



NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

The final published notice includes a preamble and

**NOTICE OF FINAL RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

[R20-84]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

	<u>Rulemaking Action</u>
R17-5-601	Amend
R17-5-603	Amend
R17-5-604	Amend
R17-5-609	Amend
R17-5-610	Amend
R17-5-612	Amend
R17-5-614	Repeal
R17-5-614	New Section
R17-5-616	Amend
R17-5-621	Amend

- 2. Citations to the agency’s statutory authority to include both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statutes: A.R.S. §§ 28-366, 28-1462, and 28-1465
 Implementing statutes: A.R.S. §§ 28-1301, 28-1461 through 28-1469

- 3. The effective date of the rules:**
 July 5, 2020
 - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable

 - b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable

- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3293, November 8, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 3691, December 27, 2019

- 5. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Jane McVay, Senior Rules Analyst
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 206 S. 17th Ave., MD 180A
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 Website: Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://azdot.gov/about/government-relations/contact-us-government-relations>.

- 6. An agency’s justification and reason why rules should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The Department received approval to initiate this rulemaking from Ben Blink in the Governor’s Office on September 20, 2019.



These rules implement changes recommended in a One-Year Rule Review Report approved by the Governor’s Regulatory Review Council on August 6, 2019, that improve, clarify, and update the ignition interlock program. The Department filed exempt rules with the Office of Secretary of State that became effective on July 1, 2018, to implement legislative changes contained in Laws 2018, Chapter 105, and Laws 2017, Chapter 331, to the operation of the ignition interlock program. The rules included establishing an ignition interlock device installation fee that is payable by an ignition interlock user when an ignition interlock is installed on a user’s vehicle following a driving under the influence conviction. In order to comply with A.R.S. § 41-1008(E), the Department is required to go through the regular rulemaking process to continue charging this fee. The 2018 rules required that a certified ignition interlock device installed after July 1, 2018 must be capable of wireless transmission, have a camera, and meet additional requirements. At that time ignition interlock users with previously installed devices that operated properly were grandfathered in. These rules require those users to return to an ignition interlock service provider by October 1, 2020 to install a new device that meets all the rule requirements. The rules clarify that device installation reports must be submitted to the Department within 24 hours, distinguish device accuracy from calibration, increase device accuracy, expand early recall to include any four reportable violations within a 90-day continuous period, correct a citation error, specify that the camera in an ignition interlock device shall take a digital image of the driver, modify the procedure for collection of civil penalties, and make other clarifying changes and program improvements. The rules also clarify that a missed rolling retest occurs while a person is operating the vehicle. The rules provide that the Department will determine the payment method used by an Ignition Interlock Service Provider (IISP) to transfer the installation fees to the Department.

7. A reference to any study relevant to the rulemaking that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any studies relating to this rulemaking.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

Clarification of the improper reporting definition and the requirement for an ignition interlock service provider to send the Department notification of a device installation within 24 hours, are expected to result in more accurate and timely reporting of individual ignition interlock activity, which benefits ignition interlock users.

A.R.S. § 28-1462(H) authorized the Department to establish an ignition interlock device installation fee, in an amount determined by the Director. The exempt rules that were effective July 1, 2018 established an ignition interlock device installation fee of \$20 payable by an ignition interlock user beginning July 1, 2018, when a person installs an ignition interlock device on a user’s vehicle. The Department estimates that this fee will be paid to a user’s ignition interlock service provider by approximately 20,000 Arizona drivers annually, who have an ignition interlock requirement. The fee is transmitted monthly to the Department and is estimated to generate approximately \$400,000 annually, which funds the administrative costs of the ignition interlock program. The ignition interlock device installation fee is the only fee that an ignition interlock user pays to the Department. The fee was established to impose the least cost possible for users to fully support the ignition interlock program. In order to continue to charge this fee for more than two years, the Department is seeking approval of the fee through regular rulemaking.

The Department will not hire any new employees to implement the rule changes and has not notified JLBC.

Beginning July 1, 2018, for any new installation of an ignition interlock device or device replacement, an ignition interlock service provider must install a device that has global positioning software, wireless capability, and contains a camera. Users whose device was installed before July 1, 2018 were not required to have a new device installed as long as a user’s device operated properly and met federal requirements. These rules require those users to obtain an updated device from the user’s ignition interlock service provider by October 1, 2020 that meets all the rule requirements, and to pay the \$20 ignition interlock device installation fee. The rules also make other clarifying changes to improve the rules. The Department anticipates that the impact of the rules on manufacturers may range from minimal to substantial. Although the number of participants with old ignition interlock devices has dropped as participants fulfill their ignition interlock requirement, about 1,500 participants had an old device as of December 2019. Many of these participants had ignition interlock violations which extended their ignition interlock period. Five manufacturers had more than 200 but less than 400 devices in use, six manufacturers had less than 100 old devices in use, and one manufacturer had no old devices in use. Manufacturers will need to make available an adequate number of ignition interlock devices to ignition interlock service providers that meet the device requirements in the rules to replace old devices. The manufacturer will bear the cost of the new devices and may either absorb those costs or pass on the cost to ignition interlock users in fee increases for ignition interlock services. The new devices have cameras that capture digital images of ignition interlock user activity, allowing verification of the person blowing into the device and performing other interlock actions. The reporting clarification is expected to require review by the manufacturers to ensure accurate reporting of ignition interlock user device activity to the Department, which benefits ignition interlock users. This may require a manufacturer to add staffing or increase employee and employee-related costs. The rules require each user to receive additional information about the proper way to take a rolling retest. An ignition interlock device user who has four reportable violations over a 90-day continuous period is required to go to the user’s service center within 72 hours for a violation reset and for information about how to prevent violations. In summary, the Department believes that the rule changes benefit ignition interlock users and the general public, and that these program changes and public safety benefits greatly outweigh the cost to ignition interlock users.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and final rulemaking:

The final rulemaking includes these non-substantive changes to conform the language to the *Administrative Code*, to clarify the rules, make grammatical changes, and ensure that the rules are clear and understandable:



- In R17-5-603(E)(1), after “Anticircumvention provisions,” insert “on the device.”
- In R17-5-609(I), after “the termination of the,” strike “~~person~~”, insert “person’s.”
- In R17-5-609(L), strike “~~n.~~” insert “manufacturer.”
- In R17-5-609(O), after “which”, strike “~~can~~”, insert “may.”
- In R17-5-610(K)(4), at the end of the sentence, strike “~~retest~~”, insert “retests.”
- In R17-5-601 in the definition of missed rolling retest, after “substantiated breath sample” insert “while operating the vehicle.” to clarify that a missed rolling retest occurs when a person is operating a motor vehicle.
- In R17-5-603(D), the rule is amended to include device calibration with an accuracy within plus or minus 0.005g/210L of the reference value, calibration using a specific reference value, and that the device must be accompanied by a Certificate of Analysis.
- In R17-5-604(E), the rule is amended to strike “~~promptly~~” and require a person with an ignition interlock device installed before July 1, 2018 to return to the person’s IISP by October 1, 2020 to obtain an updated device.
- In R17-5-610 in the definition of early recall, the language was amended to read: “or any four valid reportable violations within a continuous 90-day period.”

11. An agency’s summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:

The Department conducted an oral proceeding on the rules and did not receive any oral comments on the rules. The close of record was on February 4, 2020. The Department received comments from two individuals, which are listed below with the Department’s response.

Rule Section/Comment	Department Response
<p>1. R17-5-601: Define dry gas that conforms to the model specifications for calibrating units for breath alcohol testers published by the National Highway Traffic Safety Administration (NHTSA). Modify definition of reference value to mean the known and correct alcohol concentration of dry gas. Commenter supports ensuring Arizona dry gas standards have been evaluated by the U.S. Department of Transportation Volpe National Transportation Systems Center (VNTSC) and meet the NHTSA model specifications.</p>	<p>1. This change requires all manufacturers with a certified ignition interlock device to use dry gas to calibrate breath alcohol testers and requires the Department to incorporate by reference the NHTSA Model Specifications for Breath Alcohol Testers. This change would require all IISP’s to have gas tanks and use dry gas to calibrate breath alcohol testers. This impacts one Ignition Interlock Service Provider (IISP) with 257 clients at 21 service centers, has cost implications for the IISP to purchase gas tanks for each service center, and requires training staff to calibrate breath alcohol testers using dry gas. These costs may be passed on to ignition interlock users. For these reasons, the Department does not recommend changing this rule at this time.</p>
<p>2. R17-5-601: Modify early recall definition to provide that any four valid reportable violations occurring within a 90-day period beginning on the initial date of installation of the device require a person to return to a service center within 72 hours. The commenter notes that accuracy check appointments can vary from 77 to 90 days, which may allow unintended variation in the accumulation of violations.</p>	<p>2. The Department agrees that the calibration time frame varies among users. The proposed language would not be applicable to an ignition interlock user who has had a certified ignition interlock device (CIID) for some time since the 90-day period begins on the initial installation date. The Department has amended the early recall definition to provide that any four valid reportable violations that occur within a continuous 90-day period require a person to return to a service center within 72 hours.</p>
<p>3. R17-5-601: Modify early recall definition to provide that the four valid reportable violations are between calibrations. Commenter suggests substitution of calibration for accuracy check appointments because appointments may be rescheduled or cancelled.</p>	<p>3. Some IISP’s require their ignition interlock customers to calibrate CIID’s at 30-day intervals, and other IISP’s require their customers to calibrate CIID’s at intervals up to 90 days, so this change would not be fair to users with variable calibration periods. The Department has amended the early recall definition to provide that any four valid reportable violations that occur within a continuous 90-day period require a person to return to a service center within 72 hours.</p>
<p>4. R17-5-601: Delete the definition of emergency bypass. Authority to operate a vehicle not equipped with a CIID in a substantial emergency is in A.R.S. § 28-1464, but there is no language about when or how this is approved or accomplished. There are two references in the rules to this term. The other reference is a requirement to record this event in the data storage system.</p>	<p>4. The Department does not believe that additional rules are needed to implement the provisions in A.R.S. § 28-1464. A.R.S. § 28-1464(K) specifies the penalty for violating this section, and if convicted for violating Subsections B, C, E, or G, the person’s ignition interlock period is extended for not more than one year. The definition of emergency bypass covers circumstances described in the definition of emergency situation in which the person’s vehicle needs to be moved to comply with the law, or the person has a valid and urgent emergency that requires operation of the vehicle. In this case the person can inform the IISP or the technician, and the IISP may issue an emergency bypass. The Department does not believe that users have misused this rule and does not recommend additional rule changes.</p>



<p>5. R17-5-601: Delete the definition of emergency situation. The commenter notes that the statutory authority to operate a vehicle not equipped with a CIID in a substantial emergency is different than the statutory provisions referenced.</p>	<p>5. This definition is needed because the term “emergency situation” is referenced in R17-5-611(C) and (C)(1). The Department has rulemaking authority to adopt rules that the Director of the Department deems necessary for the administration and enforcement of A.R.S. Title 28, Chapter 4, Article 5, relating to ignition interlock devices. The definition of substantial emergency in A.R.S. § 28-1464(L) defines circumstances in this statute that are a substantial emergency for a person with a limited or restricted driving privilege who has an ignition interlock requirement. No rule changes are needed.</p>
<p>6. R17-5-601: In the definition of improper reporting, delete provision on reporting an incident that occurs after the vehicle is turned off. Does this include a retest violation when the retest began before the vehicle was turned off and/or circumvention and tampering?</p>	<p>6. Tampering and circumvention are contained in the definition of “violation” in R17-5-601 as violations, which are reportable activities, that a manufacturer shall report to the Department within 24 hours pursuant to R17-5-610(F)(1) and (F)(6). If a person with an ignition interlock is in a vehicle and turns off the vehicle when the device requests a rolling retest, and misses the rolling retest, the manufacturer must report the missed rolling retest to the Department. The Department believes it is necessary to retain this provision to clarify that actions occurring after the vehicle is turned off that are not violations should not be reported to the Department. No rule changes are needed.</p>
<p>7. R17-5-601: In the definition of independent laboratory, require ignition interlock device (IID) certification by an International Organization for Standardization (ISO) 17025 certified testing facility that tests a device to the 2014 NHTSA Model Specifications.</p>	<p>7. This amends the definition of independent laboratory to require a manufacturer that wishes to certify an ignition interlock device in R17-5-604 to submit an independent laboratory report from an ISO 17025 testing facility that has tested the device (CIID) to the NHTSA Model Specifications. Currently, a manufacturer must submit a report from an independent laboratory showing that the device meets the NHTSA Model Specifications. The Department is concerned that requiring certification by an ISO 17025 testing facility would increase costs for each manufacturer to certify a CIID, and believes further consideration should be given to the costs and benefits of this certification. The Department is not required to adopt best practices of the American Association of Motor Vehicle Administrators (AAMVA). No rule changes are needed.</p>
<p>8. R17-5-601: In the definition of permanent lock-out, provide that this IID feature is one in which a motor vehicle will not accept a breath sample until the IID is reset, as defined by the Association of Ignition Interlock Program Administrators (AIIPA).</p>	<p>8. The Department believes that the current definition of permanent lock-out is clear and does not recommend a rule change.</p>
<p>9. R17-5-601: Modify definition of reference sample device to a pressurized cylinder containing dry gas of known alcohol concentration. The commenter supports the use of dry gas in Arizona because it is more accurate to calibrate CIID’s.</p>	<p>9. The Department did not include a dry gas definition in comment number one, and does not recommend changing the proposed language at this time for the reasons stated in the response to comment one.</p>
<p>10. R17-5-601: Modify definition of reference value to require use of dry gas to calibrate CIID’s, which the commenter believes is more accurate.</p>	<p>10. The Department does not recommend this change for the same reasons as in the response to comment one and to ensure consistency with other rule provisions.</p>
<p>11. R17-5-601: Modify definition of temporary lock-out to state that this feature will not allow a breath sample for 5 minutes after a breath alcohol test result indicating an alcohol concentration above the set point.</p>	<p>11. The Department believes that the current definition of temporary lock-out is clear and does not recommend the definition change.</p>
<p>12. R17-5-603(D): The commenter wants to change the device requirements to include: 1. Calibration to an accuracy within plus or minus 0.005g/210L of the reference value; 2. Using a reference sample device that is NIST traceable with a reference value between .020 g/210L and .050g/210L adjusted for the elevation at which the reference sample device is being used; 3. Be accompanied by a Certificate of Analysis (COA), and 4. Removal from service when the cylinder pressure drops below 50 PSI.</p>	<p>12. The Department has modified the language in R17-5-603(D) to include the calibration accuracy provisions, use of a reference sample device with the reference values cited, and the Certificate of Analysis provisions. The accuracy provisions ensure greater device accuracy. The Department does not believe it is necessary to include the reference to “National Institute of Standards and Technology (NIST) traceable,” a technical metrology term, in the rules. The provisions relating to adjusting for elevation are not necessary because this is only applicable if dry gas is used. The requirement to remove a reference sample device from service is not needed in the rules because it is contained in the contract with manufacturers.</p>



<p>13. R17-5-603(G): Amend CIID provisions to provide that the camera is not located in the handset. The commenter states that a device with a camera in the handset blocks the driver's field of vision because the handset must be held in a horizontal position for the camera to capture a digital image of the driver's compartment.</p>	<p>13. R17-5-603(G) states that the camera shall not distract or impede the driver from safe vehicle operation and details the operation of the camera in a CIID. The Department believes that the language of this rule provides adequate guidance to manufacturers and IISP's about where the camera should be located, and does not believe it is necessary to change this rule.</p>
<p>14. R17-5-603(I)(4): Delete the requirement that a device shall record all emergency bypasses in its data storage system, which the commenter feels is unnecessary due to deleting the emergency bypass definition.</p>	<p>14. The Department retained the definition of emergency bypass in comment 4, and no change is needed to the requirement to record emergency bypasses in a device's data storage system in R17-5-603(I)(4).</p>
<p>15. R17-5-603(I)(7): One commenter wanted to modify the device recording of any four valid reportable violations to restrict them to a 90-day period beginning on the initial date of installation of the device to clarify the time frame when violations may occur as accuracy check appointments, and to comply with the early recall definition. Another commenter wanted to require the reference to four valid reportable violations to be between a person's calibrations for consistency.</p>	<p>15. To comply with the language amended in R17-5-601 in the early recall definition, the Department will amend this rule to provide that any four valid reportable violations that occur within a continuous 90-day period require a person to return to a service center within 72 hours. The Department recognizes that some devices are calibrated at variable intervals and chose not to link this provision to calibration or accuracy check appointments. Since a long time may have elapsed after some individuals had their CIID installed, the option to begin the 90-day period at installation was not chosen.</p>
<p>16. R17-5-604(C)(3): Add new provision requiring that a manufacturer when applying for device certification must submit written documentation of the manufacturer's certification to the current International Organization for Standardization (ISO) 9001 Quality Management System standards for construction, production and device repair. Require all state certified manufacturers to apply for ISO 9001 certification by July 1, 2020, and successfully obtain certification by January 1, 2021. Require new manufacturers to obtain ISO 9001 certification before applying for device certification. This complies with American Association of Motor Vehicle Administrators (AAMVA) best practices and is required in other states.</p>	<p>16. The Department is not required to adopt AAMVA best practices or legislation adopted in other states. ISO certification is a lengthy process that would increase costs for manufacturers, which may be passed on to ignition interlock users. This change would require all manufacturers to reapply to the Department to certify each CIID, and would delay device approval. A manufacturer can opt to obtain ISO 9001 device certification if the manufacturer believes it is beneficial to undergo this process without making this change.</p>
<p>17. R17-5-604(E): The commenter wants to amend the rule to provide that a person with a CIID installed before July 1, 2018 must return to the person's service provider to exchange the CIID for an updated device within 30 days of the effective date of the rules, or set a definite date for the exchange, such as July 1, 2020, to avoid confusion for manufacturers and participants.</p>	<p>17. The effective date of the rules will be 60 days after the Notice of Final Rulemaking is approved by the Governor's Regulatory Review Council (GRRC) and filed with the Secretary of State. The Department has amended the rule to require individuals with ignition interlocks installed before July 1, 2018 to obtain an updated device from their IISP by October 1, 2020. Since a person returns to a service center for device calibration every 30 to 90 days, this will allow a person with an old device to exchange the device for an updated one at that time. As of December 1, 2019, 1,500 persons in the state had an old ignition interlock device. This number is expected to decrease by implementation as the ignition interlock period ends for some persons. The requirement for a person with an ignition interlock to have a device that operates wirelessly, has a global positioning system, and takes a digital image, became effective on July 1, 2018. At that time the Department allowed persons with old devices that operated properly to continue to use those devices, however, new installations required updated devices. The Department believes that implementation of the device exchange by October 1, 2020 allows adequate time for manufacturers and customers to obtain and get an updated device installed.</p>



<p>18. R17-5-604(E): Another commenter recommends that an individual should have two calibration periods to install an updated CIID, supports more certainty about when a participant must install an updated CIID, and wants to reduce the burden on manufacturers and individuals, especially those whose interlock requirement is less than 144 to 180 days, who would not be required to obtain an updated CIID. As an alternative, set a definite date for individuals to exchange the CIID, such as July 1, 2020, for example. The commenter questions whether it is fair to require device exchange for a customer with only a few months left in the person's ignition interlock period and to impose the increased monthly cost for the enhanced ignition interlock device.</p>	<p>18. The Department has amended R17-5-604(E) to set a date of October 1, 2020 by which individuals with ignition interlocks installed before July 1, 2018 must obtain an updated device from their IISP. By allowing a 3-month period for manufacturers and users to obtain an updated device will facilitate this process. Many users are expected to have more than one calibration period to install a CIID.</p> <p>To comply with statute changes in 2017 stating that the Department shall only certify CIID's that meet or exceed the NHTSA Model Specifications, have wireless capability, take a digital image, and have global positioning systems, the 2018 rulemaking required persons with an ignition interlock device installed after July 1, 2018 to obtain an updated device with these capabilities. Those persons with a device installed previously could keep their ignition interlock device as long as the device worked properly. Since the requirement to install a new device has been phased in over time, the number of old devices has dropped substantially, and the Department has reduced the overall impact on both manufacturers and users. Users who still have an old device that does not meet the current requirements have had a violation that extended the person's ignition interlock period.</p> <p>The only fee established by the Department that a user will pay at installation is the \$20 installation fee. Each ignition interlock service provider establishes the fees for various ignition interlock services, which are not set in statute or rule.</p>
<p>19. R17-5-606(A)(5): Add new provision to require the manufacturer to have documentation showing certification to the ISO 9001 Quality Management System standards in order for the Department to determine that a manufacturer's application for device certification is complete.</p>	<p>19. Since the Department did not require ISO 9001 certification to certify a device, the Department has not adopted this rule change.</p>
<p>20. R17-5-609(D)(11): This rule requires an ignition interlock service provider (IISP) to inform a person to not avoid compliance with the rolling retest requirement by turning off the vehicle's ignition or by keeping the motor vehicle in operation while the vehicle is parked, and leaving the vehicle when a rolling retest is requested. The commenter did not have a specific recommendation to change this rule, but suggested additional language to be added to R17-5-610(K). See comment 23.</p>	<p>20. Service providers that install, service, and maintain ignition interlock devices instruct users about how the device works and how to avoid a violation. Instructing a customer to not leave a vehicle when the vehicle is running and parked, when a rolling retest is requested, is a logical extension of that role. The Department supports the rule change to have a service provider advise a customer, at the time of device installation, to not avoid compliance with the rolling retest requirement by keeping a motor vehicle operating while the vehicle is parked, and leaving the vehicle when a rolling retest is requested. No rule change is needed.</p>
<p>21. R17-5-609(L): Amend this provision if necessary to ensure that a manufacturer shall develop a reference and problem solving guide. The commenter wanted to correct an error relating to the word "manufacturer."</p>	<p>21. R17-5-609(L) currently states that a manufacturer must develop a reference and problem solving guide. The published proposed rules contained an error, which is corrected in item 10 to refer to "manufacturer."</p>
<p>22. R17-5-610(F): Amend real-time reporting requirement to require reportable activity to be submitted by the manufacturer to the Department in real-time within 24 hours, by adding "as service permits." The commenter believes this will be more consistent with the definition of "real-time" or "real-time reporting," and address situations in which the device is unable to communicate with a cell phone tower.</p>	<p>22. A.R.S. § 28-1461(B) requires a manufacturer to provide to the Department in real-time and in a form prescribed by the Department, information relating to individual ignition interlock activity. R17-5-610 details the information that a manufacturer must transmit to the Department. Subsections (C), (D), and (E) currently require electronic submission of device installation, calibration, and removal within 24 hours. Subsection (L) requires a manufacturer to ensure that a CIID (Certified Ignition Interlock Device) electronically and wirelessly uploads data in real-time to the manufacturer's website, and is required to submit this information and reports electronically in a daily File Transfer Profile (FTP) to the Department. Subsection (M) currently provides that where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available. R17-5-610(M) already covers the situation mentioned. The Department does not believe a rule change is necessary.</p>



<p>23. R17-5-610(K)(4): The commenter recommends amending the following language to immediately contact the Department if the manufacturer finds that the reported information indicates submission of an extension or violation if all digital images taken during an 18-minute time frame indicate that a person was not in the vehicle to take a rolling retest: "Submission of an extension of a person's ignition interlock period or a violation to the Department when the digital image taken at the beginning of the first rolling retest within the 18 minute time frame, and every image thereafter during the 18 minute time frame, indicates the person was not in the vehicle to take the rolling retest." The commenter is concerned that the Department's rule change conflicts with R17-5-610(G).</p>	<p>23. The Department supports retaining the proposed language in R17-5-610(K)(4) with the amendment to change the word "retest" to "retests." An extension would occur when a person keeps the vehicle running, but is not in the vehicle, and misses 3 rolling retests during an 18-minute time frame. R17-5-615(G) provides that: "The Department shall extend a person's ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of three consecutive rolling retests that occur within an 18-minute time frame during a drive cycle." The Department does not believe that this language conflicts with R17-5-610(G), which states that a person shall not avoid compliance with the rolling retest requirement by turning off the vehicle.</p>
<p>24. R17-5-610(K)(4): Another commenter recommended deleting proposed language requiring a manufacturer to immediately contact the Department if the reported information indicates that an ignition interlock period was extended or a violation occurred when a person was not in the vehicle to take the rolling retest. The commenter questioned what happens when a person turns off the car after the rolling retest prompt and exits the vehicle.</p>	<p>24. A missed rolling retest that occurs after the person turns off a vehicle when the device prompts for a rolling retest is reportable activity for noncompliance under R17-5-610(F). If the person exits the vehicle before the rolling retest prompt, and misses or fails 3 consecutive rolling retests during an 18-minute drive cycle, this is a violation, and requires the Department to extend the person's ignition interlock period for six months. If the person was not in the vehicle for any or one rolling retest, it is not a violation, and the Department voids the extension to prevent lengthy extensions in this circumstance. This change to require a manufacturer to immediately contact the Department when an extension is submitted when a person was not in the vehicle will save Department staff considerable time in reviewing digital images and voiding unnecessary extensions that users may incur.</p>
<p>25. R17-5-615: The commenter suggests amending this rule on rolling retests to allow a manufacturer to apply to the Department, subject to the Department's approval, to utilize the global positioning system (GPS) of a CIID to delay an initial rolling retest if the GPS does not detect that the vehicle is moving. The commenter is proposing this because some missed rolling retests that are reported, and may extend a person's ignition interlock period, occur when a person is not in the vehicle.</p>	<p>25. The Department appreciates the commenter's draft rule revisions to address the issue of a driver with an ignition interlock requirement who misses a rolling retest because the driver is not present in a vehicle, however, it is not feasible to include A.A.C.R17-5-615 in this rulemaking. Only one IISP has a CIID with the technology to detect that a vehicle is not moving in the fashion presented to the Department. The Department recommends a change to clarify the definition of missed rolling retest in R17-5-601 as follows: "Missed rolling retest means the person refused or failed to provide a valid and substantiated breath sample <u>while operating the motor vehicle</u>, in response to a requested rolling retest within the time period prescribed in R17-5-615(E). This addresses the commenter's proposal to reduce the exorbitant number of missed rolling retest violations reported, without requiring the other manufacturers to purchase this technology.</p>

12. Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules or class of rules. Additionally, an agency subject to Council review under A.R.S. § 41-1052 and 41-1055 shall respond to questions (a) through (c):

There are no other matters prescribed by statute applicable to ADOT or to this rulemaking.

a. Whether the rules require a permit, whether a permit is used and if not, the reasons why a general permit is not used:

A.R.S. § 28-1468 authorizes the Director of the Department to issue an authorization for an ignition interlock service provider. The ignition interlock rules in 17 A.A.C. 5, Article 6 also contain a process for certifying a manufacturer's ignition interlock device. The rules do not require a general permit, but authorization and certification are general permits because the activities or practices in the class are substantially similar in nature for all ignition interlock service providers and manufacturers to perform authorized activities.

b. Whether a federal law is applicable to the subject of the rules, whether the rules are more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

A federal law is not specifically applicable to the rules. The rules in 17 A.A.C. 5, Article 6 incorporate by reference the 2013 NHTSA Model Specifications for Breath Alcohol Devices (BAIIDs) and the 2015 NHTSA technical corrections to these specifications. The rules are not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rules' impact on the competitiveness of business in this state to the impact on business in other states:

The Department did not receive a business competitiveness analysis.

13. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

R17-5-604(C)(3)(a) incorporates by reference the 2013 Model Specifications for Breath Alcohol Ignition Interlock Devices (BAI-



IDs), and the 2015 NHTSA technical corrections.

14. Whether the rules were previously made, amended, or repealed as emergency rules. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rules were not previously made, amended, or repealed as emergency rules.

15. The full text of the rules follows:

**TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

Section

- R17-5-601. Definitions
- R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration
- R17-5-604. Ignition Interlock Device Certification; Application Requirements
- R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing
- R17-5-609. IISP and Manufacturer Responsibilities
- R17-5-610. Reporting; Reportable Activity
- R17-5-612. Records Retention; Submission of Copies and Quarterly Reports
- R17-5-614. Ignition Interlock Device Installation Fee; Financial Records Ignition Interlock Device Installation Fee; Financial Records
- R17-5-616. Civil Penalties; Hearing
- R17-5-621. Service Center Application

ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

R17-5-601. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101 and 41-1072, in this Article, unless the context otherwise requires, the following terms apply:

- “Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measures in grams of ethanol/210 liters of breath of air and expressed as grams/210 liters.
- “Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.
- “Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.
- “Authorization agreement” or “agreement” means an agreement authorized by the Director that an IISP enters into with the Department to provide ignition interlock services under A.R.S. § 28-1468.
- “Breath alcohol test” means analysis of a sample of the person’s expired alveolar breath to determine alcohol concentration.
- “Bump starting” means a method of starting a motor vehicle with an internal combustion engine by engaging the manual transmission while the vehicle is in motion.
- “Business day” means a day other than a Saturday, Sunday, or state holiday.
- “Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.
- “Cancellation” means the termination of a manufacturer’s ignition interlock device certification for ignition interlock device installation.
- “Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer to offer an ignition interlock device for installation.
- “Certified ignition interlock device,” “CIID,” or “device” means a device that is based on alcohol specific electrochemical fuel sensor technology that meets the NHTSA specifications; that connects a breath analyzer to a motor vehicle’s ignition system; that is constantly available to monitor the alcohol concentration in the breath of any person attempting to start the motor vehicle by using its ignition system; that deters starting the vehicle by use of its ignition system unless the person attempting to start the motor vehicle provides an appropriate breath sample for the device; and determines whether the alcohol concentration in the person’s breath is below a preset level.
- “Circumvent” or “circumvention” means an attempted or successful bypass of the proper functioning of a certified ignition interlock device and includes all of the following:
 - The bump start of a motor vehicle with a certified ignition interlock device;
 - The introduction of a false sample other than a deep-lung breath sample from the person driving the motor vehicle;
 - The introduction of an intentionally contaminated or a filtered breath sample;
 - The intentional disruption or blocking of a digital image identification device;
 - The continued operation of the motor vehicle after the certified ignition interlock device detects breath alcohol exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) or, if the person is under 21 years of age, any attempt to operate the motor vehicle with any spirituous liquor in the person’s body;



Operating a motor vehicle without a properly functioning certified ignition interlock device and;

When a person, who is required to maintain a functioning certified ignition interlock device is starting or operating the motor vehicle, permits another individual to breathe into the certified ignition interlock device for the purpose of providing a breath alcohol sample to start the motor vehicle or for the rolling retest.

“Corrective action” means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a person’s driving privilege and the usage or discontinuation of usage of a CIID.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data logger” means the electronic record of all ignition interlock device activity during the period when the device is installed.

“Data storage system” means a computerized recording of all events monitored by an ignition interlock device, which may be reproduced in the form of specific reports.

“Defective ignition interlock device” means an ignition interlock device that:

1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Drive cycle” means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

“Early recall” means that a person’s ignition interlock device recorded one tampering or circumvention event, ~~or~~ any ignition interlock malfunction, or any four valid reportable violations within a continuous 90-day period, that requires a person to return to a service center within 72 hours.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the person informs the IISP or IISP-certified technician that the person’s vehicle needs to be moved to comply with the law, or the person has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:

- Approved by the Department;
- Located in Arizona;
- Not used as a residence; and
- Where an IISP or its agent or subcontractor provides authorized ignition interlock services.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the person.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Free restart” means a function of a CIID that will allow a person to restart the vehicle, under the conditions provided in R17-5-615, without completing another breath alcohol test.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Ignition interlock device installation fee” means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person’s vehicle.

“Ignition interlock period” means the period in which a person is required to use a CIID that is installed on a vehicle.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:

Failure of a manufacturer to report any violations to the Department within 24 hours as required in R17-5-610(D)(1), or failure to send a person’s ignition interlock reporting records, including records relating to a violation, to the Department as required in R17-5-612(C);

Failure of a manufacturer to submit to the Department valid and substantiated proof or evidence of a reportable activity related to a violation, including a summary report and relevant data loggers as required in R17-5-610(D)(2), within 10 days after the Department’s request;

Failure of a manufacturer to electronically send each Certified Ignition Interlock Summarized Reporting Record to the Department within 24 hours, after performing a calibration check, that results in the Department mailing a driver license suspension to a person;

Failure of a manufacturer to electronically send a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after installing a CIID;

Electronic reporting by a manufacturer to the Department, of data that is an exact duplicate of a single violation that occurs on a particular day and time and is reported multiple times;

Knowingly reporting a violation that occurs when a participant’s vehicle has high or low voltage;

Reporting an incident that occurs when a person has a free restart test to start the person’s vehicle;

Reporting an incident that occurs in which a manufacturer downloads data from the device during a calibration check and tampers with the data or a CIID; ~~or~~

Failure of a manufacturer to validate any person’s ignition interlock period extension within 10 days; or

~~An~~ Reporting an incident that occurs after the person’s vehicle is turned off.



“Independent laboratory” means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

“Manufacturer” means a person or an organization that is located in the United States, that is responsible for the design, construction, and production of an ignition interlock device and that is certified by the Department to offer ignition interlock devices for installation in motor vehicles in this state.

“Material modification” means a change to a CIID that affects the functionality of the device.

“Missed rolling retest” means the person refused or failed to provide a valid and substantiated breath sample while operating the motor vehicle, in response to a requested rolling retest within the time period prescribed in R17-5-615(E).

“Mobile services” means ignition interlock services provided by an IISP or its agents or subcontractors at a publicly accessible location other than the IISP’s service center, that meet the requirements of R17-5-618.

“NHTSA” means the United States Department of Transportation’s National Highway Traffic Safety Administration.

“NHTSA specifications” means the specifications for breath alcohol ignition interlock devices published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

“Permanent lock-out” means a feature of the CIID in which a motor vehicle will not start until the CIID is reset by an IISP or an IISP-certified technician.

“Person” means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning CIID, and who becomes a customer of an IISP for installation and servicing of the CIID.

“Positive result” means a test result indicating that the alcohol concentration meets or exceeds the set point value.

“Principal place of business” means the administrative headquarters of a manufacturer or an IISP that is located in Arizona, is zoned for commercial, and is not used as a residence.

“Purge” means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

“Real-time” or “real-time reporting” means the instant transmission of unfiltered ignition interlock violations as defined in R17-5-601, and data as prescribed in R17-5-610, including ~~photographs~~ digital images, to the manufacturer’s website for viewing by the Department without delay, as electronic or digital service permits.

“Reference sample device” means a device containing a sample of known alcohol concentration.

“Reference value” means an alcohol reference solution prepared and tested in a laboratory with a reference value and used to perform an accuracy check of the calibration of a CIID.

“Retest set point” has the same meaning as set point.

“Rolling retest” means a breath alcohol test that is required of a person at random intervals after the motor vehicle is started and that is in addition to the initial test required to start the motor vehicle.

“Service center” means an established place of business approved by the Department from which an IISP or its agents or subcontractors provide ignition interlock services to persons from one or more counties.

“Set point” means an alcohol concentration of 0.020 g/210 liters of breath. ~~The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters.~~

“Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the CIID from its power source that allows the operator to start the engine without taking and passing the requisite breath test.

“Technician” means a person who is certified and properly trained by an ignition interlock service provider to install, inspect, calibrate, service or remove certified ignition interlock devices.

“Temporary lock-out” means a feature of the CIID which will not allow a motor vehicle to start for five minutes after a breath alcohol test result indicating an alcohol concentration above the set point.

“Vehicle identification number” or “VIN” means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

“Violation” (when referencing acts or omissions on the part of a person in the ignition interlock program) includes, but is not limited to any of the following reportable activities performed by a person which a manufacturer shall promptly report to the Department:

- Circumventing the CIID as defined in R17-5-601;
- Tampering with the CIID as defined in A.R.S. § 28-1301;
- Failing to provide proof of compliance or inspection of the CIID under A.R.S. § 28-1461(E)(4);
- Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
- Attempting to operate the vehicle with an alcohol concentration value in excess of the set point if the person is under 21 years of age;
- Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute time frame during a person’s drive cycle;
- Disconnecting or removing a CIID, except:
 - On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or
 - On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

“Violation reset” means the unplanned servicing and inspection of a CIID and the downloading of information from its data storage system by an IISP as a result of an early recall that requires the manufacturer to unlock the device.

R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration

- A. The accuracy of the CIID shall be determined by analysis of an external standard generated by a reference sample device.
- B. A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.



- C. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D. All devices shall meet the setpoint requirements of R17-5-601 ~~when used at ambient temperatures of -20° Celsius to 83° Celsius; and the following requirements:~~
1. Be calibrated to have an accuracy within plus or minus 0.005 g/210L of the reference value;
 2. Be calibrated using a known reference value between .020 g/210L and .050 g/210L; and
 3. Be accompanied by a Certificate of Analysis (COA).
- E. A device shall be designed so that anticircumvention features will be difficult to bypass.
1. Anticircumvention provisions on the device shall include, but are not limited to, prevention or preservation of any evidence of circumvention by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
 2. A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F. A CIID shall have global positioning system capability, and the manufacturer shall electronically and wirelessly download in real-time from the device and transmit daily to the Department, a person's ignition interlock activity in an FTP batch file.
- G. A CIID shall be equipped with a camera, which shall not distract or impede the driver in any manner from safe and legal operation of the vehicle, shall record all ignition interlock activity of the person, and shall provide any visual evidence of actual or attempted tampering, alteration, bypass, or circumvention, and report this information directly to the manufacturer.
- H. The camera shall be able to record and store visual evidence of each person providing a breath alcohol test, and shall meet the following requirements:
1. At device installation, the camera shall take a reference picture of the person, which shall be kept on file;
 2. A clear ~~photograph~~ digital image shall be taken for each event, including initial vehicle start, all rolling retests, and whenever a violation is recorded;
 3. Each ~~photograph~~ digital image shall be a wide-angle view of the front cabin of the vehicle, including the passenger side, to ensure the camera can clearly capture the entire face of the person and any passengers; and
 4. The camera shall produce a digital image, ~~identifiable verification, or a photograph~~ of the person in all lighting conditions, including brightness, darkness, and low light conditions.
- I. A device shall:
1. Automatically purge alcohol before allowing analysis.
 2. Have a data storage system with the capacity to sufficiently record and maintain a record of the person's daily driving activities that occur between each regularly scheduled calibration check referenced under R17-5-610 and R17-5-706. An IISP shall download and transmit any digital images taken during a person's calibration check, during each rolling retest, and each time a person with the ignition interlock requirement or another individual starts the motor vehicle. A manufacturer shall make these digital images available to the Department on request.
 3. Use the most current version of the manufacturer's software and firmware to ensure compliance with this Article and any other applicable rule or statute. The manufacturer's software and firmware shall:
 - a. Require device settings and operational features to include, but not limited to, sample delivery requirements, the set point, free restart, rolling retest requirements, violation settings, and temporary and permanent lock-outs; and
 - b. Prohibit modification of the device settings or operational features by a service center, or an IISP-certified technician unless the Department approves the modification under subsection (J).
 4. Record all emergency bypasses in its data storage system.
 5. Provide a visual reminder on the device that a calibration check must be performed on the person's CIID every 90 days, with prominent device notifications during each 77-day to 90-day interval within a person's ignition interlock period, of the following:
 - a. The device needs service; and
 - b. The time remaining until a permanent lock-out occurs.
 6. Notify a person that failure to get the calibration check, including calibration and data download, by the end of each 90-day period will cause the vehicle to be in a permanent lock-out mode, and shall record the event in the data storage system.
 7. On recording a violation of A.R.S. Title 28, Chapter 4, Article 5 for one instance of tampering or circumvention, ~~or~~ any ignition interlock device malfunction, or any four valid reportable violations within a continuous 90-day period, emit a unique cue, either auditory, visual, or both, to warn a person that an early recall is initiated, requiring the person to return to the IISP in 72 hours for a violation reset.
 8. Enter into a permanent lock-out if a person does not return to the IISP for a violation reset within 72 hours after an early recall occurs.
 9. When a violation results in a permanent lock-out mode, the device shall:
 - a. Immobilize the person's vehicle;
 - b. Uniquely record the event in the data storage system; and
 - c. Require a violation reset by the IISP.
 10. Enter into a temporary lock-out mode for five minutes when the device detects during the initial breath alcohol test that a person's breath alcohol concentration is at or above the set point.
 11. After the five-minute temporary lock-out, the device shall allow subsequent breath alcohol tests with no further lock-out as long as each subsequent test produces a valid and substantiated breath test.
 12. Have security protections and the capability to provide visual evidence of any actual or attempted tampering, alteration or bypass of the device, or circumvention.
- J. No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:



1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires any modification, the manufacturer shall immediately notify the Department.

R17-5-604. Ignition Interlock Device Certification; Application Requirements

- A. A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.
- B. To certify an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:
 1. The manufacturer’s name;
 2. The address of the manufacturer’s principal place of business in this state and telephone number;
 3. The manufacturer’s status as a sole proprietorship, partnership, limited liability company, or corporation;
 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
 6. The manufacturer’s electronic mail address.
 7. The following statements, signed by the manufacturer:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
 - b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
 - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or the manufacturer’s authorized IISP relating to the installation and operation of the ignition interlock device; and
 - ii. All court costs, expenses of litigation, and reasonable attorneys’ fees;
 - c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
 - d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.
- C. A manufacturer shall submit the following additional items with the application form:
 1. A document that provides a detailed description of the ignition interlock device and a ~~photograph~~ digital image, drawing, or other graphic depiction of the device;
 2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
 3. An independent laboratory’s report for each device model that:
 - a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015. The NHTSA specifications and technical corrections are incorporated by reference and are on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007, and the NHTSA Office of Research and Technology, 1200 New Jersey Avenue SE, Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
 - b. Provides the independent laboratory’s name, address, and telephone number; and
 - c. Provides the name and model number of the ignition interlock device tested.
 4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3), that states all of the following:
 - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists.
 - b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013 with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - c. The laboratory confirms that the ignition interlock device meets or exceeds the test results required under the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device.
 - e. The laboratory presented accurate test results to the Department.
 5. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
 - a. A product liability policy with a current effective date;
 - b. The name and model number of the ignition interlock device model covered by the policy;
 - c. Policy coverage of \$1,000,000 and \$3,000,000 in the aggregate;
 - d. The manufacturer as the insured and the state of Arizona as an additional insured;
 - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the ignition interlock device; and
 - f. The insurance company shall notify the Department’s Risk Management, Insurance and Indemnification Section in writing at least 30 days before canceling the product liability policy.
 6. A statement that the ignition interlock device has a camera, includes a global positioning system, and provides real-time reporting.
- D. ~~Beginning on July 1, 2018, for~~ For any new installation of ~~an~~ a certified ignition interlock device or any replacement of a device on a person’s motor vehicle with another device, an IISP or an IISP-certified technician shall install only a certified ignition interlock



device that meets the additional requirements in this Article, and meets or exceeds the test results required by the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

- E. A person whose CIID was installed prior to July 1, 2018, ~~and the device meets or exceeds the 2013 NHTSA specifications, with the 2015 NHTSA technical corrections, and continues to operate properly, shall keep the CIID on the person's vehicle. that does not meet all the requirements of Subsection (D) shall return to the person's IISP by October 1, 2020 to exchange the CIID for a CIID that meets all the requirements of Subsection (D).~~

R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing

- A. An application for certification of an ignition interlock device model is complete when the Department receives:
1. From the manufacturer, a properly prepared application form;
 2. From the manufacturer, all additional items required under R17-5-604(C);
 3. From the Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets or exceeds the NHTSA specifications in R17-5-604(C); and
 4. From the manufacturer, a letter or notification that the device meets the following standards:
 - a. The anticircumvention features in R17-5-603(E),
 - b. The data storage capacity requirement in R17-5-603(I)(2), and
 - c. The constant communication requirement in ~~R17-5-610(P)~~ R17-5-610(O).
- B. The Director shall deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or on finding any of the following:
1. The design, material, or workmanship is defective, causing the ignition interlock device model to fail to function as intended;
 2. The manufacturer's product liability insurance coverage is terminated or canceled;
 3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
 4. The manufacturer or the independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
 5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C), the requirements in this Article; or
 6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.
- C. The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director's decision to deny certification by filing a written request with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
- D. If a manufacturer timely requests a hearing on the Director's decision to deny certification of an ignition interlock device model, the Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

R17-5-609. IISP and Manufacturer Responsibilities

- A. An IISP shall refer a person only to the IISP's certified technician.
- B. An IISP shall provide the Department and each person with a toll-free telephone number to call to obtain the names and phone numbers of the IISP's certified technicians, the IISP service center locations, and hours of operation for the IISP service centers.
- C. An IISP shall certify each technician by providing adequate training and oversight for the technician to perform one of the activities at a service center, which are installation, inspection, calibration, service, or removal of a CIID.
- D. An IISP shall provide to every person operating a motor vehicle equipped with a CIID, and any other persons who will operate the motor vehicle, training on how to operate the motor vehicle. An IISP shall instruct the person on all of the following:
1. How to use the system;
 2. How to obtain service for the CIID;
 3. How to find answers to any additional questions;
 4. How the alcohol retest feature works;
 5. How drinking alcohol before a test may result in a reading of sensitive or fail;
 6. How the CIID shall not be removed, except by an IISP or IISP-certified technician;
 7. How noncompliance with a regularly scheduled calibration check for a person with a limited or restricted driving privilege shall result in suspension of the person's driving privilege under A.R.S. § 28-1463 until proof of compliance is submitted to the Department under A.R.S. § 28-1461, and the duration of the person's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
 8. What the penalties are for circumvention of the CIID;
 9. What the penalties are for tampering with, or misusing the CIID;
 10. What will happen after failing a start-up breath alcohol test;
 11. What will happen after a person has a set of three consecutive valid and substantiated missed rolling retests within an 18-minute time frame during a drive cycle; and that a person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition; or by keeping the motor vehicle in operation while the vehicle is parked, and leaving the vehicle when a rolling retest is requested;
 12. What events or actions will result in a temporary or permanent lock-out of the CIID; and
 13. How to provide a properly delivered alveolar breath sample.
- E. An IISP shall have each person sign a document stating that the IISP has instructed the person regarding each topic contained in subsections (D) and (L), and has received the manufacturer's written instructions for operation of the CIID.
- F. An IISP shall inform a person that a compliance check on a CIID is required 30 days and 60 days after installation of the device, which shall be done electronically.



- G. An IISP shall inform each person to bring the vehicle to a service center for a calibration check within every 77 to 90-day period until the person is eligible for device removal.
- H. An IISP shall check each CIID for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each person’s calibration check at a service center as required under R17-5-706.
- I. An IISP shall ensure that the manufacturer reports to the Department electronically under R17-5-610 if any evidence of tampering is discovered, and the manufacturer shall submit valid and substantiated proof or evidence of a reportable activity. An IISP shall keep visual evidence of a person’s tampering or circumvention for a minimum of three years after the termination of the ~~person’s~~ person’s required ignition interlock period.
- J. An IISP shall submit to the Department a list of the IISP-certified technicians, subcontractors, or agents, and service centers at the beginning of the contract with the Department, within 5 business days of making a change to the list previously provided, and on a monthly basis as requested by the Department.
- K. An IISP shall comply with the provisions of this Article and A.R.S. Title 28, Chapter 4, Article 5.
- L. A ~~manufacturer~~ manufacturer shall develop and an IISP shall provide each person a reference and problem solving guide at the time of installation that shall include information on the following:
 1. Operating a motor vehicle equipped with the CIID;
 2. Cleaning and caring for the CIID; ~~and~~
 3. Identifying and addressing any vehicle malfunctions or repairs that may affect the CIID; and
 4. How to properly take a valid and substantiated rolling retest.
- M. A manufacturer shall notify the Department within 10 days of a change of address of its principal place of business in this state.
- N. A manufacturer or an IISP shall provide a warning label, for each CIID installed, which shall have an orange background and shall include the following:
 1. Be a minimum size of two inches by one inch;
 2. Be printed in a minimum of nine-point font;
 3. Be printed in Arial font, or a font of substantially similar size and legibility; and
 4. Contain the words in black lettering: “Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor.”
- O. A manufacturer shall ensure that the IISP or the IISP-certified technician affixes conspicuously and maintains on each installed CIID the warning label described under subsection (N), which ~~can~~ may be affixed to the device or to the device’s cord.
- P. A manufacturer shall develop written instructions for the installation and removal of an ignition interlock device from a motor vehicle.
- Q. While a person maintains a functioning CIID in a vehicle under A.R.S. Title 28, Chapter 4, Article 5, the ignition interlock manufacturer shall electronically provide to the Department and transmit daily to the Department the information and reports prescribed in R17-5-610 and R17-5-615.
- R. The manufacturer is responsible for overseeing any agents or subcontractors, including vendors and distributors, as well as overseeing the manufacturer’s IISP to ensure adherence to all performance standards.

R17-5-610. Reporting; Reportable Activity

- A. A person shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
- B. A manufacturer shall develop and the IISP shall ensure that each IISP-certified technician complies with the IISP’s written procedures for the installation of a CIID.
- C. Certified ignition interlock device installation verification.
 1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of the device installation.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
 - a. Department-assigned service center number;
 - b. Person’s full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Report type;
 - h. Technician identification number;
 - i. A unique identification number for the CIID;
 - j. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - k. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- D. Certified ignition interlock device calibration check.
 1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing a calibration check on an installed CIID.
 2. A manufacturer shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means, which shall include:
 - a. A summary report stating why the data logger or any other evidence confirms the occurrence of a violation, including any ~~photographs~~ digital images of the person; and
 - b. A data logger that shows at least 12 hours of data before and after the violation.
 3. A manufacturer may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means, which may include:



- ~~a.~~ Photographs;
 - ~~b.~~~~a.~~ Video recordings;
 - ~~e.~~~~b.~~ Written statements; and
 - ~~d.~~~~c.~~ Any other evidence relevant to a violation.
4. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the calibration check shall contain all of the following information:
- a. Department-assigned service center number;
 - b. Person's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Report type;
 - h. Missed rolling retest count, dates, and times;
 - i. Technician identification number;
 - j. Alcohol concentration violation count, dates, time, and alcohol concentration;
 - k. Tampering violation count, dates, and time;
 - l. Circumvention count, dates, and time;
 - m. Device download date;
 - n. Device download time;
 - o. Bypass code indication, date, and time;
 - p. A unique identification number for the CIID;
 - q. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - r. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- E. Certified ignition interlock device removal report.
1. When a certified ignition interlock device is removed, a manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
 - a. Department-assigned service center number;
 - b. Person's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date;
 - h. Report type;
 - i. Technician identification number;
 - j. A unique identification number for the CIID;
 - k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger;
 - l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID;
 - m. Missed rolling retest count, dates, and times;
 - n. Device download date; and
 - o. Device download time.
- F. Reportable activity for a person's noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a person of any of the following transmitted electronically and wirelessly by the manufacturer to the Department in real-time within 24 hours:
1. Tampering with a CIID as defined in A.R.S. § 28-1301;
 2. Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute ~~timeframe~~ time frame during a person's drive cycle;
 3. Failing to provide proof of compliance or inspection of the CIID as required under A.R.S. § 28-1461(E)(4);
 4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
 5. Attempting to operate the vehicle with an alcohol concentration in excess of the set point if the person is under 21 years of age;
 6. Circumvention of a CIID as defined in R17-5-601; or
 7. Disconnecting or removing a CIID, except:
 - a. On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or
 - b. On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.
- G. A person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition- or by keeping the motor vehicle operating while the vehicle is parked, and leaving the vehicle when a rolling retest is requested. A missed rolling retest is reportable activity for a person's noncompliance under subsection (F).
- H. A manufacturer shall screen each person's data loggers to ensure that there is no improper reporting.
- I. A manufacturer shall ensure that a CIID has the necessary programming to identify each person's ignition interlock period and each drive cycle to report and send data and violations to the Department as required by these rules.



- J. A manufacturer shall review within 10 days all reports ~~generated~~ sent by the Department and returned to the manufacturer for verification of accurate reporting. If a manufacturer finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer shall immediately contact the Department to correct the person's record before corrective action is initiated against a person as a result of misreported ignition interlock data.
- K. A manufacturer shall immediately contact the Department if the manufacturer finds that the reported information indicates:
 1. An obvious mechanical failure of a CIID;
 2. Obvious errors in the recorded CIID data that cannot be attributed to a person's actions; ~~or~~
 3. Obvious errors in the transmission of CIID data to the Department, including misreported instances of tampering; ~~or~~
 4. Submission of an extension of a person's ignition interlock period or a violation to the Department when a person was not in the vehicle to take the rolling retests.
- L. A manufacturer shall ensure that a CIID electronically and wirelessly uploads data in real-time to the manufacturer's website, that is maintained by the manufacturer, and the manufacturer shall submit all required information and reports in a daily FTP file to the Department.
- M. In cases where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available.
- N. A manufacturer shall include the date of the last upload on the person's account on the manufacturer's website.
- O. A CIID shall have constant communication between the manufacturer's server and relay unit while the device is in use.
- P. All data, including ~~photographs~~ digital images, shall be available to the Department for viewing on the manufacturer's website within five minutes after the data is recorded on the device, or as soon as electronic or digital reception permits.

R17-5-612. Records Retention; Submission of Copies and Quarterly Reports

- A. During the duration of the ignition interlock service authorization agreement, an IISP shall retain each person's ignition interlock activity records in an electronic format, including a secure database, or a paper format. The retained records shall consist of every document relating to installation, operation, and removal of the CIID. The IISP shall maintain all daily ignition interlock activity records of each person in the device's data storage system, or in a secure database at a commercial business location in this state, that the Department may access during posted business hours. An IISP shall inform the Department where all individual ignition interlock activity records are located.
- B. Prior to the end or termination of an ignition interlock service authorization agreement, the manufacturer shall obtain all person's ignition interlock records and provide the Department with electronic access to the records for three years.
- C. A manufacturer shall provide copies of each person's ignition interlock records to the Department within 10 days after Department personnel request copies of records, including records relating to installation and operation of the CIID.
- D. A manufacturer shall electronically send to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
 1. The number of CIID's the IISP currently has in service;
 2. The number of CIID's installed since the previous quarterly report; ~~and~~
 3. The number of CIID's removed by the IISP since the previous quarterly report; ~~and~~ and
 4. Other information required by the Department.
- E. An IISP shall maintain and make available to the Department the ignition interlock records of all persons served by the IISP, records relating to the authorization agreement, and employee background check information at a commercial business location in this state of the manufacturer or the IISP during normal business hours.

R17-5-614. ~~Ignition Interlock Device Installation Fee; Financial Records~~ Ignition Interlock Device Installation Fee; Financial Records

- ~~A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.~~
- ~~B. An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP on ServiceArizona.com, or as specified by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.~~
- ~~C. An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.~~
- ~~D. An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP's website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP's service centers.~~
- ~~E. An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.~~
- ~~F. An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP's established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.~~
- A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.
- B. An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP, as determined by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.
- C. An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.
- D. An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP's website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP's service centers.
- E. An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.



- E.** An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP's established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.

R17-5-616. Civil Penalties; Hearing

- A.** After notice and an opportunity for a hearing, the Director may impose a civil penalty pursuant to A.R.S. § 28-1465, against a manufacturer of a certified ignition interlock device for improper reporting to the Department of ignition interlock data, as defined in R17-5-601; ~~that may cause the Department to erroneously initiate corrective action against a person.~~ The Director may impose and collect a civil penalty against a manufacturer of a certified ignition interlock device, who is responsible for an occurrence of improper reporting, as follows:
1. \$100 for the first occurrence, but not to exceed \$1,000 per series of occurrences of improper reporting on a specific date;
 2. \$250 for the second occurrence, but not to exceed \$2,500 per series of occurrences of improper reporting on a specific date; and
 3. \$500 for the third or subsequent occurrence, but not to exceed \$5,000 per series of occurrences of improper reporting on a specific date.
- B.** The Director, on finding that a manufacturer engaged in improper reporting, shall mail a notice to the manufacturer ~~a notice stating~~ that civil penalties may be imposed for improper reporting. The notice shall:
1. Specify the basis for the action; and
 2. State that the manufacturer may, within 15 days after receipt of the notice, file a written request for a hearing with the Department's Executive Hearing Office as prescribed in 17 A.A.C. 1, Article 5.
- C.** A manufacturer who is aggrieved by an assessment, decision, or order of the Department under A.R.S. § 28-1465 and this Section may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6.
- D.** The manufacturer shall pay the civil penalty imposed under this Section to the Department no later than 30 days after the order is final.
- E.** ~~Action to enforce the collection of a civil penalty assessed under subsection (A) shall be brought by the attorney general or the county attorney in the name of the state in the justice court or the superior court in which the hearing is held. If the manufacturer fails to pay the civil penalty within 30 days after the order is final, the director may file an action in the superior court in the county in which the hearing is held to collect the civil penalty.~~

R17-5-621. Service Center Application

- A.** On approval by the Director of an IISP's signed application for authorization to provide ignition interlock services, an IISP shall submit to the Department for approval a properly completed service center application for approval of the IISP's service centers.
- B.** An IISP shall provide the following information to the Department:
1. The service center name, which shall match the name on the service center;
 2. The business address of the established place of business of each service center or business location;
 3. The telephone number of each established place of business of each service center or business location;
 4. The service center's legal status as a sole proprietorship, partnership, limited liability company, or a corporation;
 5. The name of the sole proprietor, each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 6. The name and model number of each CIID the IISP plans to install;
 7. An indication of any service centers that will provide mobile services;
 8. Any applicable business licenses and the governmental entity; and
 9. The following statements signed by the IISP:
 - a. A statement that all information provided on the application, including all information provided on any attachment to the application is complete, true, and correct;
 - b. A statement that the IISP agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the IISP agrees to comply with all requirements in these rules; and
 - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.
- C.** The Department shall process an IISP's service center application only if the IISP meets all applicable application requirements.
- D.** The Department shall, within 10 days of receiving a service center application, provide notice to the IISP that the application is either complete or incomplete.
1. The date of receipt is the date the Department receives the application.
 2. If an application is incomplete, the notice shall specifically identify the required information that is missing.
- E.** An IISP with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
1. After receiving all of the required information, the Department shall notify the IISP that the application is complete.
 2. The Department may deny approval of a service center if the IISP fails to provide the required information within 15 days of the date on the notice.
- F.** The Department shall render a decision on a service center application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (D) or (E).
- G.** For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a service center:
1. Administrative completeness review time frame: 10 days.
 2. Substantive review time frame: 30 days.
 3. Overall time frame: 40 days.
- H.** If a service center is no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.



- I.** An IISP shall be the authorized representative of a specific manufacturer while the authorization agreement is in effect, for a service center to install the manufacturer's CIID.
- J.** If an IISP, subcontractor, or agent opens or relocates a service center, or the service center is operated by another entity, an IISP, subcontractor, or agent shall submit a new service center application for approval.
- K.** An IISP shall use this process to reapply to the Department for a service center application.