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SECRETARY OF STATE
ADMINISTRATIVE RULES

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational
Requirements**

PROPOSED RULEMAKING

7 CSR 60-2.020 Approval Procedure.

PURPOSE: This rule is being proposed to make it more concise and to bring it in line with current practices at both the federal and state levels. This rule outlines the necessary steps for manufacturers to get their interlock devices approved and certified in the state of Missouri.

(1) Submit the following information.

(A) Submit a letter on the manufacturer's letterhead requesting approval of the breath alcohol ignition interlock device. If the manufacturer's letterhead is not used, then provide the name and business address of the company. The letter should be signed by an authorized representative of the company. In the letter:

1. Identify the name and model number of the device;
 2. Provide the applicant's toll-free customer service/question/complaint hot-line number;
- and

3. Certify that the device:

A. Is programmed according to the standards and specifications found in 7 CSR 60-2.030 and capable of meeting the requirements found in 7 CSR 60-2.040 and 7 CSR 60-2.050;

B. Does not impede the safe operation of the vehicle;

C. Minimizes opportunities to circumvent the device;

D. Prevents an operator from starting a vehicle when the operator has a breath alcohol concentration which meets or exceeds the alcohol set point; and

E. Is not the subject of any action to disallow and has never been disallowed for use in another state. If the applicant cannot certify as directed in this subparagraph, then identify the state(s) where the device has been disallowed or an action is pending.

(B) Submit a complete and certified copy of laboratory testing results from an independent laboratory that is ISO 17025 certified and properly equipped and staffed to conduct testing on breath alcohol ignition interlock devices, which indicates that the device meets or exceeds the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the *Federal Register* on May 8, 2013 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective March 8, 2014, and 80 FR 16720-16723 as published in the *Federal Register* on March 30, 2015 and effective March 30, 2015, which are hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

(C) Include credentials of the laboratory that conducted the testing.

(D) Submit policies and/or procedures for device calibration.

(E) Submit a quality control plan that includes, but is not limited to:

1. A listing of the manufacturer's management staff by full name and title, including management at the state, installation site, and service center levels;

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2. Training materials for technicians on the installation and calibration of the device;
3. Training materials for installation sites and service centers on how to explain or train drivers on the use of the device;
4. Training materials on the use of the device given to drivers;
5. Policies, procedures, and/or guidance concerning the supervision of installation sites, service centers, and technicians in the state;
6. Policies, procedures, and/or guidance that explain how the manufacturer will ensure that technicians do not have two (2) or more alcohol related enforcement contacts as defined in Section 302.525, RSMo; or, a manslaughter, involuntary manslaughter, or any type of crime or conduct involving moral turpitude that would compromise the program;
7. Policies, procedures, and/or guidance concerning disciplinary action for authorized service providers and technicians that fail to meet requirements set forth in 7 CSR 60-2.030 through 7 CSR 60-2.050 or any policies of the applicant; and,
8. A copy of the service and/or lease agreement given to drivers.

(F) Submit these materials to the Missouri Department of Transportation, Highway Safety and Traffic Division, PO Box 270, Jefferson City, MO 65102. The approval process will not continue until all information is received and is complete to the satisfaction of the Division.

(2) Testing and Evaluation.

(A) Submit three (3) devices for compliance testing by the Division or its designee. One (1) device will be installed in a vehicle at applicant's expense and tested for a period of thirty (30) days. The applicant will install the device with all anti-circumvention features activated in a vehicle provided by the state, or its designee, and programmed according to the standards and specifications found in 7 CSR 60-2.030 and capable of meeting the requirements found in 7 CSR 60-2.040 and 7 CSR 60-2.050.

(B) Submit a power source and mechanical device capable of causing the submitted device to function as in an vehicle for demonstration purposes in a laboratory setting and include all attachments reflecting the normal operating function (i.e., horn, siren, grounding, tachometer, or other vehicle "in operation" signal, etc.).

(C) Submit true and correct copies of the information retained in the memory of the ignition interlock device as well as all reported events and forms and/or service records capable of generation by the device during testing.

(3) Certification or Denial. Within thirty (30) days following completion of compliance testing and testing of reporting requirements, the Division will issue a letter of certification or certification denial. No device will be deemed approved unless applicant has received written notification of certification from the Division.

AUTHORITY: sections 302.060, 302.304, 302.309, 302.440-302.462, RSMo, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600-577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.020. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.020, effective Aug. 28, 2003. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Amended: Filed October 17, 2016. Rescinded and Readopted: Filed March 9, 2018.*

**Original authority: 577.600–577.614, see Missouri Revised Statutes and 226.130, RSMo 1939, amended 1993, 1995.*

PUBLIC COST: This proposed rulemaking will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rulemaking will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rulemaking with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.