

**House File 2120 - Introduced**

HOUSE FILE 2120

BY SALMON

**A BILL FOR**

1 An Act relating to ignition interlock devices in motor vehicles  
2 of operating-while-intoxicated offenders, including  
3 provisions relating to driver's license revocations, the  
4 issuance of temporary restricted licenses, and the creation  
5 of an ignition interlock device indigent user fund, and  
6 providing penalties.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code  
2 2018, is amended to read as follows:

3 d. Revocation of the person's driver's license for a minimum  
4 period of one hundred eighty days up to a maximum revocation  
5 period of one year, pursuant to section 321J.4, subsection  
6 1, [section 321J.9](#), or [section 321J.12](#), ~~subsection 2~~. If a  
7 revocation occurs due to test refusal under [section 321J.9](#),  
8 the defendant shall be ineligible for a temporary restricted  
9 license for a minimum period of ninety days.

10 (1) ~~A defendant whose alcohol concentration is .08 or more~~  
11 ~~but not more than .10 shall not be eligible for any temporary~~  
12 ~~restricted license for at least thirty days if a test was~~  
13 ~~obtained and an accident resulting in personal injury or~~  
14 ~~property damage occurred. The department shall require the~~  
15 ~~defendant to install an ignition interlock device of a type~~  
16 ~~approved by the commissioner of public safety on all vehicles~~  
17 ~~owned or operated by the defendant if the defendant seeks a~~  
18 ~~temporary restricted license. There shall be no such period of~~  
19 ~~ineligibility if no such accident occurred, and the defendant~~  
20 ~~shall not be required to install an ignition interlock device.~~

21 (2) ~~A defendant whose alcohol concentration is more than .10~~  
22 ~~shall not be eligible for any temporary restricted license for~~  
23 ~~at least thirty days if a test was obtained, and an accident~~  
24 ~~resulting in personal injury or property damage occurred or the~~  
25 ~~defendant's alcohol concentration exceeded .15. There shall be~~  
26 ~~no such period of ineligibility if no such accident occurred~~  
27 ~~and the defendant's alcohol concentration did not exceed .15.~~  
28 ~~In either case, where a defendant's alcohol concentration is~~  
29 ~~more than .10, the department shall require the defendant to~~  
30 ~~install an ignition interlock device of a type approved by the~~  
31 ~~commissioner of public safety on all vehicles owned or operated~~  
32 ~~by the defendant if the defendant seeks a temporary restricted~~  
33 ~~license.~~

34 Sec. 2. Section 321J.4, subsection 1, paragraphs a and b,  
35 Code 2018, are amended to read as follows:

1     a. A defendant whose alcohol concentration is .08 or more  
2 ~~but not more than .10~~ shall not be eligible for any temporary  
3 restricted license for at least thirty days if a test was  
4 obtained and an accident resulting in personal injury or  
5 property damage occurred or if a test was obtained and the  
6 defendant's alcohol concentration exceeded .15. ~~The~~ There  
7 shall be no such period of ineligibility if no such accident  
8 occurred and the defendant's alcohol concentration did not  
9 exceed .15.

10     b. Upon revocation, the department shall require the  
11 defendant to install an ignition interlock device of a type  
12 approved by the commissioner of public safety on all vehicles  
13 owned or operated by the defendant ~~if the defendant seeks a~~  
14 ~~temporary restricted license. There shall be no such period of~~  
15 ~~ineligibility if no such accident occurred, and the defendant~~  
16 ~~shall not be required to install an ignition interlock device.~~

17     ~~b. A defendant whose alcohol concentration is more than .10~~  
18 ~~shall not be eligible for any temporary restricted license for~~  
19 ~~at least thirty days if a test was obtained and an accident~~  
20 ~~resulting in personal injury or property damage occurred or the~~  
21 ~~defendant's alcohol concentration exceeded .15. There shall be~~  
22 ~~no such period of ineligibility if no such accident occurred~~  
23 ~~and the defendant's alcohol concentration did not exceed .15.~~  
24 ~~In either case, where a defendant's alcohol concentration is~~  
25 ~~more than .10, the department shall require the defendant to~~  
26 ~~install an ignition interlock device of a type approved by the~~  
27 ~~commissioner of public safety on all vehicles owned or operated~~  
28 ~~by the defendant if the defendant seeks a temporary restricted~~  
29 ~~license.~~

30     Sec. 3. Section 321J.4, subsection 2, Code 2018, is amended  
31 to read as follows:

32     2. If a defendant is convicted of a violation of section  
33 321J.2, and the defendant's driver's license or nonresident  
34 operating privilege has not already been revoked under section  
35 321J.9 or [321J.12](#) for the occurrence from which the arrest

1 arose, the department shall revoke the defendant's driver's  
2 license or nonresident operating privilege for one year if the  
3 defendant submitted to chemical testing and has had a previous  
4 conviction or revocation under this chapter and shall revoke  
5 the defendant's driver's license or nonresident operating  
6 privilege for two years if the defendant refused to submit to  
7 chemical testing and has had a previous revocation under this  
8 chapter. The defendant shall not be eligible for any temporary  
9 restricted license for forty-five days after the effective date  
10 of revocation if the defendant submitted to chemical testing  
11 and shall not be eligible for any temporary restricted license  
12 for ninety days after the effective date of revocation if the  
13 defendant refused chemical testing. The temporary restricted  
14 license shall be issued in accordance with section 321J.20,  
15 subsection 2. The Upon revocation, the department shall  
16 require the defendant to install an ignition interlock device  
17 of a type approved by the commissioner of public safety on all  
18 vehicles owned or operated by the defendant ~~if the defendant~~  
19 ~~seeks a temporary restricted license at the end of the minimum~~  
20 ~~period of ineligibility.~~ A temporary restricted license shall  
21 not be granted by the department until the defendant installs  
22 the ignition interlock device.

23 Sec. 4. Section 321J.4, subsection 3, paragraphs a and b,  
24 Code 2018, are amended to read as follows:

25 a. A defendant whose alcohol concentration is .08 or more  
26 ~~but not more than .10~~ shall not be eligible for any temporary  
27 restricted license for at least thirty days if a test was  
28 obtained and an accident resulting in personal injury or  
29 property damage occurred or if a test was obtained and the  
30 defendant's alcohol concentration exceeded .15. ~~The There~~  
31 shall be no such period of ineligibility if no such accident  
32 occurred and the defendant's alcohol concentration did not  
33 exceed .15.

34 b. Upon revocation, the department shall require the  
35 defendant to install an ignition interlock device of a type

1 approved by the commissioner of public safety on all vehicles  
2 owned or operated by the defendant ~~if the defendant seeks a~~  
3 ~~temporary restricted license. There shall be no such period of~~  
4 ~~ineligibility if no such accident occurred, and the defendant~~  
5 ~~shall not be required to install an ignition interlock device.~~

6 ~~b. A defendant whose alcohol concentration is more than .10~~  
7 ~~shall not be eligible for any temporary restricted license for~~  
8 ~~at least thirty days if a test was obtained and an accident~~  
9 ~~resulting in personal injury or property damage occurred or the~~  
10 ~~defendant's alcohol concentration exceeded .15. There shall be~~  
11 ~~no such period of ineligibility if no such accident occurred~~  
12 ~~and the defendant's alcohol concentration did not exceed .15.~~  
13 ~~In either case, where a defendant's alcohol concentration is~~  
14 ~~more than .10, the department shall require the defendant to~~  
15 ~~install an ignition interlock device of a type approved by the~~  
16 ~~commissioner of public safety on all vehicles owned or operated~~  
17 ~~by the defendant if the defendant seeks a temporary restricted~~  
18 ~~license.~~

19 Sec. 5. Section 321J.4, subsection 4, Code 2018, is amended  
20 to read as follows:

21 4. Upon a plea or verdict of guilty of a third or subsequent  
22 violation of [section 321J.2](#), the department shall revoke the  
23 defendant's driver's license or nonresident operating privilege  
24 for a period of six years. The defendant shall not be eligible  
25 for a temporary restricted license for one year after the  
26 effective date of the revocation. The department shall require  
27 the defendant to install an ignition interlock device of a type  
28 approved by the commissioner of public safety on all vehicles  
29 owned or operated by the defendant ~~if the defendant seeks a~~  
30 ~~temporary restricted license at the end of the minimum period~~  
31 ~~of ineligibility. A temporary restricted license shall not~~  
32 ~~be granted by the department until the defendant installs the~~  
33 ~~ignition interlock device.~~

34 Sec. 6. Section 321J.4, subsection 8, paragraphs a, b, and  
35 c, Code 2018, are amended to read as follows:

1     *a.* On a conviction for or as a condition of a deferred  
2 judgment for a violation of [section 321J.2](#), the court ~~may~~ shall  
3 order the defendant to install ignition interlock devices  
4 of a type approved by the commissioner of public safety on  
5 all motor vehicles owned or operated by the defendant which,  
6 without tampering or the intervention of another person, would  
7 prevent the defendant from operating the motor vehicle with an  
8 alcohol concentration greater than a level set by rule of the  
9 commissioner of public safety.

10     *b.* The commissioner of public safety shall adopt rules to  
11 approve certain ignition interlock devices and the means of  
12 installation of the devices, and shall establish the level  
13 of alcohol concentration beyond which an ignition interlock  
14 device will not allow operation of the motor vehicle in which  
15 it is installed. The rules shall require the devices to be  
16 equipped with a camera and a global positioning system of a  
17 type approved by the commissioner, and shall also require  
18 the devices to obtain a digital image of the driver when the  
19 device requests a test, record the location of the test, and  
20 transmit the image, the location data, and a notification of  
21 any failed test result in real-time to the device's vendor, the  
22 department, or the department's designee.

23     *c.* The order to install ignition interlock devices shall  
24 remain in effect for a the period of time ~~as determined by the~~  
25 ~~court which shall not exceed the maximum term of imprisonment~~  
26 ~~which the court could have imposed according to the nature of~~  
27 ~~the violation~~ required by section 321.20A. While the order  
28 is in effect, the defendant shall not operate a motor vehicle  
29 which does not have an approved ignition interlock device  
30 installed.

31     Sec. 7. Section 321J.9, subsection 2, paragraph b, Code  
32 2018, is amended to read as follows:

33     *b.* The department shall require the defendant to install  
34 an ignition interlock device of a type approved by the  
35 commissioner of public safety on all vehicles owned or operated

1 by the defendant ~~if the defendant seeks a temporary restricted~~  
2 ~~license at the end of the minimum period of ineligibility upon~~  
3 ~~revocation of the defendant's driver's license.~~ A temporary  
4 restricted license shall not be granted by the department until  
5 the defendant installs the ignition interlock device.

6 Sec. 8. Section 321J.12, subsection 2, paragraphs a, b, and  
7 d, Code 2018, are amended to read as follows:

8 a. A person whose driver's license or nonresident operating  
9 privileges have been revoked under subsection 1, paragraph  
10 "a", whose alcohol concentration is .08 or more ~~but not more~~  
11 ~~than .10~~ shall not be eligible for any temporary restricted  
12 license for at least thirty days after the effective date of  
13 the revocation if a test was obtained and an accident resulting  
14 in personal injury or property damage occurred or if a test was  
15 obtained and the defendant's alcohol concentration exceeded  
16 .15. ~~The~~ There shall be no such period of ineligibility  
17 if no such accident occurred and the defendant's alcohol  
18 concentration did not exceed .15.

19 b. Upon revocation, the department shall require the  
20 defendant to install an ignition interlock device of a  
21 type approved by the commissioner of public safety on all  
22 vehicles owned or operated by the defendant ~~if the defendant~~  
23 ~~seeks a temporary license.~~ ~~There shall be no such period of~~  
24 ~~ineligibility if no such accident occurred, and the defendant~~  
25 ~~shall not be required to install an ignition interlock device.~~

26 ~~b.~~ ~~A defendant whose alcohol concentration is more than .10~~  
27 ~~shall not be eligible for any temporary restricted license for~~  
28 ~~at least thirty days if a test was obtained and an accident~~  
29 ~~resulting in personal injury or property damage occurred or the~~  
30 ~~defendant's alcohol concentration exceeded .15.~~ ~~There shall be~~  
31 ~~no such period of ineligibility if no such accident occurred~~  
32 ~~and the defendant's alcohol concentration did not exceed .15.~~  
33 ~~In either case, where a defendant's alcohol concentration is~~  
34 ~~more than .10, the department shall require the defendant to~~  
35 ~~install an ignition interlock device of a type approved by the~~

1 ~~commissioner of public safety on all vehicles owned or operated~~  
2 ~~by the defendant if the defendant seeks a temporary restricted~~  
3 ~~license.~~

4 *d.* A person whose license or privileges have been revoked  
5 under [subsection 1](#), paragraph "b", for one year shall not be  
6 eligible for any temporary restricted license for forty-five  
7 days after the effective date of the revocation, and the  
8 department shall require the person to install an ignition  
9 interlock device of a type approved by the commissioner  
10 of public safety on all vehicles owned or operated by the  
11 ~~defendant if the defendant seeks a temporary restricted~~  
12 ~~license at the end of the minimum period of ineligibility.~~ The  
13 temporary restricted license shall be issued in accordance with  
14 section 321J.20, subsection 2. A temporary restricted license  
15 shall not be granted by the department until the defendant  
16 installs the ignition interlock device.

17 Sec. 9. Section 321J.17, subsection 3, Code 2018, is amended  
18 to read as follows:

19 3. The department shall also require certification of  
20 installation of an ignition interlock device of a type approved  
21 by the commissioner of public safety on all motor vehicles  
22 owned or operated by any person seeking reinstatement following  
23 a second or subsequent revocation under [section 321J.4](#),  
24 [321J.9](#), or [321J.12](#). The requirement for the installation of  
25 an approved ignition interlock device shall be for ~~one year~~  
26 ~~from the date of reinstatement unless a longer time period is~~  
27 ~~required by statute~~ the period of time required under section  
28 321J.20A. ~~The one-year period a person is required to maintain~~  
29 ~~an ignition interlock device under [this subsection](#) shall be~~  
30 ~~reduced by any period of time the person held a valid temporary~~  
31 ~~restricted license during the period of the revocation for~~  
32 ~~the occurrence from which the arrest arose.~~ The person shall  
33 not operate any motor vehicle which is not equipped with an  
34 approved ignition interlock device during the period in which  
35 an ignition interlock device must be maintained, and the

1 department shall not grant reinstatement unless the person  
2 certifies installation of an ignition interlock device as  
3 required in [this subsection](#).

4 Sec. 10. Section 321J.20, subsection 1, paragraph d, Code  
5 2018, is amended to read as follows:

6 *d.* Following the applicable minimum period of ineligibility,  
7 a temporary restricted license under [this subsection](#) shall not  
8 be issued ~~until~~ unless the applicant ~~installs~~ has installed  
9 an ignition interlock device of a type approved by the  
10 commissioner of public safety on all motor vehicles owned or  
11 operated by the applicant in accordance with [section 321J.2](#),  
12 [321J.4](#), [321J.9](#), or [321J.12](#). Installation of an ignition  
13 interlock device under [this subsection](#) shall be required for  
14 the period of time ~~for which the temporary restricted license~~  
15 ~~is issued and for such additional period of time following~~  
16 ~~reinstatement as is required under section 321J.17, subsection~~  
17 ~~3~~ required under section 321J.20A.

18 Sec. 11. Section 321J.20, subsection 2, paragraph b, Code  
19 2018, is amended to read as follows:

20 *b.* A temporary restricted license issued under this  
21 subsection shall not be issued ~~until~~ unless the applicant  
22 ~~installs~~ has installed an approved ignition interlock device  
23 on all motor vehicles owned or operated by the applicant.  
24 Installation of an ignition interlock device under this  
25 subsection shall be required for the period of time ~~for~~  
26 ~~which the temporary restricted license is issued, and for~~  
27 ~~such additional period of time following reinstatement as is~~  
28 ~~required under~~ [section 321J.17, subsection 3](#) required under  
29 section 321J.20A. ~~However, a person whose driver's license or~~  
30 ~~nonresident operating privilege has been revoked under section~~  
31 ~~321J.21 may apply to the department for a temporary restricted~~  
32 ~~license without the requirement of an ignition interlock device~~  
33 ~~if at least twelve years have elapsed since the end of the~~  
34 ~~underlying revocation period for a violation of~~ [section 321J.2](#).

35 Sec. 12. NEW SECTION. 321J.20A Ignition interlock devices

1 — duration of requirements — indigent user fund.

2 1. a. An ignition interlock device installed in a motor  
3 vehicle as required by this chapter shall be installed in the  
4 vehicle for as long as the defendant is the owner or operator  
5 of the vehicle, except as provided in this subsection.

6 b. If an ignition interlock device was installed in a  
7 motor vehicle as a result of the defendant's first offense  
8 or revocation under this chapter, the device shall be  
9 uninstalled after the later of the following, as certified to  
10 the department from the defendant's ignition interlock device  
11 vendor on a form provided or approved by the department:

12 (1) Two years after the date the defendant's driver's  
13 license revocation period ends.

14 (2) One hundred eighty days after the date the defendant  
15 last attempted to start a vehicle while the defendant's alcohol  
16 concentration exceeded the limit established under 661 IAC  
17 158.6 or last failed a test or retest by a device because  
18 the defendant's alcohol concentration exceeded the limit  
19 established under 661 IAC 158.6.

20 (3) One hundred eighty days after the date the defendant  
21 last failed to appear at an ignition interlock device vendor  
22 service center location for required maintenance, repair,  
23 calibration, or replacement of a device, or otherwise failed to  
24 maintain a device as required under 661 IAC ch. 158.

25 c. Notwithstanding paragraph "b", an ignition interlock  
26 device installed in a motor vehicle as required by this chapter  
27 shall not be uninstalled if the defendant has been convicted of  
28 tampering with or circumventing an ignition interlock device.

29 2. Upon revocation, and at such times as the department may  
30 require by rule, a defendant shall certify to the department  
31 that the defendant has installed an approved ignition  
32 interlock device in all motor vehicles owned or operated by  
33 the defendant. The department may adopt rules relating to the  
34 form, manner, and circumstances under which a defendant is  
35 required to submit a certification to the department that the

1 defendant has installed an approved ignition interlock device  
2 in all motor vehicles owned or operated by the defendant.

3 3. *a.* An ignition interlock device indigent user fund is  
4 created in the state treasury. The fund shall be administered  
5 by the department and shall consist of moneys collected by the  
6 department under this subsection. The moneys in the fund are  
7 appropriated to and shall be used by the department to assist  
8 indigent users of ignition interlock devices in paying for the  
9 use of the devices. Notwithstanding section 8.33, moneys in  
10 the fund at the end of each fiscal year shall not revert to any  
11 other fund but shall remain in the fund for expenditure for  
12 subsequent fiscal years.

13 *b.* Each month, the department shall assess an ignition  
14 interlock device user fee to each user of an ignition interlock  
15 device. All ignition interlock device user fees shall be  
16 collected by the department and deposited in the ignition  
17 interlock device indigent user fund. The amount of the  
18 monthly ignition interlock device user fee shall be set by the  
19 department so that the moneys in the ignition interlock device  
20 indigent user fund are sufficient to assist all indigent users  
21 of ignition interlock devices in paying for the use of the  
22 devices.

23 *c.* A person is indigent for the purposes of this subsection  
24 if any of the following apply:

25 (1) The person has an income level at or below one hundred  
26 twenty-five percent of the United States poverty level as  
27 defined by the most recently revised poverty income guidelines  
28 published by the United States department of health and human  
29 services, and the state department of transportation determines  
30 that the person is unable to pay for the cost of an ignition  
31 interlock device. In making the determination of a person's  
32 ability to pay for the cost of a device, the department shall  
33 consider not only the person's income, but also the person's  
34 other assets, including but not limited to cash, stocks, bonds,  
35 and any other property.

1 (2) The person has an income level greater than one hundred  
2 twenty-five percent, but at or below two hundred percent, of  
3 the United States poverty level as defined by the most recently  
4 revised poverty income guidelines published by the United  
5 States department of health and human services, and the state  
6 department of transportation determines that paying for the  
7 ignition interlock device would cause the person substantial  
8 hardship. In determining whether substantial hardship would  
9 result, the department shall consider not only the person's  
10 income, but also the person's other assets, including but not  
11 limited to cash, stocks, bonds, and any other property.

12 d. The department shall adopt rules to administer this  
13 subsection, including but not limited to the manner used to  
14 determine the monthly ignition interlock device user fee and  
15 the accepted form and manner in which a person may demonstrate  
16 indigency.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill requires an operating-while-intoxicated (OWI)  
21 defendant to install ignition interlock devices in all motor  
22 vehicles owned or operated by the defendant upon revocation  
23 of the defendant's driver's license. The bill also requires  
24 courts to order an OWI defendant to install ignition interlock  
25 devices in all motor vehicles owned or operated by the  
26 defendant upon a conviction for or as a condition of a deferred  
27 judgment for an OWI violation. The bill amends provisions  
28 relating to driver's license revocations and eligibility for  
29 issuance of temporary restricted licenses to reflect these  
30 requirements. The bill reorganizes such provisions but does  
31 not otherwise alter the requirements relating to driver's  
32 license revocations and eligibility for issuance of temporary  
33 restricted licenses provided under current law.

34 The bill requires the commissioner of public safety to adopt  
35 rules requiring ignition interlock devices to be equipped with

1 a camera and a global positioning system of a type approved by  
2 the commissioner, and to adopt rules requiring the devices to  
3 obtain a digital image of the driver when the device requests  
4 a test, record the location of the test, and transmit the  
5 image, the location data, and a notification of any failed test  
6 result in real-time to the device's vendor, the department of  
7 transportation (DOT), or the DOT's designee.

8 The bill provides that an ignition interlock device  
9 installed in a motor vehicle as required by Code chapter 321J  
10 (operating-while-intoxicated) must be installed in the vehicle  
11 for as long as the defendant is the owner or operator of the  
12 vehicle, with one exception. If an ignition interlock device  
13 was installed in a motor vehicle as a result of the defendant's  
14 first OWI offense or revocation, the device shall be  
15 uninstalled after the later of the following, as certified to  
16 the DOT from the defendant's ignition interlock device vendor  
17 on a form provided or approved by the DOT: two years after  
18 the date the defendant's driver's license revocation period  
19 ends, 180 days after the date the defendant last attempted to  
20 start a vehicle while the defendant's alcohol concentration  
21 exceeded the established limit or last failed a test or retest  
22 by a device because the defendant's alcohol concentration  
23 exceeded the established limit, or 180 days after the date  
24 the defendant last failed to appear at an ignition interlock  
25 device vendor service center location for required maintenance,  
26 repair, calibration, or replacement of a device, or otherwise  
27 failed to maintain a device as required. Under current law,  
28 the established alcohol concentration limit for a test by an  
29 ignition interlock device is .025. However, the bill provides  
30 that an ignition interlock device installed in a motor vehicle  
31 shall not be uninstalled if the defendant has been convicted of  
32 tampering with or circumventing an ignition interlock device.

33 The bill requires that upon revocation, and at such times  
34 as the DOT may require by rule, a defendant must certify to  
35 the DOT that the defendant has installed an approved ignition

1 interlock device in all motor vehicles owned or operated by the  
2 defendant.

3 Under current law, in any circumstance in which Code chapter  
4 321J requires the installation of an ignition interlock device  
5 in all vehicles owned or operated by a person as a condition  
6 of the person's license or privilege to operate noncommercial  
7 motor vehicles, the DOT must require the person to be a  
8 participant in and in compliance with a sobriety and drug  
9 monitoring program established pursuant to Code chapter 901D if  
10 the person's offense qualifies as an eligible offense and the  
11 person's offense occurred in a participating jurisdiction.

12 The bill provides for an ignition interlock device indigent  
13 user fund administered by the DOT consisting of moneys  
14 collected by the DOT under the bill. The bill appropriates  
15 the moneys in the fund for use by the DOT to assist indigent  
16 users of ignition interlock devices in paying for the use of  
17 the devices. Each month, the DOT is required to assess an  
18 ignition interlock device user fee to each user of an ignition  
19 interlock device. All ignition interlock device user fees must  
20 be collected by the DOT and deposited in the ignition interlock  
21 device indigent user fund. The amount of the monthly ignition  
22 interlock device user fee shall be set by the DOT so that the  
23 moneys in the ignition interlock device indigent user fund are  
24 sufficient to assist all indigent users of ignition interlock  
25 device devices in paying for the use of the devices.

26 A person is indigent under the bill if the person has an  
27 income level at or below 125 percent of the U.S. poverty  
28 level as defined by the most recently revised poverty income  
29 guidelines published by the U.S. department of health and human  
30 services, and the DOT determines that the person is unable to  
31 pay for the cost of an ignition interlock device. In making  
32 the determination of a person's ability to pay for the cost of  
33 a device, the DOT must consider not only the person's income,  
34 but also the person's other assets, including but not limited  
35 to cash, stocks, bonds, and any other property. A person is

1 also indigent under the bill if the person has an income level  
2 greater than 125 percent, but at or below 200 percent, of the  
3 U.S. poverty level as defined by the most recently revised  
4 poverty income guidelines published by the U.S. department  
5 of health and human services, and the DOT determines that  
6 paying for the ignition interlock device would cause the person  
7 substantial hardship. In determining whether substantial  
8 hardship would result, the DOT must consider not only the  
9 person's income, but also the person's other assets, including  
10 but not limited to cash, stocks, bonds, and any other property.