The Complete Guide to Ignition Interlock Devices

False Positives, IID Myths, and FAQs
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Introduction:

If you have been convicted of a DUI, you may now be required by law to install an ignition interlock device (IID) in your vehicle. An IID is a device that requires a breath sample that measures the driver’s blood alcohol content (BAC) before the vehicle can be started. If the test registers a BAC over a predetermined amount, the vehicle cannot be started.

Throughout this IID guide, we will explain false positive IID readings and some possible causes. Then keep reading to learn everything you need to know about Ignition Interlock Devices including common myths and frequently asked questions.
Possible Causes of False Positive IID Readings:

As an IID driver, you may have heard of or experienced a “false positive” reading. IIDs are extremely accurate, but there are a few things that have been known to cause a false positive reading.

**Spicy Foods**

You went out to a local Mexican restaurant, had a few enchiladas, hopped in your car, and blew a false positive. While rare, some spicy foods, when mixed with the HCI in the stomach can create a gas called methane. A heightened level of methane can lead to this false positive due to the sensor reacting to the hydrocarbons.

While there is nothing illegal about driving after eating Mexican food, antacids and water will usually prevent a false positive reading.

**Chewing Tobacco**

Chewing tobacco often contains raw ethyl alcohol. Ethyl alcohol is the same type of alcohol found in beverage like wine, beer, and hard liquor, and is the same type of alcohol that breath-testing machines are programmed to detect.

**Mouthwash/Mouth Spray**

Mouthwash can contain up to 30 percent alcohol. Even if the mouthwash was not swallowed, a blood alcohol content up to .25 percent may still register on the IID. To avoid this, it is recommended that drivers use an alcohol-free mouthwash. If an alcohol-based mouthwash is used, rinse with water and wait at least ten minutes before using the IID.
Pastries

Sweets like cinnamon rolls and donuts that contain both yeast and sugar can cause a false positive as these two ingredients together can produce alcohol and cause a false positive reading. A retest should indicate a drop and show that the initial test was inaccurate. Rinsing your mouth with water after eating and before testing should prevent a misread.

Energy Drinks

Many energy drinks contain low concentrations of ethanol. A recent study determined that of 27 energy drinks tested, 11 (40.7 percent) of those had a positive test result on the ignition interlock device. To prevent an energy drink caused false positive on your IID, try waiting 15 to 30 minutes before driving, and rinse your mouth with water before blowing into the device.
Diets

Breathalyzer tests do not measure alcohol; they actually measure the presence of a molecular group of compounds. Ethyl alcohol (aka ethanol) contains this group, and when the IID detects the presence of this ethanol, it simply assumes that this detected compound is ethyl alcohol, causing a false positive reading.

There are thousands of compounds containing the molecular group, of which well over 100 have been found on human breath. One of the biggest causes of diet-based false positive readings is acetone on a driver’s breath.

Diabetics often have high levels of acetone on their breath, as well as people on certain diets such as fasting or low-carbohydrate diets like with the Atkins. These types of diets have been shown to increase acetone levels in the body sufficient enough to obtain breathalyzer readings of .06 percent (remember readings are cumulative — that is, this .06 percent will be added by the machine to any levels actually caused by alcohol or other compounds. For example if your true breath alcohol is .03 percent, the cumulative test results would be .09 percent).

Chloraseptic

Certain analgesics such as Chloraseptic spray, similar to mouthwash, contain alcohol. The alcohol in these products is not enough to cause intoxication when taken properly, but the use of these products can be enough to cause a false positive on ignition interlock devices.
IID Myths:

As a Seattle DUI defense attorney, we have heard it all when it comes to IIDs. There is a plethora of false information and half-truths on the internet regarding these devices. Here are some of the most common myths about IIDs that we hear:

**An Ignition Interlock Device will drain my battery.**
Most IIDs draw less than ¼ of one amp of battery power when not in operation and draw ½ of one amp when they are preparing for a test. A properly functioning vehicle should see minimal drain on the battery and will not drain a battery to the point where it will not start, unless the vehicle has not been started for approximately ten consecutive days. This period may be shorter on cars with an electrical system that is not functioning properly, such as a vehicle with poor alternator output or dead cells in the battery.

To avoid any battery issues when using an IID, it is recommended that users start their vehicle on a regular basis in order to maintain a charged battery.

**Cigarette smoke and/or snuff can cause a false positive IID reading.**
Although cigarette smoke does not affect the results of an IID, users are instructed to always take a few deep breaths before blowing into the unit. Also, smoke should never be blown into any unit.

**Filling my vehicle with gasoline can give me a false IID result.**
Normal fueling at the gas station will not cause a false positive IID reading. Even in high concentration, gasoline has not been known to register enough alcohol to cause a false positive result.
The use of perfume, hairspray, aftershave, or cologne can give me a false positive Ignition Interlock Device result. Yes, perfumes and colognes do contain alcohol, but an IID device will not react to this alcohol, even in heavy concentrations.

Someone else was driving my car when a false IID reading was blown. The defendant is informed that they are responsible for all tests recorded on the vehicle’s ignition interlock device. Because of these, be very careful of who drives your car.

The rolling retest is dangerous. A rolling retest is programmed to ask for a retest within 5-15 minutes after the initial start up of the vehicle and then randomly thereafter about every 45 minutes. For most IIDs, the driver has about 5-6 minutes to respond. A rolling retest does not require eye contact with the device and the allotted test time allows adequate time to pull over if the driver’s feels more comfortable doing so.

An IID is not always accurate. All IIDs must be certified to the National Highway Traffic Safety Administration (NHTSA) specifications for accuracy and dependability. Most states have their own requirements for IIDs as well. IIDs that are calibrated correctly are accurate enough to determine the presence of alcohol and its concentration. Although the device is accurate, the ignition interlock cannot be used to determine if a client is legally intoxicated as the test is unsupervised.

Anyone can blow in the ignition interlock device. My family only has one car. Anyone with access to the vehicle, including all family members must be trained to use the IID. Keep in mind that you, as the client, is responsible for any positives and all readings registered on the monthly data logs.
It is true that anyone can blow into the IID, but they must be able to make the voice tone and pass the test, at the level determined by your state’s requirements. The driver must also be able to submit to the rolling retests.

**An Ignition Interlock Device is too expensive.**

As a user of an IID, you are responsible for paying all the Ignition Interlock Device costs, including the cost of installing, leasing, and removal of the device. The user is also responsible for the cost of maintaining proof of financial responsibility (usually as an insurance certificate). An Ignition Interlock driver license (IIL) application fee may also be required and is not refundable.

Along with these fees, there is usually a daily fee associated with each IID. This cost is approximately $2.50 per day.
Question 1: What is an Ignition Interlock Device (IID)?

Answer: An ignition interlock device is a breathalyzer installed in a vehicle designed to prevent anyone under the influence from driving the vehicle. The device requires a breath test to be submitted below a predetermined state limit before it will allow the driver to start the vehicle. If the breath alcohol concentration (BAC) level is above this limit, the vehicle will not start and a false result will be recorded on the data log.

Question 2: Do IIDs reduce repeat offense rates?

Answer: IIDs have shown decreases in the DUI re-arrest rate by up to 67%. These devices also allow a user to lead responsible and productive lives after a DUI arrest by allowing them to drive legally and safely.

Question 3: Are ignition interlock devices held to any quality standards?

Answer: All IID are required to meet the NHTSA requirements and pass vigorous testing required by the issuing state.

Question 4: Will an Ignition Interlock Device damage my vehicle?

Answer: When installed by a Ignition Interlock expert, your IID should be installed to ensure that no damage is done to the vehicle and the device is placed safely in any type of vehicle.
Questions 5: Will an IID shut off my vehicle?

**Answer:** An IID will not shut off a moving vehicle. The device can only prevent your vehicle from starting. Once a breath test has been passed the vehicle will start, and the operation of the vehicle will not be affected. The device, however, can activate your horn and/or lights if a retest is missed or failed.

Question 6: How does my monitoring authority know that I have an IID installed?

**Answer:** After installation of the device is complete, you will be given a Certificate of Installation from the installer. In most states, you will be required to provide this document to your monitoring authority for review. Some states also allow for the installer to electronically notify your monitoring authority of the device installation.
Question 7: How long does it take to install an IID?

**Answer:** Most installations take less than an hour. This time is however dependant on your type of vehicle.

Question 8: Can my vehicle be started without taking a test?

**Answer:** No, you must provide a passing breath sample before the vehicle will start. Tampering or circumvention of the device will be recorded on the data log. Any false reading or tampering of the device could affect your driving privileges.

Question 9: What happens if I do not comply with an IID order?

**Answer:** Consequences depend on your state’s regulations and could include the following:
Users may not be allowed to regain your unrestricted driving privileges until you have completed your ignition interlock requirements.
Your IID restriction may be extended.
You may be held in contempt.
May face additional fines.
May face additional jail time.

Question 10: How do I activate an IID?

**Answer:** Depending on your device as well as your state’s requirements, there are a couple ways your IID can be activated. The most common is a simple blow/inhale/blow method that is like powerful breathing. The other method is a straight blow method that requires a more forceful breath. In either method, once the test is passed, the vehicle can be started.
Question 11: Can other people operate my vehicle?

**Answer:** Any licensed driver may drive the vehicle. In order for anyone to use the vehicle, they will have to submit a breath sample to start the car and submit rolling retests as necessary. All information recorded on the vehicles IID data log is your responsibility; because of this, we strongly recommend that you keep a record of who drives your car and when, regardless of who is driving.

Question 12: If it is my device but I am riding as the passenger in the car, who takes the test - me or the driver?

**Answer:** The law states that whoever is driving the vehicle must take the test. It can be considered a felony if anyone other than the driver of the vehicle provides a breath sample.

Question 13: What is a rolling retest? How often do they happen? Why do I have to take them?

**Answer:** Once the vehicle has been started the state regulations require drivers to periodically submit additional breath samples while they drive to prove the continued absence of alcohol on the breath. Rolling retests are generally required within 5 to 15 minutes of starting the vehicle, then randomly every 5 to 45 minutes or so thereafter, depending on your state’s regulations. The rolling retest is required but the device is setup to give the driver time to pull over to safely take the test.

Question 14: Can I leave my car running if I am not in it?

**Answer:** No, it is impossible to know when the device will require a retest. If a retest is requested and not taken within the time allotted, it can be considered a refusal and your vehicle may enter into a lock out or a refusal will be enter on your data log.
Question 15: What is calibration? How is it done? How long does it take?

**Answer:** A calibration is a process of exchanging one device with another in order to download the data logs and make sure each unit it calibrated correctly. Depending on your state, some installers may automatically send your calibration to the address specified. With this, you will simply exchange the devices and send the expiring device back to the manufacturer or installer. Other states may require that you return to your service center for your calibration and a quick visual inspection. When scheduled in advance, calibration appointments generally take less than 15 minutes.
Question 16: What happens if I fail a breath test while starting my car?

**Answer:** If you fail the IID breath test, your vehicle will not start. Depending on your state’s regulations, your IID may either enter into a temporarily lock out and/or record a failed test reading on your data log. If a temporary lock out does occur, you may have to wait a few minutes before you are able to submit another sample. When the temporary lock out is over, you will be able to submit another sample, if passed you will be able to start your vehicle. In some states, multiple failed attempts to start the vehicle may cause the device to go into a service lock out.

Question 17: Are there other sources of alcohol that my IID can read?

**Answer:** Yes; as mentioned above, there are many products that are alcohol-based and may cause the device to read positive. It is advised that the driver wait at least 10 to 15 minutes after eating or drinking anything other than water, or any product that contains alcohol. When food or drinks containing alcohol are used prior to testing, you run the risk of your IID returning a BAC reading. A contaminated reading is not considered a false positive and you will be held responsible for all BAC readings regardless of the source.

Question 18: What is a lock out?

**Answer:** A lock out is a state-mandated function that will not allow the vehicle to be started. The lock out requirements are dependent on state regulations and can be caused by blowing a BAC that is above the predetermined limit, blowing too many high BACs, failing to submit a breath sample, or trying to tamper with or circumvent the system.
Question 19: What is going to be reported to a monitoring authority?

Answer: Each state, and in some cases, each monitoring authority, has their own requirements for what must be reported to them. Every report contains the time and BAC level of every breath sample, as well as the time of each requested sample even if it wasn't taken and any tampering that might have occurred. Other things that may be reported include missed calibrations, non-usage, photos, or GPS location.

Question 20: What happens if the user attempts to circumvent, disconnect, remove, or tamper with the IID?

Answer: Any tampering or attempted circumvention of the IID will be recorded. The recording could affect your driving privileges, require a longer time with an ignition interlock device, or in some states, this recording could result in a felony.
Conclusion:

When charged with a DUI in Seattle or other city or county in Washington State, you may face the possibility of an IID requirement. This requirement may arise at three different times following a DUI arrest. Depending on how the IID requirement is imposed, a positive test reading can lead to a revocation of release, increased bail, or even jail as a sanction.

If an IID is required in your case, it is important to keep in mind all the foods and beverages that can manipulate the results of the test. Always rinse your mouth with water and wait at least 15 to 20 minutes before taking the breath test. I always tell people to keep a bottle of water in their car and take a drink a little before starting the vehicle.

Matthew Leyba is an experienced DUI Attorney in Seattle. Having an experienced DUI defense attorney by your side through the full DUI and IID process will ensure that your rights are and that your court process runs smoothly and fairly.

With offices in Seattle and Bothell, Leyba Defense is available to answer any questions you may have. Contact Matthew Leyba for a free consultation, 24/7.

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