

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-270.1 of the Code of Virginia, relating to mandatory ignition*  
 3 *interlock for DUI conviction.*

4 [H 1138]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 18.2-270.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-270.1. Ignition interlock systems; penalty.

9 A. For purposes of this section and § 18.2-270.2:

10 "Commission" means the Commission on VASAP.

11 "Department" means the Department of Motor Vehicles.

12 "Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an  
 13 analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from  
 14 starting if a driver's blood alcohol content exceeds 0.025 percent; and (iii) is equipped with the ability to  
 15 perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted  
 16 ignition and rolling retest.

17 "Rolling retest" means a test of the vehicle operator's blood alcohol content required at random  
 18 intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights  
 19 if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.025 percent or (ii)  
 20 the operator fails to take the test.

21 B. In addition to any penalty provided by law for a conviction of a first offense under § 18.2-51.4 or  
 22 § 18.2-266 or a substantially similar ordinance of any county, city or town, any court of proper  
 23 jurisdiction (i) may, ~~or~~, for a first offense, (ii) shall, for a second or subsequent offense and (iii) shall,  
 24 for an offense where an offender's blood alcohol content equals or exceeds 0.15 percent, as a condition  
 25 of a restricted license or as a condition of license restoration under subsection C of § 18.2-271.1 or  
 26 § 46.2-391, prohibit an offender from operating a motor vehicle that is not equipped with a functioning,  
 27 certified ignition interlock system for any period of time not to exceed the period of license suspension  
 28 and restriction, not less than six months, and shall require that such a system be installed on each motor  
 29 vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for such  
 30 period of time. Such condition shall be in addition to any purposes for which a restricted license may be  
 31 issued pursuant to § 18.2-271.1. The court may order the installation of an ignition interlock system to  
 32 commence immediately upon conviction. A fee of ~~twenty dollars~~ \$20 to cover court and administrative  
 33 costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court.  
 34 The court shall require the offender to install an electronic log device with the ignition interlock system  
 35 on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and  
 36 random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised  
 37 by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation  
 38 under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of  
 39 the ignition interlock system. The offender shall be further required to provide to such program, at least  
 40 quarterly during the period of court ordered ignition interlock installation, a printout from such  
 41 electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions,  
 42 and rolling retests, and showing attempts to circumvent or tamper with the equipment.

43 C. In any case in which the court requires the installation of an ignition interlock system, the court  
 44 shall direct the offender not to operate any motor vehicle which is not equipped with such a system for  
 45 the period of time that installation is ordered. The clerk of the court shall file with the Department of  
 46 Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record  
 47 maintained by the Department. The Department shall issue to the offender for the installation period  
 48 required by the court, a restricted license which shall appropriately set forth the restrictions required by  
 49 the court under this subsection and any other restrictions imposed upon the offender's driving privilege,  
 50 and shall also set forth any exception granted by the court under subsection F.

51 D. The offender shall be ordered to provide the appropriate ASAP program, within ~~thirty~~ 30 days of  
 52 the effective date of the order of court, proof of the installation of the ignition interlock system. The  
 53 Program shall require the offender to have the system monitored and calibrated for proper operation at  
 54 least every ~~thirty~~ 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2  
 55 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring  
 56 and maintaining the ignition interlock system. Absent good cause shown, the court may revoke the

57 offender's driving privilege for failing to (i) timely install such system or (ii) have the system properly  
58 monitored and calibrated.

59 E. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock  
60 system for the purpose of providing an operable motor vehicle to a person who is prohibited under this  
61 section from operating a motor vehicle that is not equipped with an ignition interlock system. No person  
62 shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system  
63 that has been installed in the motor vehicle of a person under this section. Except as authorized in  
64 subsection G, no person shall knowingly furnish a motor vehicle not equipped with a functioning  
65 ignition interlock system to any person prohibited under subsection B from operating any motor vehicle  
66 which is not equipped with such system. A violation of this subsection shall be punishable as a Class 1  
67 misdemeanor.

68 F. Any person prohibited from operating a motor vehicle under subsection B may, solely in the  
69 course of his employment, operate a motor vehicle which is owned or provided by his employer without  
70 installation of an ignition interlock system, if the court expressly permits such operation as a condition  
71 of a restricted license at the request of the employer, but such person may not operate a commercial  
72 motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity  
73 wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle  
74 without an ignition interlock system.

75 G. The Commission shall promulgate such regulations and forms as are necessary to implement the  
76 procedures outlined in this section.