

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 505: CRIME LAB – IGNITION INTERLOCK DEVICE PROGRAM

Part 505 Chapter 1 Purpose and Scope

Rule 1.1 Purpose and Scope

The purpose of this ignition interlock document is to establish rules and regulations pursuant to *Miss. Code Ann.* § 63-11-30 for the certification of ignition interlock devices and the approval of ignition interlock vendors in the state of Mississippi.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 2 Definitions

Rule 2.1 Definitions

1. Alcohol – Ethanol or ethyl alcohol
2. Alcohol concentration – The amount of alcohol in a given amount of breath, expressed in weight per volume (w/v) based upon grams of alcohol per 210 liters (L) of breath. For the purposes of this document, alcohol concentrations given in BrAC are equal to those given in blood alcohol concentration, grams of alcohol per 100 milliliters of blood.
3. Alveolar air – Also called “deep lung air” or “alveolar breath.” An air sample which is the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.
4. Anti-circumvention feature(s) – any feature or circuitry incorporated into the Ignition Interlock Device (IID) that is designed to prevent human tampering which would cause the device not to operate as intended.
5. Approval – Meeting and maintaining the requirements of these regulations and placement on the MDPS list of approved devices.
6. Appropriate judicial authority – a phrase used throughout these regulations that includes personnel or court orders of the Mississippi judicial system including, but not limited to, the court order authorizing installation of an IID, the court (or judge) that authorized that installation, pretrial services authorities (having to do with bail bond requirements in these

matters), adult supervision (or adult probation) authorities, and/or occupational licensing authorities.

7. Bogus Sample – Any gas sample other than the unaltered, undiluted, or unfiltered alveolar air sample coming from the individual.
8. Breath alcohol analysis – Analysis of a sample of person’s expired alveolar breath to determine the concentration of alcohol.
9. BrAC – Breath Alcohol Concentration, grams of alcohol per 210 liters of breath.
10. Certification – Meeting and maintaining the requirements set forth in these regulations.
11. Data storage system – A computerized recording of all events monitored by the installed IID, which may be reproduced in the form of required reports.
12. Emergency bypass – An event that permits the IID equipped vehicle to be started without the requirement of passing the breath test.
13. Filtered air samples – Any mechanism by which there is an attempt to remove alcohol from the human breath sample.
14. Free restart – A free restart is the ability to start the engine again, within a reasonable time, without completion of another breath alcohol analysis.
15. IID – The common abbreviation for Ignition Interlock Device used throughout these regulations
16. Ignition interlock device (abbreviated in this chapter as IID) – a device that is a breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.
17. Illegal start – The starting of an IID-equipped vehicle without the requisite breath test having been taken and passed.
18. Interlock – The mechanism which prevents a motor vehicle from starting when the alcohol concentration of a person exceeds a preset value.

19. Lockout condition – A state wherein the IID will not allow the vehicle to be started until a service representative completes a reset, and restores the IID to a state that will allow the vehicle to be started.
20. Manufacturer – The actual producer of the device.
21. Manufacturer’s representative – an individual and /or entity designated by the manufacturer to act on behalf of or represent the manufacturer of a device. May be synonymous with vendor.
22. Mississippi Department of Public Safety (MDPS) – The Agency for the implementation, administration, and enforcement of the Mississippi Ignition Interlock Device regulations.
23. Monitoring Authority – Authority designated to receive interlock reports, i.e. judicial, court, probation and MDPS.
24. Negative result – a test result indicating that the alcohol concentration is less than the startup set point value.
25. Positive result – A test result indicating that the alcohol concentration meets or exceeds the startup set point value.
26. Purge – Any mechanism which cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.
27. Reference sample device – a device containing a sample of known alcohol concentration.
28. Reset set point – A pre-set or pre-determined alcohol concentration setting, which is the same (0.02) as the startup set point at which, or above, during a rolling retest, the device will record in the data storage system, the high alcohol result as a violation.
29. Rolling retest – a subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty (30) minute time period thereafter while the vehicle is in operation.
30. Rolling retest violation – an event, recorded in the data storage system when the rolling retest requirement is not met.
31. Service center – The physical location where the service representatives perform their IID services.

32. Startup set point – A pre-set or pre-determined alcohol concentration setting at which, or above, the device will prevent the ignition of a motor vehicle from operating. That value shall be an alcohol concentration of 0.02 g/210 liters of breath.
33. Tampering – An overt or conscious attempt to physically disable or otherwise disconnect the IID from its power source and thereby allow the operator to start the engine without taking and passing the requisite breath test. This attempt, whether successful or not, shall be recorded in the data storage system as a violation.
34. Temporary Lockout – A period of time during which the IID will not allow a breath sample to be delivered or the engine to be started.
35. Vendor – The person or entity representing the manufacturer(s) of an approved IID and responsible for the day-to-day operations and the continuing certification of an IID service center. Must have manufacturer's approval for use of a particular approved IID either through purchase or lease agreement. May be synonymous and with manufacturer's representative.
36. Violation – Any of several events including but not limited to such things as high alcohol, failure to present a rolling retest or an illegal start.
37. Violation lockout – An event which causes the device to prompt the participant to return the vehicle to the service center within a specified number of days to perform a violation reset on the IID.
38. Violation reset – An unscheduled service of the IID by the service center required because an accumulation of violations has reached a number that generates violation lockout. This information shall be reported to the monitoring authority within three working days after the vendor becomes aware of the violation. IID will be restored to a state that will allow the vehicle to be started.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 3 Ignition Interlock Device Requirements

Rule 3.1 Ignition Interlock Device Requirements

The ignition interlock device must be tested by an independent alcohol testing laboratory, and the results submitted to the MSDPS with all costs of the test being the responsibility of the manufacturer or service provider. All ignition interlock devices must, at a minimum, meet or exceed the United States Department of Transportation, National Highway Traffic Safety

Administration (NHTSA) specifications as published in the Federal Register Volume 78, Number 89, Wednesday, May 8, 2013 pages 26849 – 26876. In addition to the NHTSA specifications any proposed IID must be based upon electro-chemical fuel cell sensor technology. These specifications include, but are not limited to the following:

1. The ignition interlock device shall be able to analyze a specimen of alveolar breath for alcohol concentration.
2. The ignition interlock device shall indicate when a sufficient sample of breath has been collected and shall indicate this by audible or visual means.
3. The results of the test shall be noted through the use of pass/fail signals. There shall be no numerical BrAC level displayed.
4. The ignition interlock device shall lockout a driver when an alcohol concentration of .02 grams of alcohol/210 liters or higher of breath is detected.
5. The ignition interlock device shall have the ability to detect and record attempts to tamper, alter, or bypass the device and any violations such as an alcohol concentration of above 0.02 grams of alcohol/210 liters of breath (BrAC).
6. The ignition interlock device shall have the ability to prevent operation of the motor vehicle by a participant who fails to retest or fails to appear at a scheduled monitoring appointment.
7. The ignition interlock device shall issue a warning of an impending lockout.
8. The ignition interlock device must be capable of random re-testing and timed re-testing. A subsequent breath test will be conducted within 5 minutes after starting the vehicle and every 30 minutes while the vehicle is in operation. During the rolling retest, the retest set point shall be the same as the startup set point. A warning light and/or tone shall alert the driver of 5 minutes until retest. If the engine is shut down after or during the 5 minute warning but before retesting, the retest clock shall not be reset.
9. The startup set point value for the interlock device shall be an alcohol concentration of 0.02 g/210 liters of breath. The accuracy of the device shall be plus or minus 0.005 g/210 liters of breath.
10. A negative breath alcohol test shall enable the ignition relay. The IID shall allow two (2) minutes from the time the ignition is enabled to start the vehicle. In the event of a stall, the device will allow the vehicle to be restarted within two (2) minutes without a retest.

11. If the initial test results in a lockout is due to the operator's BrAC level, the device shall not allow an additional attempt for fifteen (15) minutes. If the operator's BrAC remains too high, the machine shall lockout for an additional fifteen (15) minutes.
12. Failure to take a retest shall cause the device to enter the violation lockout and shall cause the interlock to disable the ignition when the vehicle is turned off.
13. If the result of the retest is higher than the fail point, the device shall enter the violation lockout which shall be reported to the MSDPS by the service provider.
14. The ignition interlock device must be capable of thwarting attempts at evasion or circumvention with the use of bogus or filtered breath.
15. The IID shall have the following operational features:
 - a. The device shall be designed to permit a free restart of a motor vehicle's ignition within two (2) minutes after the ignition has been shut off, without requiring a further alcohol analysis.
 - b. The device shall also automatically purge alcohol before allowing subsequent analyses.
 - c. The device shall have a data storage system of sufficient capacity to record and maintain all daily driving activities for the 30 day monitoring period.
16. Anti-circumvention:
 - a. Anti-circumvention provisions shall include, but not be limited to, prevention or preservation of evidence of cheating by attempting to use bogus or filtered breath samples or bypassing the breath sampling requirements of the device electronically.
 - b. The device may use special seals or other methods that record attempts to bypass anti-circumvention provisions.
 - c. The device shall be checked for evidence of tampering at least every service appointment or more frequently if the need arises.

- i. When evidence of tampering is discovered, the appropriate monitoring authority shall be notified in writing and these records shall be made available upon request to MDPS.
17. A warning label containing the following language shall be affixed to each device: “Any individual tampering, circumventing, or misusing this device shall be subject to prosecution and/or civil liability.”
18. Manufacturers shall provide to the MDPS with each device submitted for approval a precise set of specifications which describe the features of the device concerned in the evaluation of its performance. A set of detailed operating instructions shall be supplied with each device.
19. The manufacturer shall provide a signed statement that the manufacturer shall indemnify and hold harmless the State of Mississippi, the MDPS and its officers, employees, and agents from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the manufacturer or their representative relating to the installation, service, repair, use and/or removal of an IID.
20. The ignition interlock device shall record any attempt to start the vehicle without first taking the breath test,
21. The ignition interlock device shall warn the driver of upcoming service appointments for five (5) days prior to the appointment. Should the participant fail to appear, the device shall lockout after the missed scheduled appointment and the vehicle shall not be operable until the service provider has reset the device.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 4 Ignition Interlock Installation Requirements

Rule 4.1 Ignition Interlock Installation Requirements

The service provider must demonstrate the ability to install and remove devices according to the following guidelines:

1. A service provider must inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle that are and will be affected by the ignition interlock device are in acceptable condition and no device shall be installed until the vehicle is capable of such installation.

2. Installations shall be made in a professional manner in accordance with acceptable industry standards. All electrical connections made to the vehicle shall be permanent.
3. Each installation shall include tamper resistant features required by the service provider and the MDPS which include, but which are not limited to the following:
 - a. A unique and identifiable tamper seal at electrical connections for the device.
4. Installations shall be performed in locations approved by the MDPS and conducted by individuals trained by the service provider.
5. Upon installation, the service provider shall convey to the monitoring authority the following:
 - a. The name, address and telephone number of the participant.
 - b. The owner, make, model, year, vehicle identification number on any vehicle in which a device was installed.
 - c. The serial number of the device installed.
6. Removal of the devices must be done in such a manner as to return the vehicle to normal operating condition.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 5 Service and Monitoring Requirements

Rule 5.1 Service and Monitoring Requirements

The service provider must demonstrate an ability to provide effective and efficient service to the motor vehicles and convey the necessary information for ignition interlock device to the MDPS in according to the following requirements:

1. Servicing, inspection and monitoring of each installed device shall occur within thirty (30) days after the initial installation and every thirty days thereafter.
2. The device shall be calibrated at least once every thirty (30) days).
3. The service provider shall maintain records on every participant including results of every monitoring check.

4. Within three (3) calendar days of the scheduled monitoring check, the service provider shall have conveyed to the MDPS all the data concerning:
 - a. Name of the participant.
 - b. Date of the next scheduled monitoring visit.
 - c. Data collected during the 30 day monitoring period.
5. Within one (1) business day of performing the monitoring check, the service provider shall report to the MDPS any evidence of:
 - a. Altering, tampering with, bypassing, or removal of the device.
 - b. Any failure to abide by the terms and conditions of the program, including failure to appear for the monitoring visit.
 - c. Five (5) or more lockouts or other violations within the 30 day monitoring period which may include BrAC failures, retest failures, power interruptions, failure to take a random or timed retest.
6. The service provider shall be available to answer all questions and handle any mechanical problems relating to the device in the vehicle or repair or replace an inoperable or malfunctioning ignition interlock device during normal business hours.
7. The service provider shall provide a twenty-four (24) toll-free phone number to all participants for emergencies.
8. Emergency by-passes are not permitted.
9. All interlock services must be performed at an authorized service center.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 6 Orientation of Participant Requirements

Rule 6.1 Orientation of Participant Requirements

The service provider must demonstrate the ability to provide efficient and effective service to the participants of the program according to the following guidelines:

1. The service provider shall train participants who will drive the vehicle on the use of the ignition interlock device.
2. A reference and problem solving guide shall be given to participants at the time of installation. The guide shall include information on the location of service centers, servicing procedures, emergency procedures and how the device detects non-compliance. In addition, the guide should include the type of vehicle malfunctions or repairs that might affect the ignition interlock device and what to do when such reports are necessary and provide the twenty-four (24) hour toll free telephone number in the event of device failure or vehicle problems related to the interlock device.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 7 Facility and Personnel Requirements

Rule 7.1 Facility and Personnel Requirements

A successful vendor must demonstrate the ability to establish service centers and employ personnel according to the following guidelines:

1. Locations for service centers shall be within the geographical boundaries of the state of Mississippi and approved by the MDPS. All service centers shall be operational at the time of start-up for the program. Service must be in a fixed location and facility.
2. Service centers shall be easily accessible and open during normal business hours and may be flexible to meet the needs of participants.
3. Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to secured materials.
4. Service centers shall be constructed in such a manner that the participant or any other unauthorized personnel cannot witness the installation and servicing of the ignition interlock device.
5. Personnel who work for the service provider shall be subject to having both a criminal record check and a driver's license record check by the MDPS.
6. Personnel shall be trained by the service provider to install, remove and access data.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 8 Required Dissemination of Information

Rule 8.1 Required Dissemination of Information

1. The service provider will be responsible for providing information regarding the program's participants, complaints or concerns, technical problems encountered when requested by the MDPS.
2. The service provider shall inform the MDPS of any hardware modifications to the ignition interlock device undertaken by the manufacturer.
3. The service provider shall provide to the MDPS proof of installation and the results of servicing.
4. The service provider shall provide public information to interested applicants concerning the device and costs of the program.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 9 Program Fees

Rule 9.1 Program Fees

1. The costs for leasing, monitoring, servicing, installation, and removing shall be the responsibility of the program participant.
2. The fees for leasing or buying, monitoring, servicing, installation and removal of the ignition interlock device shall be a reasonable rate.
 - a. Non-indigent Participant
 - i. The fee for installation of ignition interlock devices shall not exceed \$150.
 - ii. 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.
 - iii. Approved ignition interlock installers shall charge reasonable and customary fees, not to exceed a total of \$70 for the removal of devices.
 - iv. The fee for periodic inspections, calibrations or repair shall not exceed \$70.

b. Indigent Participant

Pursuant to Mississippi Code Annotated § 63-11-31, the Mississippi Department of Public Safety shall pay to the vendor for one (1) vehicle per offender:

- i. Installation of ignition interlock devices shall not exceed \$50;
- ii. Leasing, monitoring, and maintaining devices shall not exceed \$50;
- iii. Ignition Interlock device removal shall not exceed \$30.
- iv. Manufacturer Ignition Interlock Device annual certification fee is \$1,000 per model.
- v. Service Center location fee is \$100 annually per location.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 10 Application Procedures

Rule 10.1 Application Procedures

The Department of Public Safety annually certifies all vendors that provide ignition interlock services in the state of Mississippi.

1. Application for approval as an authorized service provider must be made by submitting a letter requesting approval of a breath alcohol ignition interlock device to the Mississippi Department of Public Safety, Implied Consent Section, 1700 East Woodrow Wilson, Jackson, MS 39216, in a manner as described herein.
 - a. Submit a complete application for certification and remit the appropriate fee.
 - b. Provide a lab certification demonstrating the device meets or exceeds the most current National Highway Traffic Safety Administration (NHTSA) *Model Specifications for Breath Alcohol Ignition Interlock Devices* – 78 FR 26862 (2013-05-08)
 - c. Provide a certificate of insurance, issued by an insurance company authorized to conduct business in Mississippi, specifying:
 - i. A product liability policy shall indemnify and hold harmless the state of Mississippi from any and all claims with a current effective date;

- ii. The name and model number of the device model covered by the policy;
 - iii. Policy coverage of at least one million dollars (\$1,000,000) per occurrence and three million (\$3,000,000) in the aggregate;
 - iv. The manufacturer as the insured and the state of Mississippi as an additional insured;
 - v. Product liability coverage for defects in manufacture, materials, design, calibration, installation and operation of the device; and
 - vi. Notification to the MDPS of at least forty-five (45) day prior written notice of cancellation, material change, or intent to lapse.
2. Device shall use fuel cell technology for breath alcohol test. Devices equipped with cameras, real-time reporting and /or global positioning systems will be accepted for approval.
3. A description of all anti-circumvention features to be utilized in Mississippi.
4. A written set of detailed operating instructions including installation, monitoring and removal procedures, a copy of any training information given to the participants, written or video.
5. Submit a list of physical addresses of planned installation service centers in Mississippi.
6. The twenty-four (24) hour toll free telephone number for emergencies resulting from the operation or use of the ignition interlock device.
7. Agree to ensure proper record maintenance and provide testimony relating to any aspect of the installation, service, repair, use, removal, and interpretation of any report or information recorded in the data storage system of a device or performance of any other duties required at no cost on behalf of the state of Mississippi.
8. The MDPS may perform compliance testing on the device submitted for certification.
9. Certification will expire on June 30th of each year. Renewal applications will be accepted sixty (60) days prior to expiration date.
10. Ignition interlock device certification fee is \$1,000.

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 11 Ignition Interlock Indigent Form

Rule 11.1 Ignition Interlock Indigent Form



Mississippi Department of Public Safety

Ignition Interlock Indigent Form

Program Participant: Please Print

First Name: _____ Middle Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

Employer: _____ Address: _____

Driver's License Number: _____ Date of Birth: _____

Indigence is determined based on proof of enrollment in one or more of the following types of assistance: Check applicable items and attach appropriate documentation.

1. Temporary Assistance for Needy Families, TANF
2. Medicaid assistance
3. The Supplemental Nutritional Assistance Program, SNAP
4. Supplemental security income, SSI
5. Participation in a federal food distribution
6. Federal housing assistance
7. Unemployment compensation
8. Other criteria approved by the Mississippi Department of Public Safety

Source: *Miss. Code Ann.* § 45-1-3

Part 505 Chapter 12 Ignition Interlock Installation Form

Rule 12.1 Ignition Interlock Installation Form



Mississippi Department of Public Safety

Ignition Interlock Installation Form

Program Participant: Please Print

First Name: _____ Middle Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

Employer: _____ Address: _____

Driver's License Number: _____ Date of Birth: _____

Monitoring Authority: Please Print

Docket #: _____ Judge: _____ Court: _____

Probation Officer: _____ Phone: _____ Fax: _____

Vendor: Please Print (completed by the installer)

Vendor Name: _____

Vendor Location: _____

Participant File Name: _____ Tag #: _____ VIN : _____

Year/Make/Model and Make of Vehicle: _____ Color of Vehicle: _____

Install Date: _____ Term of Interlock Device: _____

Source: *Miss. Code Ann. § 45-1-3*

Part 505 Chapter 13 Ignition Interlock Device Approval Application

Rule 13.1 Ignition Interlock Device Approval Application



Ignition Interlock Device Approval Application

Section 1 – Manufacturer Information

Full legal name (entity that manufactures the ignition interlock device model submitted for approval)

Physical address (entity that manufactures the ignition interlock device model submitted for approval)

Mailing address (entity that manufactures the ignition interlock device model submitted for approval)

Manufacturer entity telephone number

Manufacturer entity fax number

Manufacturer web address

Section 2 – Manufacturer Representative/Vendor

Name of Manufacturer Representative

Title

Telephone number

E-mail address

Section 3 – Certification

Certification is requested by the Department of Public Safety for the following ignition interlock device:

Ignition Interlock Device Manufacturer Name, Model and Version (list camera if applicable)

Section 4 – Required Items

- Completed application for certification
- Administrative fee attached. A certified check, cashier’s check or money order in the amount of \$1000.00 made payable to the Department of Public Safety.
- A notarized affidavit from a testing laboratory that includes:
 - The name of the laboratory
 - The address and telephone number of the testing laboratory
 - A copy of the applicable accreditation certificate for the testing laboratory
 - A description of all anti-circumvention features to be used in Mississippi
 - The Quality Assurance Plan created in accordance with the most current National Highway Traffic Safety Administration (NHTSA) Model specifications for Breath Alcohol Ignition Interlock Devices (BAIID) 78FR 26862 (2013-05-08)
- Certificate of insurance issued in accordance with MS DPS requirements

Section 5 – Signature and Date

My signature below, certifies, the information given in this application and all accompanying documents is true and correct to the best of my knowledge and ability.

Manufacturer Representative’s signature

Date

DO NOT WRITE BELOW THIS LINE

Reviewed by _____ Date _____

Approved Denied Manufacturer series number _____

Reviewer’s Comments _____

