

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 60-2.060 Device Suspension and Decertification. The Missouri Highways and Transportation Commission is amending the division title, sections (1), (4), and (9), and subsections (3)(A) through (3)(C).

PURPOSE: This amendment updates the division title.

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]* **division** is authorized to suspend and/or decertify the manufacturer's device.

(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]***operators** regarding **the manufacturer's** suspension or decertification;

(B) Removal of decertified devices from the *[offender's]***operator's** vehicle;

(C) Installation of a new device chosen by the *[offender]***operator** on the *[offender's]***operator'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 **the** commission's decision may require certification testing before the suspension is lifted. A suspension will not exceed one (1) year.

(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 **Deputy Director/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

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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: section[s] 226.130, **RSMo 1995**, 302.060, **RSMo 2018**, 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 60-2.060. 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. 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.*