

# **Canadian Guidelines for Interlock Programs - 2018**

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# 1. BACKGROUND

In September 2000, a group of researchers and practitioners met in Montreal to discuss the current state of knowledge on alcohol ignition interlock programs and to establish a set of “best practices” for interlock programs (Beirness, 2001). As experience with interlock programs expanded and further information became available, the development of policies and procedures to enhance the efficacy of interlock programs became a priority. Consequently, other organizations (e.g., National Highway Traffic Safety Administration, American Association of Motor Vehicle Administrators) prepared documents outlining technical and operational standards for ignition interlock programs. This document draws from a number of these resources.

Over the past ten years, ignition interlock programs have proliferated across the country and there are now interlock programs in every province and the Yukon Territory and the Northwest Territories.<sup>1</sup> Each of the provinces and territories establish the elements for their own interlock programs; hence, these programs vary somewhat across the country. In the interests of helping to ensure that interlock programs achieve the best results possible for both participants and road safety, the present document was prepared to provide an updated set of policies and procedures for ignition interlock programs for consideration by the provinces and territories.

## A Changing Perspective

Early interlock programs were centred around the technology of preventing the operation of the vehicle by a driver who had consumed too much alcohol. The technology was used to determine the conditions under which a vehicle could be started and operated. This involved measuring the alcohol in the breath of the intended driver prior to starting the vehicle and then periodically re-assessing the alcohol concentration of the driver to ensure that his or her alcohol concentration had not subsequently increased to a level that would render the continued operation of the vehicle unsafe. In addition, the technology included features designed to reduce the probability of bypassing or circumventing the device to enable operation of the vehicle. Great hopes and expectations were placed on the value of the technology to not only prevent instances of impaired driving among those who had been previously convicted of such an offence but also its potential to help these individuals learn long-term lessons about how to avoid driving after drinking.

Research on interlock programs has repeatedly demonstrated re-offence rates about two-thirds lower among convicted impaired drivers who have participated in interlock programs compared to offenders who served a comparable period of suspension without an interlock, at least so long as the interlock was installed in the vehicle. Once the interlock was removed, recidivism returned to a level comparable to that of an offender who had not participated in the interlock program but whose licence had been suspended (Elder et al., 2011; Willis, Lybrand & Bellamy, 2004). The absence of sustained behavioural change has been a common criticism of interlock programs.

It should be noted, however, that original interlock programs were absent of any factor that would serve to stimulate and facilitate any change in behaviour that would persist beyond the period during which the device was installed in the vehicle. The interlock device provided a physical barrier between the drinker and the operation of the vehicle in which it was installed. Studies suggest that

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<sup>1</sup> A summary of ignition interlock programs in Canada is provided in Appendix A.

interlock program participants are able to adapt the circumstances of their drinking and/or their driving to accommodate the interlock without necessarily having to reduce the frequency or extent of either behaviour (Beck et al., 2015; Marques et al., 2003). In essence, they are learning to avoid elevated breath tests that would prevent their operation of the vehicle. In the absence of proactive efforts to change behaviour, it would be expected that the effect of interlock installation would persist only for as long as it was installed in the vehicle. Longer term behaviour change requires initiatives specifically designed to reduce or eliminate the causes of the behaviour – i.e., excessive alcohol consumption. Simply having the technology installed in a person’s vehicle for a set period of time is not sufficient to prompt and sustain behaviour change.

Many persons convicted of impaired driving display evidence of heavy and/or problematic patterns of alcohol consumption. Ignition interlock programs are not a form of treatment for alcohol use disorders. Recurrent episodes of heavy drinking or relapses are a common feature of alcohol use disorders (American Psychiatric Association, 2013). Recovery can be a long-term process. Interlock programs, however, can serve as an adjunct to treatment by preventing adverse consequences associated with repeated instances of impaired driving and by providing information about positive breath tests from the interlock data recorder for review by treatment professionals. Conversely, rehabilitation and treatment programs can have beneficial effects on the life course of drinking behaviour, which will be evident in terms of success in the interlock program.

Recent studies have indicated that although recidivism among interlock program participants increased following removal of the interlock device from the vehicle, it does so at a rate lower than that among those who had not had an interlock installed (Rauch, Ahlin, Zador et al., 2011;). Other studies have shown that there are components of interlock programs that can enhance the effectiveness of the program and reduce alcohol-involved crashes and recidivism (McCartt et al., 2014; McGinty et al., 2017; Voas, Tippetts, Bergen et al. 2016; Zador, Ahlin, Rauch et al., 2011; Ullman, 2016; Voas, Taylor & Kelley-Baker, 2014). Further enhancements of the effectiveness of interlock programs may be gained by structuring interlock programs to take advantage of the opportunity to instill behaviour change that persists over time.

The emerging perspective on ignition interlock programs involves incorporating the interlock program into a comprehensive system of services and supports that work together to reduce the likelihood of a convicted impaired driver committing a subsequent offence. In this context, the interlock program sits at the intersection of the sanctioning system and the helping system -- i.e., justice and health. Cooperative interaction between the two systems can create sustained behaviour change with reciprocal benefits for justice, health, and road safety.

This new perspective on the role of alcohol ignition interlock programs should be reflected in the guiding principles and the operational standards for interlock programs in Canada. In addition, operational policies and procedures should address persistent issues that have plagued interlock programs and incorporate practices for which research provides evidence of effectiveness.

## Persistent and Emerging Issues

**Participation Rates:** Typically, impaired driving offenders have been reluctant to enroll in ignition interlock programs (MADD, 2013; Roth, Marques & Voas, 2009; Voas & Marques, 2003). Despite the opportunity to obtain a restricted licence that would allow offenders to drive legally, a high

proportion of eligible offenders prefer to remain suspended and elect to not participate in an interlock program. The risk of detection for driving while suspended or prohibited is low and many would rather take that risk than experience the certainty of the costs, inconvenience, and embarrassment of having an interlock installed in their vehicle.

Several options have been used with some success. For example, house arrest, remote alcohol monitoring, and daily reporting for breath testing (i.e., 24/7 programs – Kubas, Kayabas & Vachal, 2015) have been used as less-desirable alternatives to participating in an ignition interlock program. Such options, however, generally require judicial authority and are not available in administrative programs.

**Program Cost:** Offenders must bear the all the costs associated with participation in an interlock program. This can impose a financial burden on many, especially in consideration of the fact that the cost of the interlock program is in addition to other costs associated with an impaired driving conviction such as fines, lawyer fees, increased insurance premiums, and rehabilitation programs. In the interests of public safety, consideration should be given to the creation of a financial assistance program that would subsidize the program cost for those whose participation in an interlock program would pose a demonstrable financial hardship.

**Positive Driver Identification:** Participants in the interlock program are responsible for all positive breath tests recorded. Even if other family members or friends have occasion to operate the vehicle, it is the person enrolled in the interlock program who is deemed to have caused any positive alcohol readings. This is to prevent participants from claiming that any particular elevated alcohol test was produced by someone else who was operating the vehicle. Unfortunately, in the absence of a means to determine whether the person providing the sample is indeed the interlock restricted offender, participants may have to bear the consequences associated with positive breath tests for which they might truly not have been responsible. Consideration should be given to incorporating a means to ensure the breath sample was provided by the interlock participant.

**Lasting Impact:** The return to typical levels of recidivism following removal of the interlock device has been repeatedly reported in the literature. Studies have demonstrated that the probability of committing another impaired driving offence following completion of the interlock program is related to the number of failed breath tests during the interlock period (Marques et al., 2001; Voas et al., 2013). These data, coupled with evidence of the positive impact of rehabilitation and treatment, indicate that integrating the use of interlock data in treatment decisions can increase the likelihood of sustained behavioural change (Voas, 2014).

**Offender Monitoring:** Statements about the beneficial effect of ignition interlock programs are almost invariably qualified by the addendum that the impact dissipates once the device is removed from the vehicle. Recent studies, however, have begun to show evidence of longer-term, persisting effects of interlock programs that have been achieved through enhanced monitoring of offenders (Voas, Taylor & Kelley-Baker, 2014; Voas, Tippetts et al., 2016; Zador, Ahlin, Rauch et al., 2011). This may include regular review of data from the interlock data logger, providing feedback from the review of data, meetings with program monitors, participation in educational, motivational, and/or rehabilitation programs, and/or mandating participation in a treatment program based on evidence of repeated failed breath tests on the interlock data recorder. As indicated previously, long-term behaviour change requires initiatives designed to address the inability to exercise control over one's drinking. Monitoring offenders' behaviour while in the program and taking appropriate action based on performance is a pathway towards this goal.

## Recent Developments

**CSA Technical Standards.** In November, 2016, the Canadian Standards Association published a voluntary National Standard for breath alcohol ignition interlock devices for Canada (CSA Group, 2016).<sup>2</sup> These Standards were developed by a technical committee that consisted of volunteer members in four categories – Regulatory Authority, Producer Interest, User Interest, and General Interest – under the leadership of the CSA Group and sponsorship from the Canadian Council of Motor Vehicle Administrators. These new Standards are based on a previous set of Technical Standards and test procedures for alcohol ignition interlock devices developed by the National Research Council Centre for Surface Transportation Technology (NRC-CCST) for Transport Canada (Patten, 2011).

The purpose of the Standards is to define the technical specifications for alcohol ignition interlock devices as well as the test procedures to be used to assess interlock devices for compliance with the Standards. The Standards specify the operational and performance characteristics of interlock devices necessary for use in contemporary interlock programs in Canada. This includes such details as the requirements for measuring breath alcohol, calibration of the alcohol sensor, electrical requirements, performance under extreme environmental conditions, interface with vehicle, and the interface with the driver.

The Technical Standards address the hardware issues and establish a single set of specifications for interlock devices for use in Canada. The Standards detail the performance characteristics and parameters for the fundamental elements of an interlock program – e.g., ignition locking/unlocking, running re-tests, operator messages, circumvention/bypass protection. This provides program authorities the assurance that by selecting conforming devices for use in their program, these elements will operate as expected. The manner in which these devices are implemented – i.e., the program parameters – remain within the authority of the provinces and territories.

**Bill C-46:** In 2018, the Government of Canada introduced a series of amendments to the impaired driving sections of the *Criminal Code*, two of which have implications for ignition interlock programs in Canada. The first waives the current three-month mandatory period of driving prohibition imposed for a first impaired driving conviction for those who enter a provincial/territorial approved ignition interlock program. The driving prohibition would be reduced from six months to three months for a second offence and from 12 months to six months for those convicted of a third or subsequent offence. The court, however, has discretion to impose a longer period of prohibition that would have to be served prior to entering an ignition interlock program.

This proposed amendment would allow first-time impaired driving offenders to enter the interlock program without serving a federal driving prohibition and provide the opportunity for repeat offenders to participate in the interlock program sooner. This provides offenders the opportunity to re-enter the legitimate driving population earlier thereby reducing the probability of repeated impaired driving behaviour.

The other amendment that could have an impact on interlock programs gives law enforcement the power to demand a breath sample to test any driver for the presence of alcohol at any time, even in the absence of suspicion. This has the potential to increase the number of drivers charged with an

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<sup>2</sup> An update to the Standards was published in February 2017.



impaired driving offence or be issued a short-term administrative suspension. Increased charges could result in an increase in the number of people entering interlock programs. In addition, because some jurisdictions require drivers who have accumulated multiple administrative suspensions to participate in the interlock program, increased use of administrative suspensions could also lead to an increase in the number of people participating in interlock programs.

**Other Initiatives:** Over the past several years, other groups in the United States have examined the technical and programmatic aspects of interlock programs and published guidelines, standards, operating practices or suggestions for improvements to interlock programs. These include:

- ◆ The National Highway Traffic Safety Administration (NHTSA) updated the 1992 model specifications for breath alcohol ignition interlock devices (NHTSA 2013). This document is the US equivalent of the CSA Technical Standards and provides the recommended specifications for interlock devices used in the United States;
- ◆ In November 2009, NHTSA published a toolkit for policymakers, highway safety professionals, and advocates on ignition interlock programs. This document provides a non-technical overview of the issues, concerns and other considerations of interlock programs.
- ◆ In November 2013, NHTSA published a set of model guidelines for state ignition interlock programs. These guidelines cover legislation, education, program administration, interlock devices, service providers, interlock data, and licensing.
- ◆ In April 2015, the Association of Ignition Interlock Program Administrators issued a set of best practice recommendations that will help to standardize the way interlock devices are utilized across various state interlock programs.
- ◆ In September 2018, the American Association of Motor Vehicle Administrators (AAMVA) published a “best practices” guide for ignition interlock programs. This is a comprehensive guide to the operation of various types of interlock programs.

All of these documents contain valuable insights and information pertaining to interlock devices and the operation of interlock programs. Many of the principles and operational parameters are common to all interlock programs, both in the United States and Canada. The differences lie in the details. In particular, the authority for many interlock programs in the US is judicial rather than administrative. Programs under judicial authority have the advantage of being able to impose strong sanctions, such as incarceration or continuous alcohol monitoring. However, judicial programs often lack the capacity to deal with interlock participants in a timely manner. In Canada, interlock programs operate under administrative authority. The power to grant, withhold, or impose restrictions on the driver’s licence are the primary tools available to enforce compliance. However, administrative programs are more likely to have the dedicated capacity to deal with interlock program participants and the operational aspects of programs.

## 2. INTERLOCK PROGRAM STANDARDS

### Preamble

The term “standards” as used in this document should not be taken to imply “requirements”. Rather, it should be interpreted in the spirit of “recommended guidelines for best practices” in the implementation and operation of successful and effective ignition interlock programs.

It is recognized that standards of practice should evolve with the accumulation of knowledge about the capabilities of the technology and how people respond to various elements within interlock programs. Hence, any set of standards or guidelines for best practices must be flexible and responsive to new information and technological developments that will enhance the operation and effectiveness of interlock programs. Both technical and program standards should be reviewed and modified where appropriate at least every five years.

## Purpose

The overall objective of interlock program standards is to maximize the beneficial impact of interlock programs by helping to ensure that interlock programs adhere to a set principles and practices that have been identified to maximize the beneficial effect for all participants and provide society with assurance that the interlock program is operating in the best interests of all road users.

## Guiding Principles

To the extent possible, program standards should be guided by evidenced-informed practices and reflect the broader goals and objectives of interlock safety programs. Hence, the following guiding principles were created to reflect the goals and objectives of interlock programs and to facilitate the development of program standards:

- ◆ Participation in an ignition interlock program is primarily intended as a form of incapacitation – i.e., to prevent repeat occurrences of alcohol-impaired driving. Although there are punitive aspects of interlock programs (e.g., cost, inconvenience, stigma), participation in an interlock program should not be viewed as yet another way to punish impaired drivers;
- ◆ Interlock programs should also not be viewed as a form of treatment for alcohol problems. They can, however, serve as an adjunct to treatment and rehabilitation by facilitating the ability to attend treatment sessions and increasing the probability that participants will attend free of alcohol;
- ◆ The use of the interlock device as a means to monitor general sobriety among convicted offenders should be discouraged;
- ◆ Interlock programs should be viewed as an element in the overall system of options for dealing with impaired-driving offenders. Interlock programs should not be viewed as a stand-alone element in this system but should be integrated with other programs and sanctions, including rehabilitation and treatment; and,
- ◆ Positive breath tests that prevent the vehicle from being started are not unusual occurrences, particularly during the first several weeks on the program. Such events demonstrate that the interlock is performing the function for which it was intended. Although positive breath tests should be flagged as significant events, they should not necessarily be viewed as program violations, nor should they result in the participant being dismissed from the program. Repeated failed breath tests, particularly in the last several months of the prescribed period of participation, should be viewed as evidence that the offender is at high risk of recidivism.

## **2.1 Core Elements**

The following are considered the fundamental elements for all interlock programs. These elements establish the basic structural features that are essential for an interlock program.

### **Legislation and Regulations**

Interlock programs require strong, clear legislation and corresponding regulations governing interlock programs. Because interlock programs exist within different legislative frameworks and traditions across the jurisdictions, the particulars of the legislation and regulations will vary. The regulations must clearly state the conditions and requirements for program entry, the minimum duration of participation, the conditions for release from the program, and the sanctions for non-compliance. It must also create offences and indicate the sanctions for tampering with, circumventing, attempting to circumvent the interlock, as well as assisting with tampering or circumvention. In addition, it should be an offence for the driver to solicit a breath sample from another person and for another person to provide a breath sample to assist a driver start the vehicle.

Driving while suspended has been recognized as a problem of substantial proportions, particularly among those subject to long periods of suspension. Every effort needs to be made to prevent impairing driving offenders from viewing driving while suspended as a viable alternative to participating in an interlock program. Many jurisdictions already have strong sanctions, including vehicle impoundment programs, to discourage driving while suspended or prohibited. Efforts should be made to enhance enforcement of driving while suspended laws and to make this legislation and the resultant consequences known to all convicted impaired drivers.

The sanctions for driving a vehicle not equipped with an interlock device when required should be at least equivalent to those for driving while suspended.

### **Program Authority**

The program authority should reside within the provincial/territorial agency responsible for driver licensing. The agency responsible for the interlock program should establish a full-time office to deal with all matters pertaining to the interlock program. This office should have the authority to impose program extensions, order alcohol and/or medical assessments as appropriated and order participation in an alcohol rehabilitation or treatment program, deal with client concerns, and terminate program participation. The program authority should also have the capacity to meet directly with program participants as circumstances warrant.

### **Technical Standards**

Interlock programs should only use breath alcohol ignition interlock devices that have been certified to meet the most recent version of technical standards (Standards Council of Canada CAN/CSA-Z627-167). The use of devices that meet these standards is essential for several reasons:

- ◆ Consistent standards for interlock devices across jurisdictions would facilitate the ability of interlock restricted drivers to travel across jurisdictional borders and to re-locate to another jurisdiction. Although the program elements may differ, similar hardware would enhance efforts towards reciprocity across jurisdictions.

- ◆ Governments require assurance that interlock devices will operate as expected to keep drivers from operating the vehicle in which it is installed after consuming alcohol.
- ◆ The public – also needs assurance that if convicted impaired drivers are to be allowed to drive in the period during which they would normally be prohibited or suspended, that they are only able do so when not under the influence of alcohol.
- ◆ Users need to be assured that the device will prevent them from committing a subsequent impaired driving offence but also allow them to operate the vehicle legitimately with as little inconvenience as possible. The greater the inconvenience or frustration, the greater the likelihood of driving another vehicle not fitted with an interlock. Other family members and/or users of the vehicle should not be inconvenienced any more than necessary.
- ◆ There is a need to ensure that all interlock devices are equipped with the features outlined in the Technical Standards that render them difficult to bypass or circumvent.

### Alcohol Setpoint

The setpoint alcohol concentration at which the vehicle will not start should be set as close to zero as possible, within reasonable limits of measurement accuracy. Generally, this is considered to be 20 mg/100 mL blood<sup>3</sup>. The rationale for such a relatively low setpoint is to reinforce the complete separation of driving from drinking while minimizing the potential for small amounts of alcohol from foods or mouthwashes to cause spurious readings and unintended lockouts. In addition, a low setpoint discourages participants from trying to guess the quantity of alcohol they can consume and still be able to start the vehicle. Ultimately, jurisdictions will establish the setpoint with which they are most comfortable.

### Circumvention and Bypass Protection

It is essential that interlock devices incorporate features to reduce the possibility of wilful circumvention or bypass as specified in the Technical Standards. Such features should include:

- temperature and pressure sensors to prevent alcohol-free air samples from external sources being introduced;
- protections to help prevent samples from being provided by third parties;
- a requirement for the driver to provide further breath samples after the vehicle has been started (running retests) at random intervals to prevent drinking while driving, rising BACs after the vehicle has been started, and prolonged idling (possibly while drinking may occur);
- a data recorder to log all engine starts, stops, breath samples provided, alcohol concentration of samples, start violations, retests, missed retests, and the alcohol concentration of retests;

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<sup>3</sup> This is the equivalent of 0.10 mg alcohol/L in breath.

- immediate recall for start violations (bypassing the interlock to start the vehicle), elevated BAC on retests, missed retests, use of the emergency override (if available); and,
- systems capable of detecting attempts to circumvent and tamper with the device.

### **Information Services**

The program authority should provide convicted impaired drivers (and those issued multiple administrative suspensions where appropriate) with clear, complete and comprehensive information concerning the steps that must be taken to have their driver's licence reinstated without restrictions. The purpose of such documentation is to assist drivers in navigating the array of requirements pertaining to education and/rehabilitation programs, interlock programs, and reinstatement procedures.

Information sessions should also be conducted with law enforcement to help ensure they understand and are able to recognize an interlock restriction on a driver's licence and confirm that a functioning interlock is installed in the vehicle operated by someone with an interlock-restricted licence. If requested by law enforcement, an interlock participant should be able to provide a breath sample to demonstrate that the interlock is functioning. These sessions should be held with the cooperation of the program authority and the service provider.

Information on interlock restrictions should also be provided to car rental agencies, employers, and the owners of vehicles that others might have occasion to drive.

## **2.2 Program Entry**

This section outlines the program elements that provide the circumstances, criteria and means by which individuals become eligible for, and enroll in, an interlock program.

### **Eligibility**

Every effort should be made to ensure that all persons convicted of an impaired driving offence participate in an ignition interlock program. Offenders should be restricted to the operation of a vehicle equipped with an alcohol ignition device. This restriction should not be removed until the offender provides evidence of having successfully completed all the requirements of the interlock program. Simply waiting for the interlock restriction to expire is an undesirable option.

All jurisdictions impose some form of short-term administrative suspension (typically 3-7 days) on drivers who register a "Warn" (i.e., BAC of 50 – 100 mg/dL) on an Approved Screening Device (ASD). Drivers who accumulate repeat suspensions of this type have demonstrated their inability to separate drinking and driving and are at high risk of repeating the behaviour, possibly at higher levels of alcohol. Requiring these drivers to participate in an interlock program participation is appropriate and warranted.

### **Exemptions**

The number of people who might qualify for an exemption from an interlock program is expected to be very few. Where medically necessary, the technical standards allow the minimum volume of expired air required by the interlock device to provide an accurate alcohol measurement to be reduced to 0.7 litres. Anyone claiming a medical condition that would prevent them from using an

ignition interlock device should be required to provide a letter from a licensed respirologist that includes an opinion as to whether the individual is healthy enough to operate a vehicle safely.

### **Early Entry**

Offenders should be given the opportunity to enter the interlock program at the earliest possible opportunity. As noted previously, recent amendments to the *Criminal Code* allow the elimination of the mandatory prohibition for a first impaired driving conviction and reduce the length of the prohibition for repeat offenders contingent upon entering an approved provincial interlock program.

Early entry into the interlock program reduces the likelihood that the individual will become involved in an additional impaired driving event prior to having the interlock installed, provides an incentive to participate in the interlock program, and provides a degree of assurance to both the individual and the general driving public.

### **Notation on Driver's Licence**

The driver licensing agency should ensure that all persons participating in an interlock program are issued a driver's licence restricted to the operation of a vehicle equipped with an approved and functioning alcohol ignition interlock device and this endorsement is clearly noted on the driver's licence.

As indicated previously, law enforcement as well as those who might be in a position to rent, lease, or lend a vehicle must be able to recognize an interlock restriction on a driver's licence.

### **Responsibility for Cost**

Those who participate in the interlock program will enter into an agreement with the interlock service provider that clearly specifies the terms and conditions of the service agreement and the costs associated with the installation, maintenance, lease, and removal of the interlock device as well as any additional costs that may be incurred. The participant will be responsible for all costs associated with participation in the interlock program.

### **Indigent Offenders**

An indigent offender fund should be established to assist those who can demonstrate that they are truly unable to bear the full cost of the interlock program. No offender should be relieved of the obligation to participate in an interlock program because they cannot afford the cost. This fund should not be used to pay for the entire cost of the interlock program. Offenders must bear at least a portion of the cost of the program. The fund should be administered jointly by the service providers and the program authority with contributions from participant program and administrative fees.

## **2.3 Program Participation**

### **Program Duration**

The period of participation in an interlock program for those convicted of an impaired driving offence under the *Criminal Code* should be at a minimum equal to the period of prohibition specified in the *Criminal Code*. Essentially, offenders would participate in an interlock program for the period of time during which they would normally be prohibited or suspended had they not entered the interlock program. Hence, repeat offenders would be required to participate in the

interlock program for longer periods of time. Extensions should be imposed for program violations and/or breath test “Warns” and “Fails” in the final few months of the program.

## **Monitoring**

There are two aspects involved in the monitoring of interlock program participants. The first involves the maintenance of the equipment; the second involves the behaviour of participants.

All persons participating in an ignition interlock program must report to the interlock service centre on a regular basis as determined by the jurisdiction but should not exceed the certified calibration period of the device. At each service visit, the calibration of the breath alcohol sensor in the interlock device will be checked and the data from the recorder will be downloaded for review by the administrative authority. For participants who live in remote areas, alternatives to reporting to the service centre should be considered.

The second aspect of monitoring pertains to the review of the interlock event record. At each service visit, data from the interlock event recorder will be downloaded and a summary of will be provided to the program administrative authority who will review the record and provide feedback to the participant in a timely manner. In cases where there are no violations or breath test “Warns” or “Fails”, a letter acknowledging the participant’s success should be provided. Any positive breath tests noted on the data record should be brought to the participant’s attention and a meeting or phone call should be arranged to discuss the circumstances of the event(s). Repeated elevated BACs should require a meeting and possibly initiate corrective measures to avoid such events in the future. This may involve participation in a rehabilitation or treatment program.

Reviewing data from the interlock recorder and meeting with program participants on a regular basis is a labour-intensive exercise. Alternative approaches such as electronic review by means of a computer algorithm to identify “high risk” cases is being used in some programs in the United States and should be explored as a means to increase the efficiency and effectiveness of monitoring offenders.

## **Sanctions for Violations**

There must be a very clear policy regarding the consequences for program violations. Violations can include attempts to circumvent or tamper with the equipment, starting the vehicle without providing a breath sample, and failed or missed retests. Violations (e.g., tampering, circumvention) should be reported immediately upon discovery to the program authority. An appropriate consequence for violations is an extension of the period of program participation. Removal from the program and reinstating the suspension is strongly discouraged and should be reserved for the most egregious cases.

It is expected that in the first month or so of having the interlock installed, participants might “test the limits” of the interlock and in doing so will generate a number of “Fails” and/or “Warns”. These should be flagged and discussed with the participant as part of the monitoring process. Repeated “Fails” and/or “Warns”, particularly in the later months of participation, should be viewed as evidence that the participant has not changed his or her behaviour and should be viewed as an indicator of a high risk of recidivism after the interlock is removed and warrant an extension of the period of program participation.

## Data Sharing

Procedures must be established for the efficient and secure transfer of information between the service provider and the program authority. This includes the transfer of confidential information about clients' eligibility and status, reporting of violations, and interlock data reports. Data logger reports should be issued in a standard format to ease interpretation by program monitors, especially if multiple service providers are used.

In situations where interlock participants are required to be engaged in rehabilitation and/or treatment services that are administered by the provincial/territorial health authority, agreements need to be in place to facilitate the transfer of information between departments to enable a determination of the extent to which interlock participants have met the requirements for completion of the interlock program and eligibility for licence reinstatement. Interlock service providers do not require access to rehabilitation or treatment data.

## Emergency Override

The interlock technical standards provide for an emergency override feature to be incorporated into the ignition interlock device. The emergency override allows the vehicle to be started in the absence of a breath sample. should a jurisdiction authorize the inclusion of the override by the jurisdiction, the reason for use must be specified and the consequences. Use of the override should place the unit in immediate recall mode and the vehicle must be returned to the service facility.

If an override is authorized in a jurisdiction, program authorities should specify the parameters and conditions for the use of the emergency override and ensure participants are aware of these conditions. All instances of use of the override should prompt an inquiry to allow the participant to explain the circumstances surrounding the use of the override.

## Reciprocity

Jurisdictions should work towards the establishment of reciprocity agreements to allow transfers of interlock program participants between provinces to accommodate, for example, those who relocate, work or live in a jurisdiction other than the one in which they were convicted. This is facilitated by having all jurisdictions use the same technical standard.

## Drug-Impaired Drivers

Alcohol ignition interlock programs were implemented to prevent repeated impaired driving offences by persons convicted of alcohol-impaired driving. However, some jurisdictions require that all persons convicted of impaired driving participate in the interlock program regardless of whether the offence was related to alcohol or drug use. It can be argued that many drug users also consume alcohol at least occasionally, so it is not inappropriate to have them participate in the interlock program. It also allows drug-impaired drivers the same opportunity as alcohol-impaired offenders to reduce the mandatory driving prohibition and drive legally. It can also be argued that because the interlock cannot detect drug use, having drug-impaired offenders participate in the interlock program allows them to drive without any assurance that it will prevent driving while impaired by drugs.

The issue of having convicted drug-impaired drivers participate in an alcohol ignition interlock program requires careful consideration and discussion. At best, there is merit in the equality of the sanctions and re-licensing requirements imposed on all impaired driving offenders. At worst, it



imposes a requirement on offenders for whom it will have little benefit and has the potential to detract from the established credibility of the interlock program.

## **2.4 Program Completion**

### **Criterion-based Removal**

Participants should only be released from the interlock program when they can demonstrate they no longer need the device to prevent driving after drinking. This involves successful completion of any rehabilitation or treatment program to which they were directed and an interlock record with at least six months with no positive BAC readings and no violations. The offender must also demonstrate that the vehicle has been driven regularly over this period of time (as determined by the number of starts, running time, and/or odometer readings). Repeated failed breath tests are an indicator of a high probability of subsequent impaired driving convictions. To reduce the risk, it is in the interests of road safety to extend the period of interlock program participation in these cases and require additional involvement in a rehabilitation or treatment program.

In other documents, reference is often made to “compliance-based” removal. The distinction between “compliance-based” and “criterion-based” removal may appear to be subtle but reflects a difference in perspective on the goals of interlock programs. While complying with the rules is an important aspect of interlock programs, it reflects a sanction-based assessment of “success” – i.e., obey the rules or be punished. On the other hand, the necessity to meet a criterion implies something beyond merely following the rules but working towards achieving a goal or measure of success. For interlock program participants, one can follow the rules without achieving success. Learning to effectively manage one’s alcohol consumption provides a higher standard, one that has greater potential for longer-term benefits.

### **Licence Reinstatement**

Once the offender has met the criteria for program completion, the interlock should be removed, and the participant should be issued a driver’s licence without delay. Jurisdictions, however, have the option of imposing conditions on the reinstated driver’s licence (see below).

## **2.5 Optional and Future Program Elements**

Interlock technology and the laws on impaired driving are constantly evolving. Hence, it is essential that interlock programs remain sufficiently flexible to allow for improvements that will enhance their efficiency and effectiveness.

Beyond the practices listed previously, there are a number of features that could be added to interlock programs to enhance the impact or simply to make them more palatable to users.

### **Positive Driver Identification**

The program authority may require that a camera or other system be incorporated into the interlock device to determine whether or not the person providing the breath sample is the interlock program participant. Such a system would reduce the probability that an interlock participant could claim that a high alcohol reading was the result of a third party supplying the breath sample and help deter the participant from soliciting an alcohol-free sample from another person in order to start the vehicle.

A lingering issue surrounds the identity of the person providing the breath sample to start the vehicle. Because family members often drive the vehicle equipped with an interlock, they too must provide breath samples free of alcohol to start the vehicle. Despite the fact that participants are told they are responsible for all positive breath tests recorded, the participant can always claim that another family member was responsible for the failed breath tests, leaving doubt as to who actually provided the alcohol positive sample. Alternatively, although some training and practice is necessary to be able to provide a proper breath sample, it is possible for a participant to have someone else provide an alcohol-free breath sample. Coercing a spouse or other family member to provide an alcohol-free breath sample is not common but can occur.

One solution to these situations is to incorporate a small camera that captures the image of the person providing the breath sample. The image would be attached to the corresponding record in the data logger, providing proof of whether or not it was the program participant. Human rights and privacy issues may create problems with the use of a camera. However, it is not necessary to determine the identity of the person providing the sample; it is only necessary to determine whether or not the person providing the sample was the interlock restricted driver. The image only needs to be retained for an appropriate period of time in instances where a positive BAC has been detected. Jurisdictions can determine their need for the inclusion of a camera or some alternative technology to ascertain whether or not the interlock program participant provided the alcohol-positive sample.

Consideration needs to be given to incorporating a means to determine whether the person providing the breath sample is the interlock program participant. A system to positively determine if the interlock program participant provided the sample would not only eliminate arguments about whether another person provided the sample, it could help deter others from assisting a program participant by providing an alcohol-free sample.

### **Pre-conviction Participation**

The period of time between being charged with an impaired driving offence and having the matter resolved by the court can be extensive. Administrative 90-day suspensions imposed at the time of the offence might only cover part of this period, leaving many months during which the person is allowed to drive. It is not uncommon for further offences to occur during this time. To reduce the risk of repeated impaired driving behaviour during this period, consideration should be given to allowing offenders to participate in an interlock program.

### **Participation Following Administrative Actions**

Most jurisdictions impose administrative suspensions

### **Continued Restrictions**

The commonly cited limitation of interlock programs is that the reduction in recidivism is limited to the period during which the interlock is installed in the vehicle. Once it is removed, the recidivism rate returns to a level comparable to that of those who did not participate in the program. Should the person continue to consume alcohol, there is a reasonable probability that at some point they will operate a vehicle after drinking. In the absence of ongoing efforts to prevent driving after drinking, the likelihood of a subsequent offence is high.

Placing a zero BAC condition on the driver's licence for a period of time immediately following the completion of the interlock program can serve to reduce the probability of a repeat offence. One

approach is to issue a learner or probationary driver licence with an existing zero BAC restriction upon completion of the interlock program. The recent implementation of mandatory alcohol screening would facilitate the enforcement of a zero BAC restriction. Violations of this restriction could result in a requirement to re-enroll in the interlock program.

### **Graduated Withdrawal Programs**

The interlock is a programmable device that has capabilities beyond those currently being employed. With relatively modest modifications, it is possible to create individualized interlock programs that change with the level of success (or difficulty) the individual experiences in the program. For example, upon initial entry into the interlock program, the device might be programmed to allow the vehicle to be operated only during certain hours on specific days of the week – e.g., to allow driving to and from work but not in the evenings or on weekends. These restrictions could be eased as the person shows success in the program. In fact, the parameters could become progressively less restrictive – e.g., extending the interval between running retests, only requiring breath tests at start-up, eliminating the requirement for daytime breath tests, or requiring breath tests at start-up on a random basis. The objective is to reward participants for success in the program, essentially having them earn the privilege of having the device removed altogether. Similarly, the program parameters could be changed to make the program more restrictive should circumstances warrant.

It is possible that an offender may seek treatment and/or discontinue drinking. In cases where successful treatment can be documented or confirmed by a physician or other health care practitioner, liver enzyme tests, and/or affidavits, the individual could be released from the interlock program after completing a minimum specified period of time without compromising road safety. The interlock record would have to show no alcohol positive breath tests and the person's licence would have zero BAC restriction. This option, however, would likely require changes to the mandatory federal driving prohibitions.

### **Remote Downloads**

In a “connected” world, there exists the ability to download data from the interlock device without having to physically visit the service centre. This capability could prove useful for participants in remote locations. While not completely eliminating the requirement to bring the vehicle into the service centre, the frequency could be reduced. The stability of calibration of current alcohol sensors is sufficient to extend beyond the 60-day standard of many interlock programs.

### **Real-time Monitoring**

The interval between behaviour and the application of a sanction or rewards plays a key role in its impact on the individual. With a 60-day reporting period, the delay between a failed breath test and having to account for it can be lengthy. Wireless technology can, however, be used to alert program authorities to a violation or failed breath test immediately, initiating appropriate action.

### **Electric Vehicles**

Current interlock technology is designed to work on traditional vehicles with internal combustion engines. The proliferation of electric vehicles has created issues for existing interlock technology. Not all electric vehicles can be fitted with an ignition interlock device. Until the technology is developed to work on electric vehicles, it must be incumbent upon the offender to provide a vehicle compatible with the interlock device to participate in the program.

### **Ignition versus Immobilization?**

Alcohol ignition interlocks work by preventing the vehicle from starting unless a breath sample with an alcohol concentration below the threshold value is provided. In the Canadian climate, it is common practice to start the vehicle and allow it to warm up prior to driving. Remote starters are a relatively common option that facilitate this practice. This would require a modified interlock that would allow the vehicle to start but would prevent it from moving until an acceptable breath sample has been provided. This immobilization feature could be offered as a convenience to help increase participation rates.

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## **Appendix A**

### **Overview of Provincial/Territorial Alcohol Ignition Interlock Programs**

The major features of provincial/territorial ignition interlock programs are listed in the following pages. This is intended as an overview only. For programs details, readers should consult the respective provincial/territorial motor vehicle or highway traffic legislation and the associated regulations.

# British Columbia

## Eligibility and Duration

British Columbia has developed a point system for determining whether a driver must participate in the Remedial Driver Program (RDP) and/or the Ignition Interlock Program (IIP). Points are accumulated for alcohol and drug-related prohibitions. The number of points varies from 2 for a 24-hr prohibition to 6 for a *Criminal Code* conviction. The number of points accumulated within a 5-year period are used to determine the length of interlock program participation.

## Program Authority

The Superintendent of Motor Vehicles also has the discretionary authority to require a driver to participate in the RDP and/or the IIP as a condition of retaining or reinstating a driver's licence.

## Program Duration

6 months to 24 months

## Can Program be Extended?

Yes, at the discretion of the Superintendent of Motor Vehicles.

The Superintendent can also consider referring drivers to an indefinite term of participation in the interlock program based on a review of the driver's record and the pattern of driving under the influence of alcohol or drugs.

## Additional Fees

Ignition interlock program registration fee - \$150

## Remedial Program

Participants must also complete the Responsible Driver Program (RDP) Cost: \$880

## Additional Information

<https://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/rdp-iip-policies-guidelines.pdf>.



# Alberta

## Eligibility and Duration

As of April 9, 2018, Alberta's Ignition Interlock Program will evolve into two different but related programs:

- **Alberta Administrative Licence Suspension Ignition Interlock Program** – This program is initiated by the province as a result of being served with an Alberta Administrative Licence Suspension for being suspected of criminal-level impaired driving.

As of April 9, 2018, impaired drivers will serve a 90-day driving suspension where the suspended driver is unable to drive under any circumstances, followed by a further one year driving suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program.

If they choose not to participate in the Ignition Interlock Program, they will remain suspended during this 1 year term with no ability to drive legally. Should criminal charges also apply, this may result in an additional licence suspension term and participation in the Mandatory Ignition Interlock Program.

- **Mandatory** – The Mandatory Ignition Interlock Program is initiated as a result of a *Criminal Code* (Canada) conviction of an impaired driving offence in Alberta, where the courts have indicated that the driver must comply with the Mandatory Ignition Interlock Program as part of their Reinstatement Conditions.

Drivers must demonstrate a sustained ability to separate drinking and driving behaviors by completing the Mandatory Ignition Interlock Program, in order to have their licence fully reinstated. Driver may apply for entry into the ignition interlock program and serve the minimum mandatory term of participation, as indicated on their Notice of Suspension - typically 1 year for a 1<sup>st</sup> offence, 3 years for a 2<sup>nd</sup> offence, and 5 years for a 3<sup>rd</sup> or subsequent offence.

### Can Program be Extended?

Yes, participation can be extended in the Mandatory Ignition Interlock Program. Please note that Alberta does not extend participation on the Alberta Administrative Licence Suspension Ignition Interlock Program.

Failure to comply with the stated terms and conditions of the Mandatory Ignition Interlock Program may be subject to an extension of the participation term. Drivers are held accountable for the activities recorded on their ignition interlock device. Alberta Transportation expects drivers to maintain an activity record of zero 'warns' and 'fails'. The client's data, through download logs, from the ignition interlock device, is sent from the Service Provider to Alberta Transportation, and monitored and reviewed.

Upon review, drivers may be issued:

- a 'warning' resulting in a mailed letter of correspondence requesting that participants modify their driving behavior while serving in the Mandatory Ignition Interlock Program.
- a 'fail' resulting in an extension to the Mandatory Ignition Interlock Program participation term.
- be removed from the Mandatory Ignition Interlock Program for inappropriate use or handling of the approved ignition interlock device (e.g. attempting to tamper, circumvent, and/or by-pass the ignition interlock device).

The driver's download reports covering the final three months of the Ignition Interlock Program must be clear of any 'warn' and 'fail' readings to be considered for full reinstatement.

#### **Additional Fees**

- Reinstatement Fee is \$209.45, which includes Registry Agent Service Fee and G.S.T.
- Application fee is \$63, plus Registry Agent Service Fee and G.S.T.

#### **Remedial Program**

- First-time offenders in the Mandatory Ignition Interlock Program must complete the Planning Ahead Course (\$315). While individuals can be approved to participate prior to completing the Planning Ahead Course, course completion will need to be completed prior to the installation of the ignition interlock device.
- Repeat offenders must complete the IMPACT Program (\$925) prior to approval to participate in the Mandatory Ignition Interlock Program; otherwise the application form will be rejected and returned.

Remedial courses are delivered on behalf of Alberta Transportation by a contracted Service Provider.

At this time, there are no remedial courses required for the Alberta Administrative Licence Suspension Ignition Interlock Program.

#### **Monitoring Agency**

Alberta Transportation, Driver Fitness and Monitoring

#### **Additional Features**

- The set-point for the ignition interlock device to register a 'warn' is a blood alcohol concentration level of 0.020 or higher.
- The set-point for the ignition interlock device to register a 'fail' is a blood alcohol concentration level of 0.040 or higher.
- Participants must record a minimum of 100 km driving each month to demonstrate a separation of high-risk driving behaviours.
- Drivers can apply for an exemption from the Mandatory Ignition Interlock Program.
- Alberta Transportation's Service Provider has the authority and autonomy to adjust, lower, or modify pre-established ignition interlock settings, if determined during installation, to ensure participants are successful while serving in Alberta's Ignition Interlock Program.

#### **Additional Information**

[www.transportation.alberta.ca/iip.htm](http://www.transportation.alberta.ca/iip.htm)

# Saskatchewan

## Eligibility and Duration

Drivers in the Graduated Driver Licensing program (learner, Novice 1, Novice 2) and all drivers age 21 and under who receive a second roadside suspension within five years can volunteer for the interlock program after serving 60 days of their 120-day suspension. The interlock must remain in the vehicle for 120 days. The interlock program is mandatory for a third and subsequent roadside suspension within 5 years. After serving 12 months of the 18-month suspension, the interlock can be installed for one year.

For experienced drivers, the interlock program is mandatory following a third or subsequent roadside suspension. After serving a 90 day suspension, drivers are required to have an interlock installed for a period of one year. After serving the court-ordered prohibition, the interlock period is:

### 1<sup>st</sup> conviction

BAC 80-159 mg/dL or impaired – 1 year

BAC 160+ mg/dL or refuse sample – 2 years

### 2<sup>nd</sup> conviction (within 10 years)

BAC 80-159 mg/dL or impaired – 3 years

BAC 160+ mg/dL or refuse sample – 5 years

### 3<sup>rd</sup> conviction (within 10 years)

BAC 80-159 mg/dL or impaired – 10 year

BAC 160+ mg/dL or refuse sample – 10 years

## Can the Program be extended?

Yes. Violations for non-compliance with program rules not occurring in the last three months of the program will result in a warning letter; violations within the last three months of the program will result in a three-month extension.

## Additional Fees

There is an administration fee of \$105 and a \$75 reinstatement fee.

## Remedial Program

Participants may be required to complete the Driving Without Impairment Program (\$170), the Alcohol and Drug Education Program (\$450), or addiction assessment prior to entering the ignition interlock program.

## Monitoring Agency

Saskatchewan Government Insurance

## Additional Features

First time offenders who had a BAC <160 mg/dL can apply for an exemption from the interlock program due to: geographic location; medical reasons; not owning a vehicle; or not possible to install the device in the vehicle.

## Additional Information

[www.sgi.sk.ca/individuals/penalties/consequences/interlock/](http://www.sgi.sk.ca/individuals/penalties/consequences/interlock/)

# Manitoba

## **Eligibility and Duration**

Persons convicted of an impaired driving offence are required to participate in the interlock program as a condition of licence reinstatement once their licence suspension has expired. The period of participation is for one year for a first and second conviction, three years for a third conviction, and lifetime for a fourth (and subsequent) conviction.

Drivers serving a suspension due to a impaired driving conviction or tiered administrative driving suspension may apply for voluntary participation in the interlock program by filing an appeal with the Licence Suspension Appeal Board for a conditional licence on the grounds of exceptional hardship.

## **Can Program be Extended?**

Yes. Failure to comply with the rules of the interlock program may be subject to an extension of the term of program participation, removal from the program or licence suspension.

## **Additional Fees**

There is a \$250 ignition interlock administration charge .

## **Remedial Program**

An impaired driving assessment from the Addictions Foundation of Manitoba must be filed for approval by the Driver Fitness program of Manitoba Public Insurance.

## **Monitoring Agency**

Manitoba Public Insurance,

## **Additional Information**

<https://www.mpi.mb.ca/en/PDFs/Interlock.pdf>.

# Ontario

## Eligibility and Duration

Ontario has a mandatory ignition interlock licence restriction program that applies to all persons convicted of an impaired driving offence. After serving either a minimum of 3 or 6 months of the driving suspension ordered by the court and completing the assessment component of the mandatory remedial program and entering into a lease agreement with one of the approved ignition interlock service providers, first-time offenders are eligible to have their driver's licence reinstated with an ignition interlock condition placed on their driver's licence for either 9 months or 12 months. For second-time offenders after serving a minimum 9 months of the driving suspension, completing the assessment component of the mandatory remedial program and entering into a lease agreement with one of the approved ignition interlock service providers, are eligible to have their driver's licence reinstated with an ignition interlock condition placed on their driver's licence for a minimum of 18 months. Having an interlock installed allows the individual to drive during this period. For third-time offenders, upon application for reduction of their lifetime suspension, will have a minimum ignition interlock period of 6 years, following a 10-year suspension. The interlock program does not apply to fourth time offenders, as their licence will never be reinstated.

Drivers who choose not to participate in the interlock program must serve their full suspension and have an interlock condition for a further 12 or 36 months minimum, during which time they are unable to drive until the condition is removed from their licence.

Drivers who have been issued three or more administrative suspensions for alcohol and/or drug impaired driving within a 10-year period will have an interlock condition placed on their licence for a minimum of 6 months following completion of their suspension.

## Can Program be Extended?

Yes. For drivers who participate in the reduced suspension program, BAC "fails" and other performance failures in the last 3 months of the interlock period will extend the installation period for 3 months beyond the current expiry date, for first time offenders. For second time offenders, any performance failures in the last 6 months of the interlock period will extend the installation period for 6 months beyond the current expiry date.

Drivers who do not participate in or are not eligible for the reduced suspension program are subject to an extension for a further 6 or 18 months from the current expiry date if they are reported for missed monitor appointments, have tampered with their ignition interlock device or have been convicted of driving with an approved device when they are subject to the ignition interlock condition.

## Additional Fees

### Remedial Program

Offenders must complete the assessment portion of the Back on Track remedial measures program (\$634) prior to applying for the interlock program. The entire program, including the 6-month follow-up, must be completed before reinstatement. For those offenders who have been issued two or more administrative suspensions for alcohol and/or drug impaired driving within a 10-year period will have to complete the education or treatment portion of the remedial program at a cost of \$294.

**Additional Features**

Offenders need not have the interlock installed if they choose not to drive for the duration the interlock restriction is in effect.

**Monitoring Agency**

Ontario Ministry of Transportation

**Additional Information**

<http://www.mto.gov.on.ca/english/safety/ignition-interlock-conduct-review-program.shtml>.

# Quebec

## **Eligibility and Duration**

First-time offenders must undergo an assessment of alcohol and drug. Depending on the results of the assessment and the BAC at the time of arrest, offenders can be issued a licence restricted to the use of an alcohol ignition interlock for up to 2 years.

Repeat offenders are required to participate in the ignition interlock program at the end of their prohibition/suspension period for a period of 3 years or life, depending on the number of DWI convictions, the BAC at the time of arrest and the results of a comprehensive assessment of alcohol and drug use.

Drivers who have not been convicted but are subject to an immediate 90-day administrative suspension following an offence can apply for an interlock-restricted licence.

## **Can Program be Extended?**

Violations can lead to removal from the interlock program.

## **Remedial Program**

First offenders must attend the Alcofrein program (\$150) as a condition of licence reinstatement.

First offenders must also undergo a mandatory summary assessment (\$300) at a specialized centre for persons with substance abuse problems. If the assessment is unfavourable, the individual will be required to undergo a comprehensive assessment (\$710) that can take 7 to 9 months to complete.

Repeat offenders must undergo a comprehensive assessment to determine if their alcohol or drug consumption is consistent with the safe operation of a motor vehicle.

## **Monitoring Agency**

SAAQ

## **Additional Information**

<https://saaq.gouv.qc.ca/en/drivers-licences/reacquiring-licence/impaired-driving>

# New Brunswick

## Eligibility and Duration

After serving the court-ordered prohibition, drivers convicted of a Criminal Code impaired driving offence are subject to an ignition interlock restriction for the remainder of the period of suspension, typically 9 months for a first conviction, 30 months for the second conviction and 48 months for a third or subsequent conviction.

Drivers issued a 30-day short-term licence suspension or a 90-day administrative suspension for a Criminal Code impaired driving offence can apply for a licence restricted to the conditions of the interlock program.

## Can Program be Extended?

Yes. The Registrar, with input from an advisory committee, can extend participation in the program.

## Remedial Program

First offenders must complete the Auto Control program (\$297). Repeat offenders must complete the Auto Control Plus program (\$542).

## Exemptions

Exemptions from the interlock program include:

- Chronic medical conditions that diminishes lung capacity
- Person does not own or have access to a vehicle
- Provider is unable to install the device in the vehicle

## Monitoring Agency

Department of Public Safety

## Additional Information

[http://www2.gnb.ca/content/gnb/en/services/services\\_renderer.200764.Ignition\\_Interlock.html](http://www2.gnb.ca/content/gnb/en/services/services_renderer.200764.Ignition_Interlock.html)



# Nova Scotia

## **Eligibility and Duration**

First-time offenders assessed by Addiction Services as low or medium risk volunteer to enter the interlock program after serving the court-ordered minimum period of prohibition. The duration of participation is until the end of the original period of prohibition/suspension.

First-time offenders assessed by Addiction Services as high risk must enter the interlock program in order to regain their driver's licence. They must serve the court-ordered period of prohibition and the drive an interlock-equipped vehicle for a minimum of one year.

Second-time offenders must enter the interlock program after serving the court-ordered period of prohibition. The duration of the interlock program is the remainder of the revocation period or a minimum of 2 years.

## **Can Program be Extended?**

Yes. The Registrar may extend the duration of the interlock program based on interlock data reports, incidents of alcohol-related driving, other relevant information, or for program violations.

## **Additional Fees**

Application fee (\$39.50)

## **Remedial Program**

Addictions Services provide an assessment of drivers prior to their entry into the interlock program (\$455). Participants must also attend the educational program provided by Addictions Services and meet with a counsellor on a bi-monthly basis during the interlock program.

## **Monitoring Agency**

Highway Safety Division

## **Additional Information**

[https://novascotia.ca/just/regulations/regs/mvalcignition.htm#TOC1\\_21](https://novascotia.ca/just/regulations/regs/mvalcignition.htm#TOC1_21)

# Prince Edward Island

## Eligibility and Duration

After serving the court-ordered minimum period of prohibition, first-time and repeat offenders must participate in the mandatory ignition interlock program.

The program duration is one year for first-time offenders. For a second offence within ten years, where the BAC was less than 160 mg/dL the program duration is three years; where the BAC was greater than 160 mg/dL, or the person refused to provide a sample, the interlock program lasts five years. A third or subsequent conviction results in an interlock term of 10 years. This can be reduced to five years if the person has complied with the program requirement

## Vehicle Impoundment

There are penalties or consequences under both PEI's Highway Traffic Act and the Criminal Code of Canada. The *Highway Traffic Act* allows for the following:

- An immediate 24-hour roadside suspension of your license
- An administrative driving prohibition of 90 days effective 7 days after your 24 hour roadside suspension.
- Impoundment of your vehicle for 30 days for a 1st or 2nd charge of impaired driving within 10 years.
- Impoundment of your vehicle for 60 days for a second offense of driving while suspended or prohibited under the Criminal Code of Canada within two years and have been convicted of driving while suspended in the past two years.

## Impoundment of your vehicle for 6 months when charged with:

- a offence under the Criminal Code of Canada for impaired or prohibited driving and there have been 2 or more similar convictions under the Criminal Code of Canada in the past 10 years.

## Can Program be Extended?

Yes, for program violations.

If there was a child in the vehicle at the time of the offence, the Registrar may add an additional 12 months to the term of the interlock program.

## Additional Fees

None

## Remedial Program

First offence must complete a Driver Rehabilitation Course (no charge). Repeat offenders must complete a Driver Risk Assessment (no charge).

## Monitoring Agency

Highway Safety Division

**Additional Features**

Second-time offenders subject to a three-year interlock term is subject to a licence condition prohibiting them from operating a vehicle with a BAC in excess of zero mg/dL for a period of three years after the interlock term has expired.

**Additional Information**

<https://www.princeedwardisland.ca/en/information/transports-infrastructure-et-energie/impaired-driving>

# Newfoundland and Labrador

## Eligibility and Duration

Persons convicted of a Criminal Code impaired driving offence are required to use an ignition interlock as a condition of reinstatement of the driver's licence of driving privileges. The duration of interlock program participation is:

- 1 year for a first conviction
- 36 months for a second conviction within 10 years
- 60 months for a third or subsequent conviction within 10 years.

## Can Program be Extended?

Yes. The registrar may upon review of a person's driving record and the records submitted in relation to the operation of ignition interlock devices installed by that person, extend the restriction on the person's driver's licence beyond the expiry of the suspension period.

## Additional Fees

Application fee

## Remedial Program

First offenders must complete an alcohol education program. Repeat offenders must undergo an alcohol dependency assessment and complete the recommended course of rehabilitation.

## Monitoring Agency

Registrar of Motor Vehicles.

## Additional Information

[http://www.assembly.nl.ca/Legislation/sr/Regulations/rc980110.htm#26\\_1](http://www.assembly.nl.ca/Legislation/sr/Regulations/rc980110.htm#26_1)

# Yukon

## **Eligibility and Duration**

Both first-time and repeat offenders can volunteer to participate in the interlock program after serving the minimum period of the driving prohibition. All participants must be approved by the Driver Control Board. The duration of program participation is at least one year from date of installation.

A judge can also direct the Driver Control Board to consider some convicted impaired drivers for the interlock program. The Board can require participation in the interlock program as a condition of licence reinstatement.

## **Can Program be Extended?**

Participants must show six consecutive months without a program violation before leaving the program.

## **Additional Fees**

There are no application fees.

## **Remedial Program**

All conditions of Motor Vehicles must be met prior to enrolment in the program. A requirement may be successful completion of the Remedial Drivers Program and payment of any fines or outstanding reinstatement fees.

## **Monitoring Agency**

Driver Control Board

## **Additional Information**

<http://www.hpw.gov.yk.ca/dcb/aiip.html>

[http://www.hpw.gov.yk.ca/dcb/aiip\\_facts.html](http://www.hpw.gov.yk.ca/dcb/aiip_facts.html)

# Northwest Territories

## **Eligibility and Duration**

Drivers convicted of a Criminal Code impaired driving offence can volunteer to participate in the interlock program after serving the minimum period of the driving prohibition. All participants must be approved by the Registrar of Motor Vehicles. The duration of program participation is at least for the remaining duration of the original driving prohibition.

A judge can also direct an offender to participate in the interlock program as a condition of probation. The Registrar can also impose an interlock condition on an offender as a condition of licence reinstatement.

## **Can Program be Extended?**

Participants must show three consecutive months without a program violation before leaving the program.

## **Additional Fees**

There are no application fees.

## **Remedial Program**

## **Monitoring Agency**

Registrar of Motor Vehicles

## **Additional Information**

<http://www.dot.gov.nt.ca/DMV/Programs/Interlock>