

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 60-2.020 Approval Procedure. The Missouri Highways and Transportation Commission is amending the division title and adding a new subsection (3)(A).

PURPOSE: This amendment adds a provision to allow a breath alcohol ignition interlock manufacturer whose device is not currently approved in the State of Missouri to submit such device for approval by the division no more than two (2) times a year and the manufacturer must wait six (6) months from the date of the second written denial before submitting an additional device for approval.

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.

(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.

(A) A manufacturer not currently approved in the State of Missouri may submit a breath alcohol ignition interlock device for division or designee for testing and approval a maximum of two (2) occurrences in a calendar year. Upon the manufacturer receiving a second letter of certification denial, the manufacturer shall be required to wait six (6) months from the date on the second denial letter before the manufacturer may submit an additional device for approval.

AUTHORITY: section[s] 226.130, RSMo 1995, 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 60-2.020. 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. 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,*

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By JCAR at 1:30 pm, May 06, 2022

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.*