



Rules of
Missouri Department of Transportation
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements

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

7 CSR 60-2.010 Definitions

PURPOSE: This rule defines the terms used in the breath alcohol ignition interlock device certification and operational requirements.

(1) Definitions.

(A) The following words and terms as used in 7 CSR 60-2.010 through 7 CSR 60-2.060 have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the running retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device prevents the vehicle from operating;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider (ASP)—The entity designated by the manufacturer to provide services to include, but not be limited to, installation, monitoring, maintenance, and removal of the breath alcohol ignition interlock device;

5. Bogus breath sample—Any sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BrAC)—The amount of alcohol in a given amount of breath, expressed in weight per volume (% weight/volume) based on grams of alcohol per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A breath testing device, including all parts necessary for operation, e.g. handset and camera, installed in a vehicle that prevents it from operating if breath test results show a BrAC that meets or exceeds the alcohol setpoint. The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint. However, the interlock device will not interfere with the normal operation of the vehicle while it is in use;

8. Breath—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Camera—A feature of the device that incorporates photo identification or digital images of the person who is providing the

breath test;

11. Circumvention—To bypass the correct operation of a BAIID by starting the vehicle, by any means without first providing a breath test;

12. Commission—The Missouri Highways and Transportation Commission created by article IV, section 29, Constitution of Missouri;

13. Department—The Missouri Department of Transportation created by article IV, section 29, Constitution of Missouri;

14. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver's ignition interlock use by the manufacturer;

15. Device—Breath alcohol ignition interlock device;

16. Division—The Highway Safety and Traffic Division under the department that is delegated the authority to administer the provisions of 7 CSR 60-2.010 through 7 CSR 60-2.060;

17. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

18. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

19. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

20. Global positioning system (GPS)—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

21. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BrAC is below the alcohol setpoint;

22. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by a technician;

23. ISO—International Organization for Standardization;

24. Lockout—A condition of the device which prevents a vehicle's engine from starting unless it is serviced or recalibrated;

25. Manufacturer—A person or company responsible for the design, construction, and/or production of a BAIID;

26. Mobile Service—A portable operation of an authorized service provider, whether contained within a vehicle or temporarily erected on location, which includes

all personnel and equipment necessary to conduct ignition interlock device related business and services, separately and simultaneously with its parent fixed location service centers. The mobile service center shall comply with all of the requirements provided for an authorized service provider herein;

27. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

28. Override lockout—Method of overriding a lockout condition by providing a breath sample;

29. Permanent lockout—A condition in which the device will not accept a breath test until serviced by an ASP;

30. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

31. Real-Time Reporting—The near real-time transmission of ignition interlock data between the manufacturer's server and the operator's ignition interlock while the device is in use;

32. Refusal—The failure of a driver to provide a breath sample and complete the breath test when prompted by the device;

33. Relative Within Second Degree of Consanguinity or Affinity—A spouse or domestic partner, parent, step parent, child, step child, grandparent, step grandparent, grandchild, step grandchild, brother, step brother, sister, step sister, mother-in-law, father-in-law, grandparent-in-law, grandchild-in-law, brother-in-law, or sister-in-law;

34. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the running retest;

35. Running retest—A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

36. Service lockout—A condition of the breath alcohol ignition interlock device that occurs when the operator fails to have the device serviced during a certain period of time and results in a permanent lockout condition;

37. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an



initial breath test and/or blocking, moving, or disabling the camera, if required;

38. Technician—A person trained by the authorized service provider to possess the skills necessary to install, service, calibrate, and/or remove ignition interlock devices;

39. Temporary lockout—A condition in which the device will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample within a ten (10) minute period;

40. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen (15) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) running retest refusals within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period;

D. Any attempts to circumvent or tamper with a device; or

E. When a device is not serviced on its service date.

AUTHORITY: sections 226.130, 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017.* This rule originally filed as II CSR 60-2.010. 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 60-2.010, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov. 30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. 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 March 9, 2018, effective Oct. 30, 2018.

*Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; and 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014.

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.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The manufacturer shall 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;

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 operators on the use of the device;

4. Training materials on the use of the device given to operators;

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 performs reasonable background checks to avoid technicians with 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 an inherent quality of baseness, vileness, or depravity with respect to a person's duty to another or to society in general 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 operators.

(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 a 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 226.130, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017. * This rule originally filed as II 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. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014,*

2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.

7 CSR 60-2.030 Standards and Specifications

PURPOSE: This rule clarifies the standards and specifications required for an ignition interlock device to be certified for use in Missouri.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must—

(A) General.

1. Meet or exceed 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.

2. Be manufactured or assembled by an entity which possesses an accredited ISO 9001 certification. Certification shall be applied for by January 1, 2019, and successfully obtained by July 1, 2019.

3. Have electro-chemical fuel cell sensor technology or other advanced technology approved by the department.

4. Not be affected by humidity, dust, electromagnetic interference, smoke, exhaust

fumes, food substance, or normal automobile vibration when used in accordance with device instructions.

5. Audibly or visually indicate when a 1.5 liter breath sample has been collected. The division, at its discretion, may permit the adjustment of the breath volume requirement to as low as 1.2 liter, when provided documentation from a licensed physician verifying an applicable medical condition. The physician's documentation will be submitted in a format approved by the division. Upon review, the division will notify the operator in writing of approval or denial of a lowered breath volume.

6. Permit a vehicle to be restarted without requiring an additional breath test for three (3) minutes after the ignition has been turned off or the vehicle has stalled, except when the operator has failed to take a running retest or has provided a breath sample which meets or exceeds the alcohol setpoint.

7. Have an anti-circumvention feature activated to deter bogus breath samples.

8. Display on a label the message: "WARNING! ANY PERSON TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THIS DEVICE IS GUILTY OF A CLASS A MISDEMEANOR";

(B) Information to operator.

1. Alert the operator of its readiness for a breath sample.

2. A visual pass/fail indicator of the Breath Alcohol Concentration (BrAC), or a combination audio response and visual pass/fail indicator.

3. Alert the operator of scheduled service at least seven (7) days prior to a scheduled service date.

4. Provide a warning to obtain service within seven (7) days following a missed scheduled service date or violations reset.

5. The device will permanently lockout if service is not obtained within the seven (7) day warning period;

(C) Alcohol set point to start vehicle.

1. Have an alcohol set point below twenty-five thousandths (.025) for initial breath test to start the vehicle.

2. Permit a maximum of three (3) attempts to blow a breath sample below the alcohol set point within a ten- (10-) minute period.

3. Cause a fifteen- (15-) minute temporary lockout when three (3) failed startup attempts occur within a ten- (10-) minute period.

4. Present a violations reset message when two (2) fifteen- (15-) minute temporary lockouts occur within a thirty- (30-) day period;



(D) Alcohol retest set point and running retest.

1. Provide a running retest feature.
2. Have an alcohol retest set point of twenty-five thousandths (.025).
3. Request a running retest within five (5) minutes after the start of the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;
4. Activate the vehicle's horn, or other installed alarm, until the operator shuts off the engine when a device calculates a breath sample at or above the alcohol retest set point of twenty-five thousandths (.025) or when a device records a failure to provide a running retest sample within five (5) minutes.

A. Any aftermarket alarm or siren installed in a vehicle by the Authorized Service Provider (ASP) will be installed inside the passenger compartment of the vehicle.

5. Present a violations reset message when three (3) running retest breath samples at or above the alcohol retest set point occur within a thirty- (30-) day period or when three (3) running retest refusals are recorded within a thirty- (30-) day period;

(E) Violations reset message.

1. Instruct the operator to obtain device service within seven (7) days following receipt of the message.
2. Cause the vehicle to enter a permanent lockout condition when a device is not serviced within seven (7) days;

(F) Device calibration.

1. Utilize calibration devices that are listed on the "Highway Safety Programs; Conforming Products List of Calibrating Units for Breath Alcohol Testers" established by the United States Department of Transportation, National Highway Traffic Safety Administration, 77 FR 64588-64590 as published in the *Federal Register* on October 22, 2012 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective October 22, 2012, 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.

2. Calibrate devices at least every thirty (30) days, +/- seven (7) days, or during each monitoring service.

3. Be calibrated for accuracy by using a wet bath or dry gas alcohol standard with a reference value between 0.02 and 0.050 g/dL BrAC. The solution or gas should have a certificate of analysis that is traceable to the National Institute of Standards and Technology (NIST).

4. The device calibration must be within

+/- 0.005 BrAC of the calibration standard reference value.

5. House and use wet bath simulators in environmentally stable, temperature controlled settings. Utilize wet bath simulators containing mercury-in-glass thermometers or digital thermometers and read thirty-four (34) degrees Celsius, +/- 0.2 degrees Celsius. Tubing length connecting the simulator to the interlock device will not exceed six (6) inches in length.

6. Store dry gas alcohol standard tanks in an environment where the temperature range remains between fifty and one hundred and four (50-104) degrees Fahrenheit and secured in a manner as to prevent harm to the public. The reference value will be adjusted for changes in elevation;

(G) Data storage and retention.

1. Have a sufficient internal memory to allow continuous recording and storage of all data for a minimum of thirty-seven (37) days.

2. Store data in a manner so the data will not be lost or affected by unintended data corruption, low vehicle battery voltage, loss of power supply, or disengagement or disconnection of the device.

3. Store data in a manner so that it can be printed in a report format that can be reasonably understood without reference to other information or documents.

4. Capture the date and time of: any use or attempted use of a vehicle, any act or attempt to tamper or circumvent the device, device malfunctions, running retest refusals, when a violation reset message was presented, and any device servicing.

5. Capture the date, time, and breath alcohol concentration, in grams per two hundred ten (210) liters of air, of each breath sample provided to the device.

6. Provide photo identification or digital images and global positioning data when the features are enabled as required by the court supervising authority, Department of Revenue, or Missouri statute;

(H) Photo identification or digital images when the features are enabled as required by the court supervising authority, Department of Revenue, or Missouri statute.

1. Not impede the field of vision of the operator for safe and legal operation of the vehicle;

2. Include a reference photo or digital image of the operator at installation that is included as part of their electronic record.

3. Provide a wide angle view of sufficient quality so the person providing a breath sample and his/her position in the vehicle can be clearly identified.

4. Provide a photo or digital image of sufficient quality and resolution so that the

operator can be clearly identified in all lighting conditions including, but not limited to, extreme brightness, darkness, and low light conditions.

5. Provide a photo or digital image for each successful completion of the initial breath test, successful completion of any running retest breath test, unsuccessful delivery of the initial breath test, unsuccessful delivery of any running retest breath test, any refusal to take the breath test, and for any circumvention or tampering.

6. Indicate the date, time, and BrAC reading when the photo or digital image was taken; and

(I) Real-Time Reporting.

1. Effective on and after January 1, 2019, incorporate real-time reporting capabilities on all new installations of devices that require a camera by statute or court order.

2. Effective on and after August 1, 2019, incorporate real-time reporting capabilities on all currently installed devices that require a camera by statute or court order except when the operator is within three (3) months of removal of the device unless they have received a violations reset during that time period.

3. Provide near real-time data transmission between the operator's device and the manufacturer's server while the device is in use.

4. Make available for viewing, when a violation occurs, all data, including photos or digital imaging and global positioning system coordinates, if required, on the manufacturer's website within ten (10) minutes from when the data was recorded on the device or as soon as cellular transmission will permit. This includes any last event data recorded after power off or as power is restored (e.g., skipped running retest data).

5. Make available for viewing, during normal operation without violations, all data, including photos or digital imaging and global positioning system coordinates, if required, on the manufacturer's website within twelve (12) hours from when the data was recorded on the device or as soon as cellular transmission will permit. This includes any last event data recorded after power off or as power is restored (e.g., skipped running retest data).

6. Provide the date of the last upload on the operator's web account.

7. Utilize a cell phone company as well as a cellular contract that includes roaming services or a data transmission service. In cases where there is no cellular reception or data transmission, the device will store the data and send it as soon as reception is available or restored.



AUTHORITY: sections 226.130, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017.* This rule originally filed as 11 CSR 60-2.030. 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 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov. 30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018.

*Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.

7 CSR 60-2.040 Responsibilities of Manufacturers

PURPOSE: This rule clarifies the manufacturer’s responsibilities in regard to ignition interlock devices certified for use in Missouri.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (1) A manufacturer shall—
 - (A) Carry product liability insurance with minimum liability limits of one (1) million dollars per occurrence and three (3) million

dollars aggregate total that includes coverage for defects in device design and materials as well as device manufacturing, calibration, installation, and removal;

- (B) Indemnify and hold harmless the state of Missouri and its officers, employees, and agents from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer or its authorized service providers relating to device installation, service, repair, use, or removal;

- (C) Review all data downloaded from a device for any evidence, within the designated monitoring period, of violations reset, tampering, and/or circumvention as those terms are defined in 7 CSR 60-2.010;

- (D) Provide testimony in any civil, criminal, or administrative proceeding or hearing on device manufacturing, function, testing protocol(s), and any report or information provided to the division, Department of Revenue, or court supervising authority;

- (E) Retain all information obtained as a result of each calibration or inspection for a minimum of three (3) years from the date of device removal;

- (F) Retain records of installation, calibration, downloads, service, removal, and their associated invoices for a minimum of three (3) years from the date of device removal;

- (G) Provide, upon request and at no cost, informational materials on devices to the Division of Probation and Parole, the Circuit Courts, and the Department of Revenue for distribution to operators;

- (H) Create a printed price list reflecting any and all fees related to ignition interlock services that are not covered in the lease agreement; and

- (I) Document any evidence of tampering and circumvention and notify court supervising authority.

- (2) A manufacturer shall provide to the division the following:

- (A) Proof of insurance that also includes a statement from the insurance company that thirty (30) days notice will be given to the division prior to cancellation of any insurance required under this rule;

- (B) Written notice of any modification or alteration in the components, design, or installation and operating instructions of any certified device;

- (C) Satisfactory proof that any modifications or alterations do not adversely affect the device’s ability to meet or exceed 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;

- (D) A quarterly status report for each certified device that is sent electronically and received by the division on or before the fifteenth of the month immediately following the end of the quarter, and that contains for that quarter the total number of—

- 1. Devices that were in operation, devices installed during the quarter, devices voluntarily installed during the quarter, devices removed during the quarter, devices that malfunctioned or were defective;

- 2. Breath tests conducted and breath tests resulting in a Breath Alcohol Concentration (BrAC) at or above the alcohol set point;

- 3. Attempts at device circumvention as that term is defined in 7 CSR 60-2.010;

- 4. Vehicle starts and miles driven between download and calibration appointments;

- 5. Number of devices that resulted in a service lockout during the quarter; and

- 6. The first quarter of each year shall be January 1 through March 31;

- (E) Within one (1) business day, electronic notice of any change to the list of authorized service providers for the manufacturer to include any additions, deletions, or other changes. Include the company name, location, phone number, contact name for each provider, indicate if the provider is a mobile site or fixed site, and which services are provided at each location (e.g., installation, calibration, removal);

- (F) Upon request and at no cost, provide the division or its designee, a copy of all operator files and records;

- (G) Notice of and explanation when a device has not transmitted data as outlined in 7 CSR 60-2.030 (1)(I) real-time reporting. Electronic notice will be made once the operator has been contacted or device calibration has occurred, whichever occurs first;

- (H) Upon request and at no cost, provide the division or its designee three (3) devices for periodic compliance testing once a device is certified. One (1) device will be installed in a vehicle and tested for a period of thirty (30) days. The manufacturer will install the device with all anti-circumvention features



activated in a vehicle provided by the division 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 through 7 CSR 60-2.050;

(I) Written notification if a certified device is the subject of a proposed sanction, disapproval, suspension, revocation, or cancellation of a device by another state or jurisdiction and written notice of the final decision regarding the sanction, disapproval, suspension, revocation, or cancellation by another state or jurisdiction;

(3) A manufacturer shall provide electronic notice to the Missouri Department of Revenue, in a format as determined by the director of revenue, within one (1) working day of device installation, service lockout condition, device removal, and completion of the designated monitoring period.

(4) As outlined in 7 CSR 60-2.030(1)(I) real-time reporting, a manufacturer shall provide to the court ordered supervising authority by a method and in a format as determined by the court ordered supervising authority—

(A) Notice, before the end of the next business day, with the exception of federal holidays, of any instance of operator noncompliance such as any lockout condition, circumvention, violations reset, BrAC at or above the alcohol set point, missed scheduled service date, device removal, and other instances of operator noncompliance as determined by the referring court;

(B) Reports every thirty (30) days that contain a summary of violations, the number of starts, the number of miles driven since last calibration, and all instances of tampering, circumvention, violations reset, BrAC at or above the alcohol set point, missed scheduled service date, device removal, and other instances of operator noncompliance as determined by the referring court;

(C) Provide to the court ordered supervising authority, upon request, additional reports to include, but not be limited to, records of installation, calibrations, maintenance checks, and usage records.

(5) A manufacturer shall provide to the operator—

(A) Written instructions and hands-on training on how to use and maintain the device;

(B) Written instructions on what type of vehicle malfunctions or repairs may affect the device and what to do when vehicle repairs are necessary;

(C) A twenty-four (24) hour toll-free telephone number for technical information and tow and/or road service in the event of a

device malfunction or failure.

1. A call will be answered by a device technician or returned by a device technician within thirty (30) minutes of the original call time.

2. Assistance related to the malfunction or failure of a device should be provided within two (2) hours of the original call time.

3. The device must be made functional or replaced within twenty-four (24) business hours from the original call time. In the event of a device malfunction or failure on a federal holiday, the device will be repaired or replaced on the following business day;

(D) Restoration of the vehicle to its original condition after removal of the device;

(E) Access to a separate, enclosed waiting area during device installation and removal; and

(F) Notification when the device has not transmitted data, as outlined in 7 CSR 60-2.030 (1)(I) real-time reporting, for a consecutive ten- (10-) day period.

AUTHORITY: sections 226.130, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017. This rule originally filed as 11 CSR 60-2.040. 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 60-2.040, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. 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. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.*

7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security

PURPOSE: This rule outlines security

requirements of manufacturers and authorized service providers.

(1) A manufacturer shall require and take steps to ensure that its authorized service providers—

(A) Carry garage keepers or general liability insurance coverage with minimum limits of three hundred thousand (\$300,000) dollars per occurrence and six hundred thousand (\$600,000) dollars in the aggregate to cover damage and loss to the operator's vehicle and personal property while in the authorized service providers care and/or custody;

(B) Meet all federal, state, and local government regulations for operating as a business in the state;

(C) Follow certification standards and specifications for service;

(D) Possess the appropriate skills, equipment, and facilities necessary to comply with all of the certification and operational requirements outlined in 7 CSR 60-2.030 through 7 CSR 60-2.050;

(E) Inspect all vehicles before and after device installation to determine that the mechanical and electrical parts of the vehicle affected by the device are acceptable for the installation and proper operation of the device;

(F) Take reasonable steps to prevent the operator or any other unauthorized person from obtaining access to installation materials and/or from observing the installation, monitoring, maintenance, or removal of a device;

(G) Do not install or service any device, except for testing and promotional purposes, on a vehicle owned or operated by any of its employees or relatives of its employees within the second degree of consanguinity or affinity as that phrase is defined in 7 CSR 60-2.010;

(H) Provide written and hands-on training for the operator on how to properly use, operate, and maintain the device, including instructions against improper operation and precautions when others use the device;

(I) Do not install a device on a vehicle that cannot be driven from the service center under its own power;

(J) Place all connections between a device and the vehicle under the dash or in an inconspicuous area of the vehicle and cover all exposed electrical connections between a device and the vehicle with unique and easily identifiable seal, epoxy, resin, wire, sheathing, or tape;

(K) Document vehicle mileage as displayed on the vehicle odometer when a device is installed, monitored, maintained, and/or removed;

(L) Conduct physical inspections of all



external wiring, insulation, connections, tamper seals, and sheathing when a device is serviced, maintained, and/or repaired;

(M) Check device for proper operation, tampering, and circumvention when a device is serviced, maintained, and/or repaired;

(N) Do not sell or use any type of remote code or reset feature that allows the operator to bypass a device without providing all required breath tests. An override lockout may be provided under the following conditions:

1. The override lockout must be unique to the device;

2. All requirements outlined in 7 CSR 60-2.030 through 7 CSR 60-2.050 apply;

3. The override lockout will not be valid for more than three (3) hours upon which the device will enter a permanent lockout status; and

4. Each override lockout will be uniquely recorded in the data storage system;

(O) Document each use of an override lockout on the operator's data log;

(P) Do not assist or facilitate any tampering or circumvention of a device;

(Q) Do not ship a device or other equipment to anyone other than the manufacturer, authorized service provider, or state authority;

(R) Conduct installations, calibrations, downloads, servicing, and/or removal of a device for an operator residing out-of-state are in compliance with all requirements outlined in 7 CSR 60-2.010 through 7 CSR 60-2.060;

(S) Maintain records documenting all calibrations, downloads, and any other service performed on a device, including service of a violations reset; and

(T) Do not permit an unauthorized person to view or gain access to an operator's personal or medical information, or other secured materials including, but not limited to, tamper seals, installation instructions, computer discs, and any other material used to download device data or install, service, calibrate, monitor, or remove a device.

AUTHORITY: sections 226.130, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017. This rule originally filed as 11 CSR 60-2.050. 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 60-2.050, 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. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018.

**Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.*

7 CSR 60-2.060 Device Suspension and Decertification

PURPOSE: This rule clarifies the conditions for which an ignition interlock device may be suspended or decertified.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Suspension and Decertification. If a manufacturer does not comply with the requirements of 7 CSR 60-2.030 through 7 CSR 60-2.050, then the commission is authorized to suspend and/or decertify the manufacturer's device.

(2) Circumstances warranting suspension and/or decertification include, but are not limited to:

(A) Voluntary request by the manufacturer;

(B) Termination or cancellation of liability insurance;

(C) Modification or alteration of the components, design, installation, and operation instructions in such a way that the device no longer 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;

(D) Defects in design, materials, or workmanship that appear to cause repeated device failures;

(E) Documented multiple device malfunctions and/or failures;

(F) Instances of device not meeting the standards and specifications of 7 CSR 60-2.030;

(G) Validated complaints from multiple operators concerning proper device operation;

(H) Instances of the manufacturer not meeting reporting requirements or any other requirements found in 7 CSR 60-2.030 through 7 CSR 60-2.050; and

(I) Manufacturer or its agent provides false, inaccurate, or misleading information relating to device specifications or performance.

(3) Cost. In the event of suspension or decertification, the manufacturer will be responsible for all compliance costs associated with 7 CSR 60-2.010 through 7 CSR 60-2.060 including, but not limited to:

(A) Contacting operator's regarding suspension or decertification;

(B) Removal of decertified devices from the offender's vehicle;

(C) Installation of a new device chosen by the offender on the offender's vehicle;

(D) Transfer of all operators' user records and other applicable documents to a location and in a format as directed by the division.

(4) Suspension. A suspension will last for at least ninety (90) days after the commission's final decision. During this period, the suspended device cannot be installed in a vehicle in Missouri as a new install or replacement for the same or different device. The division reserves the right to notify operators, if deemed necessary under the circumstances. If device malfunctions and/or failures were the basis for the suspension, then commission's decision may require certification testing before the suspension is lifted. A suspension will not exceed one (1) year.

(5) Decertification. A device may be decertified for reasons listed under section (2) or if corrective action on a suspended device has not been timely and satisfactorily completed.



Within thirty (30) days of a final commission decision to decertify, a manufacturer will notify operators of the decertification and will transfer all operators' user records and other applicable documents to a location and in a format as directed by the division. The division reserves the right to notify operators, if deemed necessary under the circumstances. Within thirty (30) days of a final commission decision to decertify, a manufacturer will submit its written plan explaining the process and timeline for removing the decertified devices and installing a certified device selected by the operator. All decertified devices shall be removed and replacement devices installed within one hundred twenty (120) days of a final commission decision. If a device is decertified, then it is ineligible for certification for a period of one (1) year beginning on the date the last device is removed.

(6) Notice. Notice of a suspension or decertification will be sent by certified mail to the manufacturer's representative at the address on file with the division. The notice is deemed received upon receipt or five (5) business days after mailing, whichever occurs first.

(7) Effective Date. A suspension or decertification decision takes effect seven (7) days after notice is received unless the division, in its sole discretion, determines that the device should be suspended or decertified immediately due to a risk to public safety. In that instance, the suspension or decertification takes effect once notice is received or five (5) business days after mailing, whichever occurs first.

(8) Final Decision. The division's decision becomes the final decision of the commission, unless an informal review is requested. If an informal review is requested, then the review panel's decision becomes the commission's final decision.

(9) Informal Review. Within seven (7) days following receipt of notice of a suspension or decertification, a manufacturer may submit a written request for an informal review of the division's decision. The review will be conducted by a three- (3-) person panel of department personnel, appointed by the department's Chief Engineer. A member of the review panel cannot be personnel actively involved in the division's decision. If an informal review is requested, then the manufacturer will have ten (10) business days in which to submit relevant facts, arguments in favor of its position, and supporting documentation to the panel. Information may be submitted electronically or by U.S. mail. The

panel will have ten (10) business days to review the submissions and make a decision. Pending completion of the informal review process, the suspended or decertified device cannot be installed in a vehicle as a new install or as a replacement for the same or different device.

AUTHORITY: sections 226.130, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, and sections 302.440–302.462, RSMo 2016 and RSMo Supp. 2017. This rule originally filed as 11 CSR 60-2.060. 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 60-2.060, effective Aug. 28, 2003. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018.*

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