

**CIRCUMVENTION OF AN INTERLOCK DEVICE  
(Request Another to Blow into or Start Ignition)  
Vehicle & Traffic Law § 1198(9)(a)  
(Committed on or after April 1, 1989)**

The (specify) count is Circumvention of an Interlock Device.

Under our law, no person whose driving privilege is restricted by law<sup>1</sup> to operating a motor vehicle<sup>2</sup> with an ignition interlock device shall request, solicit or allow any other person to blow into an ignition interlock device, or to start a motor vehicle equipped with the device, for the purpose of providing the person so restricted with an operable motor vehicle.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in this case, beyond a reasonable doubt, the following three elements:

1. That on (date), the defendant's (defendant's name) driving privileges were restricted by law to operating a motor vehicle with an ignition interlock device; and

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<sup>1</sup> At this point the statute states: "pursuant to this article or the penal law." This charge substitutes the language "to operating a motor vehicle with an ignition interlock device" for the statutory language.

<sup>2</sup> If in issue, the term "motor vehicle" is defined in the Vehicle and Traffic Law, with certain exceptions, as "every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power." VTL §125 (exceptions omitted). The term "public highway" appearing in the definition of "motor vehicle" is itself separately defined in the Vehicle and Traffic Law as "[a]ny highway, road, street, avenue, alley, public place, public driveway or any other public way." VTL § 134.

Note that the definition of "motor vehicle" for the purposes of ignition-interlock offenses such as the one here is narrower than the definition of "motor vehicle" for the purposes of drunk-driving-related offenses (*i.e.*, VTL § 1192 offenses). This is so because the drunk-driving statute expands the definition of "motor vehicle" to include not only vehicles operated or driven on a "public highway," but also vehicles operated or driven on "private roads open to motor vehicle traffic and any other parking lot." VTL § 1192(7).

2. That on that date, in the county of (county), the defendant (defendant's name), requested, solicited or allowed another person to blow into an ignition interlock device, or to start a motor vehicle equipped with the device; and

3. That the defendant did so for the purpose of providing [himself / herself] with an operable motor vehicle.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Circumvention of an Interlock Device as charged in the \_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Circumvention of an Interlock Device as charged in the \_\_\_\_ count.