

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY
DRIVER CONTROL DIVISION**

**CHAPTER 1340-1-14
RULES OF IGNITION INTERLOCK DEVICE PROGRAM**

TABLE OF CONTENTS

1340-1-14-.01	Purpose and Scope	1340-1-14-.10	Monitoring Requirements
1340-1-14-.02	Definitions	1340-1-14-.11	Repair or Replacement of Ignition Interlock Devices
1340-1-14-.03	Application Procedures	1340-1-14-.12	Program Status Report
1340-1-14-.04	General Requirements	1340-1-14-.13	Fees
1340-1-14-.05	Approved Ignition Interlock Device Requirements	1340-1-14-.14	Financial Responsibility Requirements
1340-1-14-.06	Ignition Interlock Provider Owner/Personnel Requirements	1340-1-14-.15	Liability
1340-1-14-.07	Ignition Interlock Installation Requirements	1340-1-14-.16	Audits and Inspections
1340-1-14-.08	Provider Orientation of Program Participant	1340-1-14-.17	Suspension, Revocation or Denial of Certification
1340-1-14-.09	Proof of Installation of Ignition Interlock Devices	1340-1-14-.18	Administrative Hearings

1340-1-14-.01 PURPOSE AND SCOPE.

To establish uniform, statewide, minimum standards for ignition interlock devices and for the certification of ignition interlock device providers and the approval of such providers pursuant to T.C.A. §55-10-412(e)(5).

Authority: T.C.A. §§4-3-2009 and 55-10-412. *Administrative History:* Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.02 DEFINITIONS.

- (1) Approved Ignition Interlock Device Provider 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 selling, leasing, servicing and/or monitoring ignition interlock devices.
- (6) Ignition Interlock Device Provider Certificate means a certificate provided by the Department, once the Department is satisfied that the Ignition Interlock Device Provider complies with all of the minimum requirements set forth in this rule.
- (7) Ignition Interlock Program means the Department of Safety's system of regulating ignition interlock devices and providers.

(Rule 1340-1-14-.02, continued)

- (8) 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 November 8, 2004; effective March 30, 2005.

1340-1-14.03 IGNITION INTERLOCK DEVICE PROVIDER APPLICATION PROCEDURES.

- (1) Any individual or corporation shall make application on forms supplied by the Department.
- (a) The application shall be completed in full and shall include the following:
1. Name and address of individual or business applying to be an Approved Ignition Interlock Provider. The addresses of planned locations in Tennessee.
 2. A list of the names of the persons who will be installing, servicing or uninstalling the ignition interlock devices;
 3. Three (3) or more business references; and
 4. Information pertaining to the business' or individual's experience in providing the services of installing, servicing and uninstalling ignition interlock devices in other jurisdictions.
- (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 Provider Certificate, which shall be valid for one (1) year. If the application is denied, the applicant will be informed of the reason.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14.04 GENERAL REQUIREMENTS.

- (1) The rules, regulations and requirements established herein are minimums, and may be exceeded by the Approved Ignition Interlock Device Provider.
- (2) The Approved Ignition Interlock Device 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 Provider shall have the ability to carry out the requirements as stated in this rule.
- (4) An Approved Ignition Interlock Device Provider shall provide and maintain a service center, which is easily accessible and open during normal business hours.
- (5) An Approved Ignition Interlock Device Provider shall comply with all minimum requirements for installation and any other state and federal laws applicable to ignition interlock devices or providers.

(Rule 1340-1-14-.04, continued)

- (6) In order to continue as an Approved Ignition Interlock Provider, the Approved Ignition Interlock Device Provider shall submit to the Department an application to renew its certification sixty (60) days before the expiration of its certificate. The Department shall notify the Approved Ignition Interlock Device Provider of its decision before the expiration date of the current certificate. If re-approved, the Approved Ignition Interlock 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 Approved 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 Approved Ignition Interlock Provider may also request a hearing pursuant to Paragraph 1340-1-14-.18.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.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.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.06 IGNITION INTERLOCK PROVIDER OWNER/PERSONNEL REQUIREMENTS.

- (1) Owner(s) of an Approved Ignition Interlock Device Provider 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 Provider 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.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.07 IGNITION INTERLOCK INSTALLATION REQUIREMENTS.

- (1) An ignition interlock device shall be installed, serviced and uninstalled 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, uninstallation and servicing of such device. The certified personnel shall only install, service or uninstall the approved ignition interlock devices at facilities, fixed or mobile, 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.

(Rule 1340-1-14-.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 Provider shall follow all written instructions from the manufacturer of the ignition interlock device for device installation and uninstallation.
- (6) The Approved Ignition Interlock Device Provider will furnish 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 Provider 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 Provider shall maintain a log of such inspections and use the vehicle's inspection in the uninstallation process.
- (8) Installations shall be executed in a professional/workmanlike manner, according to accepted trade standards and the manufacturer's instructions.
- (9) Uninstallation 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 November 8, 2004; effective March 30, 2005.

1340-1-14-.08 PROVIDER ORIENTATION OF PROGRAM PARTICIPANT.

- (1) The Approved Ignition Interlock Device Provider 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 November 8, 2004; effective March 30, 2005.

1340-1-14-.09 PROOF OF INSTALLATION OF IGNITION INTERLOCK DEVICES.

- (1) Within two (2) working days of installation of the ignition interlock device, the Approved 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 1340-1-14-.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.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.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 sixty (60) days thereafter. The Approved 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 Approved 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 Approved 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;
 - (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 November 8, 2004; effective March 30, 2005.

1340-1-14.11 REPAIR OR REPLACEMENT OF IGNITION INTERLOCK DEVICE.

- (1) The Approved Ignition Interlock Provider shall respond to all service inquiries by phone within forty-five (45) minutes of initial contact. Repair or replacement of an ignition interlock device shall be conducted within forty-eight (48) hours of initial contact. The Approved 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 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 November 8, 2004; effective March 30, 2005.

1340-1-14.12 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 Approved Ignition Interlock Device Provider shall submit a status report to the Department's Planning & Research 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 November 8, 2004; effective March 30, 2005.

1340-1-14.13 FEES.

- (1) The fees for leasing or buying, monitoring, servicing, installation and uninstallation of the ignition interlock device shall be at a reasonable rate. The court may establish a payment schedule pursuant to T.C.A. §55-10-412.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14.14 FINANCIAL RESPONSIBILITY REQUIREMENTS.

- (1) The Approved 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 uninstallation, and use thereof. Such policies shall

(Rule 1340-1-14-.14, continued)

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 November 8, 2004; effective March 30, 2005.

1340-1-14-.15 LIABILITY.

- (1) The Approved Ignition Interlock Device 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 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 November 8, 2004; effective March 30, 2005.

1340-1-14-.16 AUDITS AND INSPECTIONS.

- (1) Approved Ignition Interlock Device Providers shall be subject to unannounced audits 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 Provider 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 November 8, 2004; effective March 30, 2005.

1340-1-14-.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 Provider 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;
 - (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.

Authority: T.C.A. §§4-3-2009 and 55-10-412. **Administrative History:** Original rule filed November 8, 2004; effective March 30, 2005.

1340-1-14-.18 ADMINISTRATIVE HEARINGS.

- (1) An Approved Ignition Interlock Device 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 November 8, 2004; effective March 30, 2005.