms and documents will be issued by DMV representatives. Third, at the time of installation, motorists will **not** have a valid driver's license. Motorists will need to be accompanied by a licensed driver to the site of installation and provide an alternative valid form of photo identification before the installation can be completed. Lastly, it is pertinent to note there are no DMV

regulatory provisions regarding affordability and therefore, these motorists will be required to pay for the installation of the IID and all ongoing fees that are associated with such.

DMV is currently finalizing letters and attachments that will go out to motorists who qualify under the new regulations. Questions and concerns can be addressed to DMV at dmv.sm.interlock@dmv.ny.gov and more detailed information regarding the new regulations can be obtained at <http://www.dmv.ny.gov/problem.htm>.

Should you have any questions regarding probation and conditional discharge ignition interlock cases, please contact OPCA Community Correction Representative Shaina Kern at (518) 485-5166, or via e-mail at shaina.kern@dcjs.ny.gov. Thank you for your continued support of these important public safety initiatives in the State of New York.