

James M. Jeffords Center's
Vermont Legislative Research Service



Transportation Issues Associated with DUI Courts

Currently, 39 states have a Driving Under the Influence (DUI) court and/or Hybrid Court with a DUI program.¹ Of these states, 34 of them have an administrative license suspension for first-time DUI offenders.² With the loss of the offender's driving privileges, significant transportation issues surface as to how DUI offenders attend and participate in a Drug Court program. Solutions to these transportation issues are heavily dependent upon the transportation structure of the offender's community and their access to public transportation.³ For rural



Figure 1: Public Transit Coverage in Vermont by Town

Source: Kahlie Dufresne, Chase Raines, Christine Souffrant, and Tara Wohlgemuth, "Public Transportation in Vermont," Rockefeller Center at Dartmouth College: The Center for Public Policy and the Social Sciences, March 1, 2009, accessed October 25, 2012, <http://rockefeller.dartmouth.edu/shop/PRS%20Policy%20Brief%200809-03.pdf>.

the vehicle from being started if the BAC is above the pre-set limit (usually 0.02).⁶ According to Federal Law, repeat DUI offenders shall "receive a suspension of all driving privileges for not less than 1 year, or a suspension of unlimited driving privileges for 1 year...if an IID is installed

⁶ Spratler Group, "Ignition Interlocks – What you need to know: A Toolkit for Policy makers, Highway Safety Professionals, and Advocates," Department of Transportation National Highway Traffic Safety Administration, November 2009, accessed of October 5, 2012, http://www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811246.pdf.

offenders qualify for indigent status have exposed a weakness in the system.¹³

New Mexico

As of 2005, New Mexico law requires that all DUI offenders have IIDs installed in their vehicles.¹⁴ For those who are without financial means to support themselves, New Mexico has established an indigent fund, which helps “cover part of the costs of installing, removing, and leasing IIDs for indigent people.” New Mexico’s indigent fund is funded through alcohol excise taxes and a \$100 annual fee for DUI offenders who do not qualify as indigent. The “Interlock Device Fund” (IDF) is created in the State Treasury. The fees are collected and deposited by the

IID Alternatives

Although all 39 states that have DUI/Hybrid Courts have an IID statute allowing for the use of an IID in order for a DUI offender to regain driving privileges, some states have statutes that provide a provisional license to the DUI offender. These provisional licenses allow the offender to regain driving privileges without the need to install an IID, as long as they participate in a DUI Court Drug Program.¹⁹

Texas

In a study conducted by the Texas Transportation Institute and the Texas Department of Transportation regarding the cost of IIDs, 50% of respondents felt that their overall cost of the IID was unreasonable. The majority of the respondents who felt the device was unreasonable received a monthly income before taxes of \$1,999 or less, which comprised 54% of all respondents.²⁰ Currently in Texas, there is an administrative license suspension of 90 days, or 180 days if the offender refused the Breathalyzer test, for driving under the influence with a BAC level of .08 or higher. An IID is only mandatory for repeat offenders of a DUI conviction, however, it can be court ordered by the discretion of the judge for first-time offenders.²¹ Otherwise, for first-time offenders, a "judge or magistrate administering a drug court program...may order that an occupational license be issued to the participant," in order for the participant to attend their drug court therapy and treatment without the need to install an expensive IID.²²

Montana

Currently in Montana, it is mandatory to have an IID installed after your second DUI conviction in order to regain driving privileges.²³ However, since April 8, 2011, repeat DUI offenders who are "participating in a DUI court, the court may, in the court's discretion, authorize a probationary driver's license for the participant." This probationary license will enable the DUI offender to attend his drug court therapy and treatment without the need of an IID.²⁴

