

Wyoming Administrative Rules

Transportation, Dept. of

Motor Vehicles & Licensing

Chapter 10: Ignition Interlock Devices and Service Providers

Effective Date: 04/30/2014 to Current

Rule Type: Current Rules & Regulations

Reference Number: 045.0005.10.04302014



Wyoming Department of Transportation
Ignition Interlock Devices and Service Providers

CHAPTER 10

Section 1. **Authority and Purpose.**

These rules of practice and procedure are promulgated by authority of W.S. 31-7-401 to administer ignition interlock devices and installers as discussed in W.S. 31-7-401 through W.S. 31-7-404.

Section 2. **Definitions.**

(a) As used in these rules and regulations, the following terms, when used, have the following meanings:

(i) “Calibrate” means to test and adjust an ignition interlock device so that it accurately measures alcohol concentration.

(ii) “Certificate” means a document issued by the Department authorizing a person to install and remove ignition interlock devices and, where applicable, to train installers.

(iii) “Circumventing” means an overt, conscious attempt to use a bogus or filtered breath sample or an electronic bypass mechanism to start a vehicle, or to push start or hot wire a vehicle without taking and passing an initial breath test.

(iv) “Department” means the Wyoming Department of Transportation.

(v) “Filtered breath sample” means a breath sample filtered through a substance such as, but not limited to, silica gel, drierite, cat litter, cigarette filters, water filters, or cotton in an attempt to remove alcohol from the sample.

(vi) “Initial breath test” means a breath test required to start a vehicle to ensure that the driver’s alcohol concentration is below the maximum allowable level before a driver can start a vehicle.

(vii) “Ignition interlock service provider” means any person who installs, services, monitors, calibrates, or repairs ignition interlock devices and who must be certified by the Department to perform such work. The term will also include “manufacturer” as defined in this rule.

(viii) “Manufacturer” means a person who produces or assembles ignition interlock devices.

(ix) “Random retest” means a breath test required within randomly variable intervals while a driver is driving a vehicle to ensure that the driver’s alcohol concentration remains below the maximum allowable level.

(x) “Reference sample” means either a dry gas sample or a wet bath solution containing a known concentration of alcohol at a known temperature used to calibrate an ignition interlock device.

(xi) “Service” means to calibrate, maintain, download data from, and inspect ignition interlock devices for evidence of tampering or circumventing, and to report information to the Department.

(xii) “Service technician” means an employee of an ignition interlock service provider who is trained by a manufacturer or an ignition interlock service provider to service ignition interlock devices.

Section 3. Initial Certification for Ignition Interlock Service Providers.

(a) No person or licensee may install or remove ignition interlock devices without first having obtained a certificate from the manufacturer.

(b) A person wishing to obtain a certificate as a service provider must file an application with the Department. A person may obtain an application by contacting the Department. The application shall contain:

(i) The applicant’s name, address, and telephone number. A fax number and e-mail address should be included if available.

(ii) The name and location of the service center employing or contracting with the applicant;

(c) In reviewing applications for certification, the Department shall consider whether:

(i) The applicant is at least 18 years of age;

(ii) The applicant has been convicted of any crime substantially related to the qualifications, functions, and duties required to install or remove devices;

(A) The applicant shall not have been convicted in the last 2 years of driving under the influence of alcohol or drugs;

(B) The applicant shall not have had a driver's license suspended, revoked, cancelled, denied, or disqualified in the last 2 years for any reason; and

(iii) The applicant has been convicted for circumventing or tampering with an ignition interlock device.

(d) An ignition interlock service provider shall be valid for one year from the issue date, unless suspended or revoked for cause before that date.

Section 4. **Performance Standards for Ignition Interlock Devices.**

All ignition interlock devices must be based on alcohol-specific fuel cell sensor technology and must meet the most current National Highway Traffic Safety Administration specifications as published in the *Federal Register*.

Section 5. **Standards for Detecting Breath Alcohol Concentration.**

(a) For an initial breath test, an ignition interlock device shall:

(i) Indicate by audible or visual means when a sufficient sample of breath has been collected.

(ii) Indicate the results of the breath test by using *pass* and *fail* signals and not by displaying a numerical alcohol concentration level.

(iii) Prevent a driver from starting a vehicle when:

(A) It detects an alcohol concentration of 0.025 or more grams of alcohol per 210 liters of breath.

(B) A driver fails to appear for a scheduled or violation service visit within the 5-day warning period.

(iv) Require a driver to wait 5 minutes before attempting to start the vehicle a second or third time if the driver's alcohol concentration on the initial breath test exceeded 0.025 grams per 210 liters of breath.

(v) Require a driver to wait 30 minutes before attempting to start the vehicle a fourth or subsequent time if the driver's alcohol concentration on the second breath test exceeded 0.025 grams per 210 liters of breath.

(vi) Allow a driver to start the vehicle for 3 minutes after successful completing an initial breath test.

(b) An ignition interlock device shall require random retests.

(i) The device shall require the driver to take a random retest within a randomly variable interval ranging from 3 to 10 minutes after a driver has passed an initial breath test and started the vehicle.

(ii) The device shall use an audible or visual warning to alert the driver that a random retest is required, and the driver shall have 5 minutes to take the random retest.

(iii) If a driver fails to take a random retest within 5 minutes of the warning, or if the device detects an alcohol concentration of 0.025 or more grams of alcohol per 210 liters of breath, the horn shall sound repeatedly or lights flash repeatedly until the vehicle is turned off. The device shall not allow the driver to restart the vehicle within 5 minutes after the ignition has been turned off without taking an initial breath test.

(iv) For the duration of travel, the device shall require additional random retests at random intervals ranging from 30 to 60 minutes after the previous test.

(v) If the vehicle is intentionally turned off or accidentally stalls after or during the warning of an impending random retest, but before the driver takes the random retest, the driver shall not be able to start the vehicle without taking an initial breath test.

Section 6. Data Recording Requirements for Ignition Interlock Devices.

(a) An ignition interlock device shall record the following driving events:

(i) All attempts to circumvent the device;

(ii) All attempts to tamper with the device;

(iii) All attempts to start the vehicle without first taking an initial breath test;

(iv) All attempts to continue driving the vehicle without taking a random retest;

(v) The date, time, alcohol concentration of the driver, and success or failure of each attempt to start the vehicle;

(vi) The date, time, alcohol concentration of the driver, and success or failure of each random retest;

(vii) The total number of events recorded by the data recorder since the last service visit; and

(viii) The number of vehicle starts.

(b) An ignition interlock device data recorder shall be incorporated into a module that cannot be detached and shall have a backup system to protect the security of all recorded data if the power supply to the device is interrupted or the sample head is disengaged or disconnected.

Section 7. Recertification of Ignition Interlock Service Providers.

(a) A service provider must file an application for renewal of his or her certificate with the Department within 30 days from the expiration date on the certificate.

(b) A person may obtain an application for renewal by contacting the Department.

(c) The Department shall renew the certificate of an ignition interlock service provider for a period of one year if the service provider:

(i) Has filed the required documents;

(ii) Meets the standards specified in preceding Section 3, Subsection (c) of these rules.

(d) The Department shall not renew the certificate of any service provider who:

(i) Fails to file the required documents; or

(ii) Fails to meet the standards specified in preceding Section 3, Subsection (c) of these rules.

Section 8. Installation of Ignition Interlock Devices.

(a) An ignition interlock service provider shall:

(i) Ensure that no driver or other unauthorized person witnesses the installation or removal of an ignition interlock device.

(ii) Inspect all vehicles before installation to determine that mechanical and electrical parts of the vehicle affected by an ignition interlock device are in acceptable condition and not install a device unless and until the vehicle is in acceptable condition.

(iii) Follow a manufacturer's written instructions for installing, servicing, and removing its ignition interlock devices.

(iv) Install the following physical anti-tampering measures:

(A) Use solder or equivalent (hard wire) on all connections between an ignition interlock device and a vehicle.

(B) Place all connections between a device and a vehicle under the dash or in an inconspicuous area of the vehicle.

(C) Cover with a unique and easily identifiable seal, epoxy, resin, wire, sheathing, or tape:

(I) Any portion of an ignition interlock device that can be disconnected;

(II) All wires used to install the device that are not inside a secured enclosure; and

(III) All exposed electrical connections.

(D) Mark points likely to be accessed when attempting to tamper with the device, such as battery post terminals, the wire to the starter solenoid, the wire to the ignition, dash screws, and so forth with a special mark, seal, paint, epoxy, resin, or other material unless the device is capable of recording such attempts to tamper with it.

(b) An ignition interlock service provider shall calibrate each device at a calibration set point of 0.03 using the known concentration of an approved reference sample before the device is installed in a vehicle.

Section 9. Servicing of Ignition Interlock Devices.

(a) An ignition interlock service provider shall:

(i) Service a device within 30 days after the initial installation and thereafter as recommended by the manufacturer, but not to exceed 60 days.

(ii) Ensure that another device is substituted whenever an installer removes a device for any reason.

(iii) Calibrate every installed device at least every 60 days.

(b) At each service visit, the ignition interlock service provider shall:

(i) Perform a calibration confirmation test to verify that the device measures an approved reference sample within plus or minus 0.005 grams per 210 liters of the known concentration of the reference sample.

(A) If the result of the calibration confirmation test is not within plus or minus 0.005 grams per 210 liters of the known concentration of the approved reference sample, the service center operator shall recalibrate the device.

(B) If the device fails the calibration confirmation test after being recalibrated, the service center operator shall ensure that a new device is installed.

(ii) Check that the device will permit a driver to restart a vehicle within 5 minutes without taking another breath test after the vehicle has stalled or been turned off.

(iii) Check the device for evidence of tampering and circumvention. An ignition interlock service provider shall document and photograph any perforations, cuts, or other evidence of possible tampering.

Section 10. **Record Keeping and Reporting Requirements.**

(a) A manufacturer shall maintain for 3 years and make available to the Department upon request:

(i) Records on every driver, including the results of every service visit;

(ii) Service, calibration, repair, and replacement records on each device installed; and

(iii) Records of all complaints received and corrective actions taken by the ignition interlock service provider. The report shall be categorized by:

(A) Customer error or operation.

(B) Faulty automotive equipment.

(C) Apparent misuse or attempt to tamper with or circumvent the device.

(D) Device failure.

(b) Within 5 business days of a service visit, a manufacturer shall report, in a format prescribed by the Department:

(i) Any evidence of circumventing, removing, or tampering with the device.

(ii) Any failure to appear for a service visit within the 5-day warning period.

(iii) The failure of any initial breath tests within a 3-hour period.

(iv) The failure of 6 random retests in any 30-day period.

(c) A manufacturer shall submit to the Department statistical data regarding driver and equipment performance every 30 days or at other times upon request.

Section 11. **Removal of Ignition Interlock Devices.**

(a) An ignition interlock service provider shall remove an ignition interlock device, permanently reconnect all severed wires and insulate them with heat shrink or equivalent, and otherwise return a vehicle to normal operating condition:

(i) For devices installed pursuant to W.S. 31-7-401 through W.S. 31-7-404:

(A) Upon expiration of the term specified in W.S. 31-7-402; or

(B) Upon lawful order of the court or Department.

(ii) When the driver's ignition interlock license has been suspended pursuant to W.S. 31-7-403.

(b) An ignition interlock service provider shall notify the appropriate authorities and may petition the Department for authorization to remove an ignition interlock device if any of the following occur:

(i) The vehicle in which the device is installed is sold, stolen, damaged beyond repair, repossessed, permanently moved out of the ignition interlock service provider's territory, or impounded.

(ii) The driver is deceased.

(iii) The sentenced driver fails or refuses to pay fees for so long that the device will not function until it is serviced.

(iv) If a driver refuses to continue to use an ignition interlock device and demands that it be removed, an ignition interlock provider may remove the device, but shall immediately notify the Department of the removal.

Section 12. Responsibilities of the Department.

(a) The Department shall establish and maintain a list of ignition interlock devices approved for use in Wyoming by manufacturer and model or class.

(b) The Department or its designee shall have the right to periodically evaluate:

(i) The technical competency and reliability of ignition interlock service providers;

(ii) Service centers and service technicians for ignition interlock service providers; and

(iii) The installation, servicing, and removal of ignition interlock devices.

Section 13. Suspension or Revocation of Approval for an Ignition Interlock Device.

(a) The Department may suspend or revoke its approval of an ignition interlock device if:

(i) The Department has evidence of repeated device failure because of gross defects in design, materials, or manufacture.

(ii) The manufacturer requests the Department to remove a device from the list of approved devices.

(iii) The Department finds that the device does not meet the requirements of this rule.

(iv) The Department has reasonable cause to believe the device was inaccurately represented to meet the requirements of this rule.

(b) The suspension or revocation shall be effective 30 days after notice is sent to the manufacturer or ignition interlock service provider via certified mail, return receipt requested, except in cases in which the Department determines immediate suspension or revocation is necessary for the safety and welfare of the citizens of Wyoming.

(c) A manufacturer or ignition interlock service provider may request a review of a suspension or revocation. This request shall be submitted to the Department in writing within 30 days of the suspension or revocation.

(d) Upon suspension, revocation, or voluntary surrender of an approval, a manufacturer or ignition interlock service provider shall notify all of its retailers in Wyoming that they shall:

(i) Not install that model or class of device in any driver's vehicle after the effective date of the suspension, revocation, or voluntary surrender; and

(ii) Shall remove all such devices from drivers' vehicles. A manufacturer shall be responsible for all costs connected with removing such devices and installing new devices from the Department's list of approved devices.

Section 14. Suspension or Revocation of an Ignition Interlock Service Provider's Certificate.

(a) The Department may suspend or revoke the certificate of a service provider if:

(i) The Department finds that the ignition interlock service provider has not complied with the requirements of this rule.

(ii) The ignition interlock service provider has been convicted of:

(A) Circumventing or tampering with an ignition interlock device;

or

(B) Any other crime substantially related to installing, servicing, and removing devices.

(C) Any of the crimes listed under Section 3(c)(ii) of these rules and regulations.

(b) The suspension or revocation shall be effective 30 days after notice is sent to the ignition interlock service provider via certified mail, return receipt requested, except in cases where the Department determines immediate suspension or revocation is necessary for the safety and welfare of the citizens of Wyoming.

(c) An ignition interlock service provider may request a review of suspension or revocation. This request shall be submitted to the Department, in writing, within 30 days of the suspension or revocation.

(d) Upon suspension or revocation, an ignition interlock service provider shall notify:

(i) The manufacturers of the models or classes of devices the ignition interlock service provider has been providing; and

(ii) The drivers of vehicles for whom the ignition interlock service provider has provided a device.