

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-03-06
RULES OF IGNITION INTERLOCK DEVICE PROGRAM**

TABLE OF CONTENTS

1340-03-06-.01	Purpose and Scope	1340-03-06-.10	Monitoring Requirements
1340-03-06-.02	Definitions	1340-03-06-.11	Repair or Replacement of Ignition Interlock Device
1340-03-06-.03	Application Procedures		
1340-03-06-.04	General Requirements	1340-03-06-.12	Program Status Report
1340-03-06-.05	Approved Ignition Interlock Device Requirements	1340-03-06-.13	Fees
1340-03-06-.06	Ignition Interlock Installer – Owner/Personnel Requirements	1340-03-06-.14	Financial Responsibility Requirements
		1340-03-06-.15	Liability
1340-03-06-.07	Ignition Interlock Installation Requirements	1340-03-06-.16	Audits and Inspections
1340-03-06-.08	Orientation of Program Participant	1340-03-06-.17	Suspension, Revocation or Denial of Certification
1340-03-06-.09	Proof of Installation of Ignition Interlock Devices	1340-03-06-.18	Administrative Hearings

1340-03-06-.01 PURPOSE AND SCOPE.

To establish uniform, statewide, minimum standards for ignition interlock devices and for the certification of ignition interlock device installers and the approval of such installers pursuant to T.C.A. § 55-10-412.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.02 DEFINITIONS.

- (1) Approved Ignition Interlock Device Installer means an individual or business which has been approved and certified by the Department as meeting all of the minimum requirements set forth in these rules.
- (2) Commissioner means the commissioner of the Tennessee Department of Safety.
- (3) Department means the Tennessee Department of Safety.
- (4) Ignition Interlock Device means a device which connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if a driver's blood alcohol level exceeds the calibrated setting on the device.
- (5) Ignition Interlock Device Provider means a person or company engaged in the business of manufacturing, selling, leasing, servicing and/or monitoring ignition interlock devices.
- (6) Ignition Interlock Device Installer means a person or company, affiliated with an Ignition Interlock Device Provider and engaged in the installation, monitoring, maintaining, and removal of ignition interlock devices.
- (7) Ignition Interlock Device Installer Certificate means a certificate provided by the Department, once the Department is satisfied that the Ignition Interlock Device Installer complies with all of the minimum requirements set forth in this rule.
- (8) Ignition Interlock Program means the Department of Safety's system of regulating ignition interlock devices, installers, and providers.

(Rule 1340-03-06-.02, continued)

- (9) Ignition Interlock Program Participant means an individual who has been ordered by a court, pursuant to the provisions of T.C.A. § 55-10-412, to operate a motor vehicle which has been equipped with a functioning ignition interlock device.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.03 APPLICATION PROCEDURES.

- (1) Any individual or business shall make application to be an approved and certified Ignition Interlock Device Installer using forms supplied by the Department.
- (a) The application shall be completed in full and shall include the following:
1. Name and physical address of individual or business applying to be an Approved Ignition Interlock Device Installer;
 2. The physical addresses of planned installation locations in Tennessee;
 3. A list of the names of the persons who will be installing, servicing or removing the ignition interlock devices;
 4. Three (3) or more business references;
 5. Information pertaining to the business' or individual's experience in providing the services of installing, servicing and removing ignition interlock devices in other jurisdictions.
 6. A statewide criminal history background check performed through the Tennessee Bureau of Investigation (TBI);
 7. A copy of the current fee schedule for installation, monitoring, servicing, leasing, maintaining, and removal of devices; and
 8. The name and address of the Ignition Interlock Device Provider that the applicant intends to be affiliated with (installing that provider's device).
- (2) Upon receipt of the application, the Department will process the application and conduct an on-site inspection; and
- (3) The applicant will be notified by U.S. mail of the approval or denial of the application. If the application is approved, the applicant shall receive the Ignition Interlock Installer Certificate, which shall be valid for one (1) year. If the application is denied, the applicant will be informed of the reason.
- (4) An entity desiring to become an approved installer must apply separately for each Ignition Interlock Device Provider that they intend to be affiliated with, including submission of an application and all required information under (1)(a).

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.04 GENERAL REQUIREMENTS.

- (1) The rules, regulations and requirements established herein are minimums, and may be exceeded by the Approved Ignition Interlock Device Installer and Provider.
- (2) The Approved Ignition Interlock Device Installer and Provider shall comply with all administrative rules and regulations that the Department may promulgate concerning the Ignition Interlock Program.
- (3) An Approved Ignition Interlock Device Installer and Provider shall have the ability to carry out the requirements as stated in this rule.
- (4) An Approved Ignition Interlock Device Installer shall provide and maintain a service center within the geographical boundaries of the state of Tennessee, which is easily accessible and open during normal business hours.
- (5) An Approved Ignition Interlock Device Installer shall comply with all minimum requirements for installation and any other state and federal laws applicable to ignition interlock devices or providers.
- (6) In order to continue as an Approved Ignition Interlock Device Installer, the Ignition Interlock Device Provider shall submit to the Department an application to renew the installer's certification and criminal history background checks on all installers sixty (60) days before the expiration of its certificate. The Department shall notify the Ignition Interlock Device Installer and Provider of its decision before the expiration date of the current certificate. If re-approved, the Approved Ignition Interlock Installer and Provider shall receive a certificate valid for one (1) year. If re-certification is denied, the Department will make a written finding of the reason for denial. The Ignition Interlock Provider shall have ten (10) days from the date of notification to correct any deficiencies and notify the Department in writing of such correction. The Ignition Interlock Provider may also request a hearing pursuant to Rule 1340-03-06-.18.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.05 APPROVED IGNITION INTERLOCK DEVICE REQUIREMENTS.

- (1) Only ignition interlock devices that are alcohol specific fuel cell devices may be used. These must be capable of recording, through a reliable electronic information system, all reports required in these rules. It is mandatory that all devices meet or exceed the manufacturing standards established by the National Highway Traffic Safety Administration (NHTSA) in the Federal Register/Vol. 57, No. 67/ Tuesday, April 7, 1992. Adherence to these standards must be verified by a laboratory which subscribes to the quality code of the International Standards Organization of the American National Standards Institute – or another commensurate laboratory approved by the Department.
- (2) A breath alcohol content (BAC) of .02 or greater shall prevent the vehicle from starting and constitutes a failure for retests.
- (3) All installed devices must cause the vehicle's horn to blow and the lights to flash upon a violation of a rolling retest, and stopping only upon the ignition being turned off or a passed retest.
- (4) A violation will be recorded for any of the following reasons:

(Rule 1340-03-06-.05, continued)

- (a) The engine is started without passing a breath test or while in a lockout state;
 - (b) The user fails or refuses to take a rolling retest;
 - (c) The user delivers a breath sample at or above the violation level of .02; and
 - (d) The user tampers with the device.
- (5) Once five (5) violations have occurred, the user must return for service within seventy-two (72) hours or the device will lock out and prevent the vehicle from starting.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.06 IGNITION INTERLOCK INSTALLER – OWNER/PERSONNEL REQUIREMENTS.

- (1) Owner(s) of an Approved Ignition Interlock Device Installer business shall not be an employee of the Department, shall have no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency, shall have and maintain a valid driver license and shall comply with all administrative rules and regulations that the Department may promulgate concerning the Ignition Interlock Program.
- (2) Personnel who work for an Approved Ignition Interlock Device Installer business shall not be an employee of the Department, shall have no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency, shall have and maintain a valid driver license, and shall comply with all administrative rules and regulations that the Department may promulgate concerning the Ignition Interlock Program. The applicant must not have been convicted of the offense of driving under the influence of an intoxicant in this or any other state two or more times within ten (10) years from the date of the application, and that none of such convictions must have occurred within five years from the date of application or renewal.
- (3) Falsification of any applications submitted by an Installer or Provider shall be sufficient grounds for denial of the application and suspension of all Ignition Interlock Device Installer certificates issued to the same Ignition Interlock Device Installer company.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.07 IGNITION INTERLOCK INSTALLATION REQUIREMENTS.

- (1) An ignition interlock device shall be installed, serviced and removed in all makes and models of motor vehicles only by personnel who have been certified by the manufacturer of the ignition interlock device in the installation, servicing and removal of such device. The Ignition Interlock Device Provider shall train all personnel in a timely manner to ensure the proper installation, servicing and removal of the device. The certified personnel shall only install, service or remove the approved ignition interlock devices at fixed facilities that have been inspected and approved by the Department.
- (2) Under no circumstances will the Ignition Interlock Program Participant be allowed to watch the installation of the ignition interlock device. Adequate security measures shall be taken to ensure that areas where installations of ignition interlock devices occur shall not be visible to participants. Participants shall be confined to enclosed areas within the facility.

(Rule 1340-03-06-.07, continued)

- (3) A reference and problem-solving guide, developed by the Approved Ignition Interlock Device Provider, shall be given to the Ignition Interlock Program Participant at the time of the installation. This guide shall include information on the correct operation of the ignition interlock device, location of service centers, service and procedures, emergency procedures, and how the ignition interlock device can detect non-compliance with the Ignition Interlock Program Participant's court order and device requirements.
- (4) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to materials such as tamper seals, installation instructions, and files of other Ignition Interlock Program Participants.
- (5) The Approved Ignition Interlock Device Installer shall follow all written instructions from the manufacturer of the ignition interlock device for device installation and removal.
- (6) The Approved Ignition Interlock Device Installer will furnish hours of operation and a twenty-four (24) hour phone number to all Ignition Interlock Program Participants for use in the event of emergencies with the ignition interlock device.
- (7) The Approved Ignition Interlock Device Installer is required to inspect all vehicles prior to installation and determine if the vehicle is in acceptable mechanical and electrical condition. For reasons of safety, no ignition interlock device will be installed until and unless the vehicle is capable of supporting such installation. The Approved Interlock Ignition Device Installer and Provider shall maintain a log of such inspections and use the vehicle's inspection in the removal process.
- (8) Installations shall be executed in a professional manner, according to accepted trade standards and the manufacturer's instructions.
- (9) Removal of ignition interlock devices shall be carried out so that the ignition may be operated, reasonable wear and tear excepted, in the same manner as before installation of the ignition interlock device. All severed wires will be permanently soldered and insulated with heat-shrink-wrap or its equivalent.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.08 ORIENTATION OF PROGRAM PARTICIPANT.

- (1) The Approved Ignition Interlock Device Installer shall conduct an orientation on the correct use of the ignition interlock device for the Ignition Interlock Program Participant and for any family member or friend who may drive the vehicle. Ignition Interlock Program Participants will be informed of the need to ensure that all vehicle users are adequately trained which may require a subsequent visit.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.09 PROOF OF INSTALLATION OF IGNITION INTERLOCK DEVICES.

- (1) Within two (2) working days of installation of the ignition interlock device, the Ignition Interlock Device Provider shall complete the appropriate form as designated by the Department, and submit it to the Department as proof of installation by mail, electronic transmission or facsimile. This notice shall include:
 - (a) Name, address and telephone number of the Ignition Interlock Program Participant;

(Rule 1340-03-06-.09, continued)

- (b) Owner, make, model, year, Vehicle Identification Number (VIN), license plate number, and insurance information of the vehicle to which the interlock ignition device is installed;
 - (c) Serial number of the ignition interlock device installed; and
 - (d) Length of ignition interlock device term, date of monitoring checks, and payment schedule.
- (2) When an Ignition Interlock Program Participant arrives at the installation location after having been ordered to install an ignition interlock device on their vehicle, the installer or provider shall inspect the restricted license order and ascertain the reason that the device is required. This information **MUST** be included on the installation report that is sent to the Department.
- (3) If the restricted license order does not contain this information, the customer shall be refused service by the installer and told to return to the court of jurisdiction to have the form completed properly. This shall ensure that the data can be properly acquired.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.10 MONITORING REQUIREMENTS.

- (1) Servicing, inspection, and monitoring of each ignition interlock device shall occur thirty (30) days after the initial installation and at least every thirty (30) days thereafter. The Ignition Interlock Provider shall maintain records on every Ignition Interlock Program Participant, including the results of every monitoring check. Violations or evidence of non-compliance and the reasons for such will be reported to the Department by mail, electronic transmission or facsimile within forty-eight (48) hours of detection.
- (2) Within two (2) working days of performing a monitoring check, the Ignition Interlock Device Provider shall send to the Department by mail, electronic transmission or facsimile, the following:
- (a) Name of Ignition Interlock Program Participant whose device was monitored;
 - (b) Number of miles driven during the monitoring period;
 - (c) Charges for monitoring visit;
 - (d) Date of next scheduled monitoring visit;
 - (e) Any type of repair work performed on the ignition interlock device and probable cause for its need; and
 - (f) Any areas of discussion with the Ignition Interlock Program Participant concerning problems or questions with the device or the status of the Participant.
- (3) Within two (2) working days of performing a monitoring check, the Ignition Interlock Device Provider shall report to the Department by mail, electronic transmission or facsimile any evidence of:
- (a) Altering, tampering with, bypassing, or removal of the ignition interlock device;
 - (b) Failure to abide by the terms and conditions of the court order or lease agreement, including failure to appear for a monitoring visit;

(Rule 1340-03-06-.10, continued)

- (c) Lockouts or violations and reasons for such;
- (d) Indications of non-compliance, such as failure to take a random or time test; and/or
- (e) Data indicating that the Ignition Interlock Program Participant has attempted to start the vehicle while under the influence of alcohol.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.11 REPAIR OR REPLACEMENT OF IGNITION INTERLOCK DEVICE.

- (1) The Approved Ignition Interlock Installer or Provider shall respond to all service inquiries by phone within one (1) hour of initial contact, during normal business hours. Repair or replacement of an ignition interlock device shall be conducted within forty-eight (48) hours of initial contact. The Ignition Interlock Device Provider shall notify the Department of any changes in the ignition interlock device (i.e., Serial #, Type, etc.) by facsimile or electronic transmission within forty-eight (48) hours.
- (2) The Approved Ignition Interlock Device Installer or Provider shall be available to answer questions and to troubleshoot any mechanical problems relating to the ignition interlock device in the vehicle, or to repair/replace an inoperable or malfunctioning ignition interlock device during normal business hours.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.12 PROGRAM STATUS REPORT.

- (1) At the half-way point at which the ignition interlock device is installed in the Ignition Interlock Program Participant's vehicle, the Ignition Interlock Device Provider shall submit a status report to the Department's Research, Planning, and Development Section by mail, electronic transmission or facsimile, which summarizes all problems related to the monitoring and servicing of the ignition interlock device, as well as any written complaints received concerning the ignition interlock device or the Ignition Interlock Device Provider. The reports shall include the following categories:
 - (a) Ignition Interlock Program Participant error in operation and reasons for such;
 - (b) Faulty automotive equipment;
 - (c) Apparent misuse or attempts to circumvent the ignition interlock device, which did or did not cause damage, and the reasons for such; and
 - (d) Ignition interlock device failure due to material defect, design defect, and/or workmanship errors in construction, installation, or calibration.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.13 FEES.

- (1) The fees for leasing or buying, monitoring, servicing, installation and removal of the ignition interlock device shall be at a reasonable rate.

(Rule 1340-03-06-.13, continued)

- (2) The fee for installation of ignition interlock devices shall not exceed \$150.00.
- (3) Approved Ignition Interlock Installers shall charge reasonable and customary fees, not to exceed a total of \$100 per month for leasing, monitoring, and maintaining devices.
- (4) Approved Ignition Interlock Installers shall charge reasonable and customary fees, not to exceed a total of \$75 for the removal of devices.
- (5) The above fee rates shall be posted in a conspicuous place at the Approved Ignition Interlock Installer's office. The Approved Installer shall file a copy of the installation company's current fee schedule with the Department.

Authority: T.C.A. §§ 4-3-2009, 55-10-412 and 55-10-423. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.14 FINANCIAL RESPONSIBILITY REQUIREMENTS.

- (1) The Ignition Interlock Device Provider shall maintain comprehensive general liability insurance in the amount of at least \$1,000,000.00 per occurrence with a \$3,000,000.00 aggregate total liability that shall cover defects or problems in or with product design and materials, workmanship during manufacture, calibration, installation and removal, and use thereof. Such policies shall provide the Department with a forty-five (45) day prior written notice of cancellation, material change, or intent to lapse.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.15 LIABILITY.

- (1) The Approved Ignition Interlock Device Installer and Provider shall protect, save and hold harmless the State, all State Departments, Agencies, Boards and Commissions, as well as all Officials, Employees, Agents and Servants of the State of Tennessee (all in their official and individual capacities, both current and former), from any and all claims, demands, expenses, and liability arising out of an omission by the Approved Ignition Interlock Device Installer or Provider in the performance of its duties set forth in the law or these rules.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.16 AUDITS AND INSPECTIONS.

- (1) Approved Ignition Interlock Device Installers shall be subject to unannounced reviews and inspections of all records and subject to suspension or revocation if sufficient cause exists as determined by the Department that the Approved Ignition Interlock Device Installer does not meet the requirements of any applicable law or these rules.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.17 SUSPENSION, REVOCATION OR DENIAL OF CERTIFICATION.

- (1) Failure to comply with any requirements set forth in the law or these rules may result in the denial, suspension or revocation of the Ignition Interlock Device Installer Certification. Other reasons for denial, suspension or revocation may include, but are not limited to the following:
 - (a) Non-compliance with any of the minimum requirements stated in this rule;

(Rule 1340-03-06-.17, continued)

- (b) Providing false or inaccurate information to the Department;
- (c) Assisting in or providing information that will enable the Ignition Interlock Program Participant to circumvent or tamper with the ignition interlock device; or
- (d) Voluntarily request that such action be taken.
- (e) Installing devices other than those supplied by the Provider referenced on the approved application.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.

1340-03-06-.18 ADMINISTRATIVE HEARINGS.

- (1) An Approved Ignition Interlock Device Installer or Provider may request in writing an administrative hearing within ten (10) days of written notification of any proposed denial, suspension or revocation. Such hearing shall be held in accordance with the Uniform Administrative Procedures Act.

Authority: T.C.A. §§ 4-3-2009 and 55-10-412. **Administrative History:** Original rule filed December 17, 2012; effective May 31, 2013.