

by submitting its calculations developed under paragraph (b)(3) of this section and a statement certifying that the State meets each element of this criterion, based on the percentages calculated in accordance with paragraphs (b)(2) and (b)(3) of this section.

[63 FR 71700, Dec. 29, 1998, as amended at 65 FR 46356, July 28, 2000]

**§ 1313.7 Requirements for a supplemental grant.**

To qualify for a supplemental grant under this section, a State must qualify for a programmatic basic grant under § 1313.5, a performance basic grant under § 1313.6, or both, and meet one or more of the following criteria:

(a) *Video equipment program*—(1) *Criterion*. A program:

(i) To acquire video equipment to be installed in law enforcement vehicles and used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance;

(ii) To effectively prosecute those persons; and

(iii) To train personnel in the use of that equipment.

(2) *Demonstrating compliance*. (i) To demonstrate compliance in the first fiscal year the State receives a grant based on this criterion, the State shall submit a plan for the acquisition and use of video equipment in law enforcement vehicles for the enforcement of impaired driving laws, including:

(A) A schedule for the areas where the equipment has been and will be installed and used;

(B) A plan for training law enforcement personnel, prosecutors and judges in the use of this equipment; and

(C) A plan for public information and education programs to enhance the general deterrent effect of the equipment.

(ii) To demonstrate compliance in subsequent fiscal years, the State shall submit information on the use and effectiveness of the equipment and an updated plan for any acquisition and use of additional equipment.

(b) *Self-sustaining drunk driving prevention program*—(1) *Criterion*. A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected

from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to communities with comprehensive programs for the prevention of such operations of motor vehicles.

(2) *Definitions*—(i) A *comprehensive drunk driving prevention program* means a program that includes, as a minimum, the following components:

(A) Regularly conducted, peak-hour traffic enforcement efforts directed at impaired driving;

(B) Prosecution, adjudication and sanctioning resources are adequate to handle increased levels of arrests for operating a motor vehicle while under the influence of alcohol;

(C) Other programs directed at prevention other than enforcement and adjudication activities, such as school, worksite or community education; server training; or treatment programs; and

(D) A public information program designed to make the public aware of the problem of impaired driving and of the efforts in place to address it.

(ii) *Fines or surcharges collected* means fines, penalties, fees or additional assessments collected.

(3) *Demonstrating compliance*. (i) To demonstrate compliance in the first fiscal year the State receives a grant based on this criterion, a State shall submit:

(A) A copy of the law, regulation or biding policy directive implementing or interpreting the law or regulation, which provides:

(1) For fines or surcharges to be imposed on individuals apprehended for operating a motor vehicle while under the influence of alcohol; and

(2) For such fines or surcharges collected to be returned to communities with comprehensive drunk driving prevention programs; and

(B) Statewide data (or a representative sample) showing:

(1) The aggregate amount of fines or surcharges collected;

(2) The aggregate amount of revenues returned to communities with comprehensive drunk driving prevention programs under the State's self-sustaining system; and

(3) The aggregate cost of the State's comprehensive drunk driving prevention programs.

(ii) To demonstrate compliance in subsequent fiscal years, the State shall submit, in addition to the data identified in paragraph (b)(3)(i)(B) of this section, a copy of any changes to the State's law, regulation or binding policy directive or, if there have been no changes, the State shall submit a statement certifying that there have been no changes in the State's laws, regulations or binding policy directives.

(c) *Reduction of driving with a suspended license*—(1) *Criterion*. A law to reduce driving with a suspended driver's license. The law must impose one of the following sanctions on any individual who has been convicted of driving with a driver's license that was suspended or revoked by reason of a conviction for an alcohol-related traffic offense. Such sanctions must include at least one of the following for some period of time during the term of the individual's driver's license suspension or revocation, as specified by the State:

(i) The suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by the individual;

(ii) The impoundment, immobilization, forfeiture or confiscation of any motor vehicle owned by the individual; or

(iii) The placement of a distinctive license plate on any motor vehicle owned by the individual.

(2) *Definitions*. *Suspension and return* means the temporary debarring of the privilege to operate or maintain a particular registered motor vehicle on the public highways and the confiscation or impoundment of the motor vehicle's license plates.

(3) *Exceptions*. (i) A State may provide limited exceptions to the sanctions listed in paragraphs (c)(1)(i) and (c)(1)(ii) of this section on an individual basis, to avoid undue hardship to any individual who is completely dependent on the motor vehicle for the necessities of life, including any family member of the convicted individual, and any co-owner of the motor vehicle, but not including the offender.

(ii) Such exceptions may be issued only in accordance with a State law, regulation or binding policy directive establishing the conditions under which motor vehicles or license plates may be released by the State or under Statewide published guidelines and in exceptional circumstances specific to the offender's motor vehicle, and may not result in the unrestricted use of the motor vehicle by the individual.

(4) *Demonstrating compliance*. (i) To demonstrate compliance in the first fiscal year the State receives a grant based on this criterion, the State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of this criterion.

(ii) To demonstrate compliance in subsequent fiscal years, the State shall submit a copy of any changes to the State's law, regulation or binding policy directive or, if there have been no changes, the State shall submit a statement certifying that there have been no changes in the State's laws, regulations or binding policy directives.

(d) *Passive alcohol sensor program*—(1) *Criterion*. A program:

(i) To acquire passive alcohol sensors to be used during enforcement activities to enhance the detection of the presence of alcohol in the breath of drivers; and

(ii) To train law enforcement personnel and inform judges and prosecutors about the purpose and use of the equipment.

(2) *Definitions*. *Passive alcohol sensor* means a screening device used to sample the ambient air in the vicinity of the driver's exhaled breath to determine whether or not it contains alcohol.

(3) *Demonstrating compliance*. (i) To demonstrate compliance in the first fiscal year the State receives a grant based on this criterion, the State shall submit a plan for the acquisition and use of passive alcohol sensors to enhance the enforcement of impaired driving laws, including:

(A) A schedule for the areas where the equipment has been and will be used;

(B) A plan for training law enforcement personnel in the recommended procedures for use of these devices in the field, and for informing prosecutors and judges about the purpose and use of the equipment; and

(C) A plan for public information and education programs to enhance the general deterrent effect of the equipment.

(ii) To demonstrate compliance in subsequent fiscal years, the State shall submit information on the use and effectiveness of the equipment and an updated plan for any acquisition and use of additional equipment.

(e) *Effective DWI tracking system—(1) Criterion.* An effective driving while intoxicated (DWI) tracking system containing the ability to:

(i) Collect, store, and retrieve data on individual DWI cases from arrest, through case prosecution and court disposition and sanction (including fines assessed and paid), until dismissal or until all applicable sanctions have been completed;

(ii) Link the DWI tracking system to appropriate data and traffic records systems in jurisdictions and offices within the State to provide prosecutors, judges, law enforcement officers, motor vehicle administration personnel, and other officials with timely and accurate information concerning individuals charged with an alcohol-related driving offense; and

(iii) Provide aggregate data, organized by specific categories (geographic locations, demographic groups, sanctions, etc.), suitable for allowing legislators, policymakers, treatment professionals, and other State officials to evaluate the DWI environment in the State.

(2) *Demonstrating compliance.* (i) To demonstrate compliance in the first fiscal year the State receives a grant based on this criterion, the State shall submit a description of its DWI tracking system, including:

(A) A description of the means used for the collection, storage and retrieval of data;

(B) An explanation of how the system is linked to data and traffic records systems in appropriate jurisdictions and offices within the State;

(C) An example of available statistical reports and analyses; and

(D) A sample data run showing tracking of a DWI arrest through final disposition.

(ii) To demonstrate compliance in subsequent fiscal years, the State shall submit a report or analysis using the DWI tracking system data, demonstrating that the system is still in operation.

(f) *Other innovative programs—(1) Criterion.* An innovative program to reduce traffic safety problems resulting from individuals operating motor vehicles while under the influence of alcohol or controlled substances, through legal judicial, enforcement, educational, technological or other approaches. The program must:

(i) Have been implemented within the last two years;

(ii) Contain one or more substantial components that:

(A) Make this program different from programs previously conducted in the State; and

(B) Have not been used by the State to qualify for a grant in a previous fiscal year based on this criterion or in any fiscal year based on any other criterion contained in §§1313.5, 1313.6 or 1313.7 of this part; and

(iii) Be shown to have been effective.

(2) *Demonstrating compliance.* To demonstrate compliance for a grant based on this criterion, the State shall submit a description of the innovative program, which includes:

(i) The name of the program;

(ii) The area or jurisdiction where it has been implemented and the population(s) targeted;

(iii) The specific condition or problem the program was intended to address, the goals and objectives of the program and the strategies or means used to achieve those goals;

(iv) The actual results of the program and the means used to measure the results;

(v) All sources of funds that were applied to the problem; and

(vi) The name, address and telephone number of a contact person.

#### § 1313.8 Award procedures.

(a) In each Federal fiscal year, grants will be made to eligible States upon