

Legal Notes: February 2014

Last month we talked about the guidelines for OWI (Operating While Intoxicated) convictions in the La Crosse area. Traditionally, the being convicted of OWI resulted in monetary fines, loss of license, jail, and insurance woes. One item I did not discuss was the increasing use of Ignition Interlock devices.

A few years ago, the legislature began providing for ignition interlock devices as a requirement for repeat OWI offenders. Initially, the requirement was only for serious repeat offenses, however the requirement has not crept down to first offenses. With first offenses, an interlock device may be required if the BAC level is above .15 or upon a refusal.

A recent court ruling has expanded on the use of interlock devices. The case involved a driver who had an OWI conviction more than ten years earlier. Generally, OWI convictions older than ten years do not count as prior convictions under the sentencing guidelines. Because of the way the law was written, the older conviction could be used by the court to determine whether an ignition interlock device could be required. The court of appeals said that was valid.

An ignition interlock device only allows you to operate the motor vehicle after you first blow into the tube to determine any blood alcohol level. Any and all motor vehicles a person operates has to be equipped with the device, whether or not the vehicle is even titled in the person's name. The cost of getting a device is about \$1,000 a year here in La Crosse according to DMV records. If you are pulled over while driving a vehicle, you must have an ignition device or you better not be driving.

In sum, the ignition interlock is going to be a permanent fixture in the range of penalties for OWI and it adds more expense to what is already an expensive proposition. Call a cab.