

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

PROPOSED AMENDMENT

7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security. The Missouri Highways and Transportation Commission is amending the division title and subsections (1)(B), (1)(N), and (1)(O).

PURPOSE: This amendment adds language and specific requirements regarding the addition of the mechanical override code, including duration of the code and proof of service.

(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 **law and** 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;

RECEIVED

By JCAR at 1:34 pm, May 06, 2022

(N) Do not sell or **allow the use of** any type of remote code or reset feature that allows the operator to bypass a device without providing all required breath tests[. An/], **except that an override lockout code or mechanical override code (bypass) may be [provided] sold or allowed** under the following conditions:

1. The override lockout **code or mechanical override code** 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 **code** will not be valid for more than three (3) hours upon which the device will enter a permanent lockout status. **The mechanical override code will be valid for a maximum of twelve (12) hours upon which the device will enter a Violation Reset status. Additional unique mechanical override codes may be utilized in the event the mechanical service exceeds twelve (12) hours;** and
4. Each override lockout **code or mechanical override code** will be uniquely recorded in the data storage system.

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

1. Proof of vehicle mechanical service in the form of a mechanic's affidavit shall be submitted to the manufacturer and attached to the operator's electronic file for validation if a mechanical override code is utilized.

(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: section[s] 226.130, RSMo 1995, section 302.060, RSMo 2018, sections 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 201[6]7, 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. Amended: Filed May 6, 2022.*

**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.

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

PRIVATE COST: This proposed amendment 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 amendment with the Missouri Highways and Transportation Commission, 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.*