

## West Virginia

West Virginia's all-offender ignition interlock law went into effect in July 2008. As of December 2017, there were 3,622 interlocks installed in West Virginia. Between 2006 to 2018, interlocks stopped 28,029 attempts to drive drunk, including 1,364 in 2018.

**Why MADD calls the law all-offender? The only way a first-time arrested drunk driver can drive during a driver license agency imposed license suspension is via an ignition interlock.**

### Ignition Interlock Law Overview and MADD Legislative Recommendations

How soon can an ignition interlock be installed?		Duration on ignition interlock	Legislative Recommendation
1st offense .08 to .14 BAC	Upon arrest*	4 months	<b><i>Eliminate interlock waiting periods for refusals.</i></b>
1st offense .15 BAC or more	Upon arrest*	6 months	
Second offense	Unclear	2 years	
First refusal	45 days after revocation	1 year	
<b>Compliance Based Removal?</b>			<b>Yes</b>

No person will be removed with recorded violations during the last 60 days of scheduled participation and shall be assessed additional penalty time up to 60 days or until final download is violation free. All participants of the WV Interlock Program are governed by the following demerit system. This demerit system has been established to formalize the DMV's policy regarding violations occurring during participation of the Interlock Program. Demerit accumulation may cause an extension of the program participation and/or disqualification. For example, participants of the Interlock Program that blow a High BAC upon initial startup of his/her vehicle may be assessed a \$50 fee by the servicing Interlock provider. Upon verification of this violation by the DMV, a demerit assessment, program extension and /or disqualification will be administered in accordance with this policy. The Division shall monitor for program compliance every thirty days from the date of installation. All violations occurring within a monitoring period will be reviewed and the violation causing the greatest demerit value will be assessed.

<b>Day-for-Day Credit for early installation?</b>	<b>Yes</b>
<b>Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?</b>	<b>No</b>
<b>Legislative Recommendation</b>	<b><i>Allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.</i></b>

<b>Indigent Program?</b>	<b>Yes</b>
The fee for installation and removal of an interlock shall be waived for persons determined to be indigent by the Department of Health and Human Resources. The commissioner shall establish by legislative rule, procedures to be followed with regard to persons determined by the Department of Health and Human Resources to be indigent.	

<b>Interlock user fees (not including leasing costs of the device)</b>	<b>Yes</b>
Must pay \$100 to the DMV upon application.	