State of Connecticut
Regulation of
Department of Motor Vehicles
Concerning
Ignition Interlock Devices

Section 1. Sections 14-227a-11a to 14-227a-24a, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-227a-11a. Scope

(a) The purpose of sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies is to implement the provisions of the Connecticut General Statutes governing the installation and use of ignition interlock devices in motor vehicles. These sections include, inter alia, the procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices, for the installation of such devices by a person approved and authorized by the Department of Motor Vehicles, and for permitting a person to operate a motor vehicle after his or her Connecticut operator's license or [non resident] operating privilege has been suspended due to a conviction for a first, second or subsequent violation of subsection (a) of section 14-227a of the Connecticut General Statutes <u>or for a violation of section 14-227b of the Connecticut General Statutes</u>.

(b) Sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies shall apply only to those devices installed under <u>the</u> authority of [subsection] <u>subsections</u> (g) and (i) of section 14-227a, <u>section 14-227b,</u> section 14-227j and subsection (i) of section 14-111 of the Connecticut General Statutes [or any successor] <u>and any other applicable</u> statutes.

Sec. 14-227a-12a. Definitions

As used in sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Alcohol set point" or "start-up set point" means the blood alcohol content, established pursuant to subsection (a) of section 14-227j of the Connecticut General Statutes, at or above which the device shall prevent the motor vehicle in which it is installed from starting;

(2) "Applicant" means a manufacturer <u>or vendor,</u> or its authorized representative seeking the Department's approval of an ignition interlock device;

(3) ["Approval"] <u>"Approved applicant"</u> means [meeting and maintaining the requirements for placement on a list of approved ignition interlock devices] <u>a manufacturer or vendor, or its authorized representative, who has obtained approval of an IID by the commissioner in accordance with section 14-227a-14a of the Regulations of Connecticut State Agencies;</u>

(4) "Blood alcohol content" or "BAC" means the grams of ethyl alcohol per one hundred (100) milliliters of blood expressed as percentage, or grams of alcohol per 210 liters of breath;

(5) "Circumvent" means an overt attempt to bypass the ignition interlock device by providing samples other than the natural unfiltered breath of the operator, or by starting the vehicle without using the ignition switch, or any other act intended to allow the vehicle to start or continue to operate without the operator first taking and passing a breath test;

(6) "Commissioner" means the Commissioner of Motor Vehicles;

(7) "CSSD" means the Court Support Services Division of the Judicial Branch of the State of Connecticut;

(8) "Department" means the [department] Department of [motor vehicles] Motor Vehicles;

(9) "Device" means an ignition interlock device or breath alcohol ignition interlock device;

(10) "Failed rolling re-test" means a breath test taken by the operator of a motor vehicle equipped with an ignition interlock device while the vehicle is running that shows the operator has a BAC at or above the alcohol set point[.];

(11) ["Failed start-up test] "Failed start up test" means a breath test taken by the operator of a motor vehicle equipped with an ignition interlock device prior to starting the vehicle's ignition which registers a BAC at or above the alcohol set point, and which prevents the vehicle from starting;

(12) "Ignition interlock device," or "IID," also known as "breath alcohol ignition interlock device," shall have the meaning set forth in subsection (a) of section 14-227j of the Connecticut General Statutes;

(13) "Independent testing laboratory" means a testing laboratory or analytical chemist not affiliated with a manufacturer of ignition interlock devices that is qualified to test ignition interlock devices or reference samples;

(14) "Installer" means a manufacturer's or vendor's representative who is authorized to install, inspect, calibrate, maintain and remove an ignition interlock device;

(15) "Manufacturer" means any person [engaged] that engages in the manufacturing or assembling of ignition interlock devices;

(16) "Model specifications" means the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIID) of the National Highway Traffic Safety Administration, published in 78 Federal Register [Volume 57, Number 67, pages 11772-11787] 26849, or any amendment thereto;

(17) "Operating Privilege" means the nonresident motor vehicle operating privilege granted to a licensed resident of another state, province or country under section 14-39 of the Connecticut General Statutes, or the opportunity to obtain a license in Connecticut or any other state;

(18) "Operator" shall have the meaning as provided in section 14-1 of the Connecticut General Statutes;

[(17)](19) "Owner" [has] shall have the meaning [set forth] as provided in [subdivision (61) of subsection (a) of] section 14-1 of the Connecticut General Statutes, and includes a lessee of a motor vehicle;

[(18)](20) "Purge" means the process whereby a device cleanses or removes a previous breath test sample from the device and specifically removes residual alcohol;

[(19)] (21) ["Rolling re-test] "Rolling re-test" means a breath test required within randomly variable intervals while an operator is driving a motor vehicle equipped with an IID to ensure that the operator's BAC remains below the alcohol set point;

[(20)](22) "Security" means the protection and safeguards incorporated into ignition interlock devices to ensure proper performance and to ensure against failure caused either by inherent defects or human tampering that causes the device not to operate as [designated] designed;

[(21)](23) "Service center" means a physical location in Connecticut where IIDs are installed, [serviced] inspected, monitored, calibrated, maintained and removed and includes mobile service units;

[(22)](24) "Service period" means the interval between service visits;

[(23)] (25) "Service visit" means a required visit to a service center to have an IID inspected, monitored,calibrated, [or] maintained or removed, and shall include an initial service visit, monthly service visits and a visit to a service center as a result of a violation or malfunction of the device. An initial service visit shall be conducted [within] not later than thirty (30) days after the installation of the IID [installation], and monthly service visits shall be conducted in service periods of twenty-

five (25) to thirty (30) days;

[(24)](26) "Tampering" means an overt attempt to physically alter or disable an IID, or disconnect it from its power source, or remove, alter or deface physical anti-tampering measures, so an operator is able to start or continue to operate the motor vehicle without taking and passing a required breath test [and];

(27) "Vendor" means any person that provides or distributes an approved IID and;

[(25)](28) "Violation" means one of the following acts or omissions by a person who is required to operate a motor vehicle with an IID:

(a) Failing to appear for an IID scheduled service visit within five (5) days of the scheduled service date;

(b) [A] Failing [second or subsequent occasion of failing] a rolling re-test;

(c) Failing to submit to a rolling [retest] re-test;

(d) Tampering with or attempting to tamper with[or circumventing or attempting to circumvent] the IID, based upon a report to the commissioner and CSSD from the manufacturer or vendor, or its authorized representative, or the installer;

(e) Operating a motor vehicle without a required IID;

(f) Removing or causing to be removed an IID without proof of written authorization from the commissioner;

(g) Requesting or soliciting another person to blow into or otherwise activate the device for the purpose of providing the restricted [driver] operator with an operable motor vehicle[.];

(h) Circumventing or attempting to circumvent the IID, based upon a report to the commissioner and CSSD from the manufacturer or vendor, or its authorized representative, or the installer; and

(i) Failing an initial start-up test when the operator's BAC is at or above five hundredths of one percent.

Sec. 14-227a-13a. Adoption by reference

The Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIID) of the National Highway Traffic Safety Administration, published in 78 Federal Register [Volume 57, Number 67, pages 11772-11787] 26849, as the same may be amended from time to time, are adopted by reference as regulations of the [Department of Motor Vehicles] department.

Sec. 14-227a-14a. Application for approval of device

(a) An applicant seeking approval of an IID shall apply to the commissioner on such forms as the commissioner may prescribe.

(b) The applicant shall certify the following with respect to each make or model device for which approval is sought:

(1) The device does not impede the safe operation of the motor vehicle;

(2) [Circumvention and tampering opportunities are minimized] The device minimizes the opportunities for circumvention or tampering;

(3) The device correlates accurately with established measures of blood alcohol levels;

(4) The device performs accurately and reliably in an unsupervised environment;

(5) The device requires a proper and accurate measure of blood alcohol levels;

(6) The device operates reliably over a range of motor vehicle environments or motor vehicle manufacturing standards;

(7) The device provides an electronic record of the [driver's] operator's experience with the device;

(8) The device, [Regardless] regardless of its make or model, or [the fact that the device] whether

it is leased or sold, [it] meets the requirements of sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;

(9) The device uses a fuel cell sensor;

(10) The device shall be recalibrated and inspected and data from the device shall be downloaded every twenty-five (25) to thirty (30) days; and

(11) The device's [Breath] breath test results shall not be subject to interference or alteration by radio signals.

(c) An applicant shall provide the commissioner with the following information:

(1) The name and address of the manufacturer and vendor, if applicable;

(2) The name and model number of the device;

(3) A detailed description of the device and its principal of operation, including instructions for its installation and operation;

(4) Technical specifications descriptive of the device's accuracy, security, data collection and recording, tamper detection and environmental features;

(5) A certificate from an insurance company authorized to do business in Connecticut providing evidence that the manufacturer or vendor holds product liability insurance with minimum liability limits of one hundred thousand dollars ($100,000) per occurrence, with a three hundred thousand dollar ($300,000) aggregate total. The liability covered shall include defects in product design and materials, as well as workmanship during manufacture, calibration, installation, inspection, maintenance and removal. The proof of insurance shall include a statement from the insurance carrier that thirty (30) [days] days' written notice shall be given to the commissioner prior to cancellation;

(6) A copy of drawings, schematics, installation manual and wiring protocols for the device and its components if requested, and to the extent such information is not claimed to be proprietary or would be subject to public disclosure;

(7) A list with the name, address[,] and license number of any person or firm that has been certified as qualified to install, maintain, calibrate, inspect or remove the applicant's device; and

(8) Such other information as the commissioner may require.

(d) The applicant shall submit an affidavit to the commissioner, certifying that the individual submitting the application is authorized by the manufacturer or vendor to act on its behalf.

(e) The applicant shall [agree that it shall] bear the costs associated with processing the application, including the costs of providing the commissioner with an affidavit from an independent testing laboratory regarding the make and model of the device for which approval is sought.

(f) The applicant shall provide an affidavit from an independent testing laboratory certifying that the make and model of the device submitted for approval meets or exceeds all requirements set forth in sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies. Such affidavit shall further provide:

(1) The name and location of the independent testing laboratory;

(2) The address and telephone number of the independent testing laboratory;

(3) A description of the tests performed;

(4) Copies of the data and results of the testing procedures; and

(5) The names and qualifications of the individuals performing the tests.

(g) The applicant shall agree to provide the commissioner with written notification of any denial, suspension or revocation by any government authority of an approval of its device within [thirty (30)] fourteen (14) days of the date that the manufacturer or vendor receives notice of such action.

Sec. 14-227a-15a. Additional specifications for approval of device

Each device shall meet the following requirements:

(1) Automatically purge residual alcohol before allowing subsequent tests; and

(2) Provide encryption so that data stored in the device is kept secure and protected from public

access.

Sec. 14-227a-16a. Reports required of the[manufacturer]approved applicant

The [manufacturer] approved applicant shall provide the following to the commissioner:

(1) An affidavit which shall be resubmitted on an annual basis, stating that the model of device originally approved by the commissioner has not been modified or altered in any way, so as to require retesting by an independent testing laboratory;

(2) [An annual] A summary, upon the request of the commissioner, of all complaints received in connection with its operations in this state and the responses and corrective actions taken, if warranted, by the [manufacturer for each model of approved device] approved applicant. Each approved applicant shall keep a record of such complaints and associated responses including any corrective actions taken in accordance with section 14-227a-23a of the Regulations of Connecticut State Agencies;

(3) Written notification of the denial, suspension or revocation of a device by any unit of government at any time. Such notice shall be provided to the commissioner within [thirty (30)] fourteen (14) days of the date that the [manufacturer] approved applicant receives notice of the action; and

(4) Such other information as the commissioner may require.

Sec. 14-227a-17a. Costs

[Costs] The costs charged by independent testing laboratories and all other costs of obtaining the commissioner's approval of a device shall be paid by the applicant.

Sec. 14-227a-18a. Suspension or revocation of device approval

(a) Approval of a device may be suspended or revoked, and the device removed from the list of approved devices, upon the occurrence of any of the following:

(1) Evidence of repeated failures [due to gross defects in design, materials or workmanship during manufacture];

(2) Voluntary request of the [manufacturer] approved applicant;

(3) Misrepresentations regarding the ability of the device to meet performance standards;

(4) Failure to submit required reports to the commissioner;

(5) Denial, suspension or revocation of an approval by any unit of government at any time; or

(6) Other reasonable cause.

(b) The effective date of a suspension or revocation shall be fifteen (15) days after notification is mailed to the [manufacturer] approved applicant, except in cases where the commissioner determines immediate suspension or revocation is required to protect the public health, safety or welfare.

(c) Within fifteen (15) days of receipt of notice of suspension or revocation, the [manufacturer] approved applicant may request reconsideration of the decision. Such request shall be submitted in writing to the commissioner.

Sec. 14-227a-19a. Approval of IID installers

(a) In order to install, inspect, maintain, calibrate or remove an IID, a person or firm shall be identified on a current official list of installers submitted to the commissioner by each [manufacturer of] approved applicant that has an approved IID. Each installer shall be trained and certified by the manufacturer. Each [manufacturer] approved applicant shall provide to the commissioner such information concerning each of its installers as the commissioner may request, including an estimate of the charges of each such installer to install, inspect, maintain, calibrate and remove an IID. Each

installer shall have at least one fixed location with a street address in Connecticut that serves as its base of operations and at which records are maintained.

(b) If the commissioner has reason to believe that any installer is performing its responsibilities in any manner that is detrimental to, and not in the best interests of, the administration of any provision of sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies, including any matter set forth in section 14-227a-24a of the Regulations of Connecticut State Agencies, the commissioner shall notify the [manufacturer] approved applicant to take appropriate action to rectify the situation, up to and including the revocation of the certification of such installer.

(c) An installer shall be authorized to install, inspect, maintain, calibrate or remove only that device, or devices, listed in the [manufacturer's] certification letter.

(d) No installer shall permit customers or other unauthorized persons to observe the installation, inspection, maintenance, [servicing,] calibration or removal of a device.

Sec. 14-227a-20a. Installation of IID

(a) Prior to installing an IID, the [Installer] installer shall obtain [a] written authorization to perform the work from the owner of the motor vehicle, on an invoice signed by the owner, which shall include an estimate of the cost of installation, together with a written copy of the list of costs for periodic inspection [of the device], maintenance, calibration [and] or removal of the device and any other charge imposed by the approved applicant. The installer shall provide a copy of such invoice to the owner of the motor vehicle.

(b) The [Installer] installer shall provide the department with written notification whenever an IID is installed in or removed from a motor vehicle in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies. The notification shall include the name and operator's license number of the person who requested to have the device installed or removed from a motor vehicle, the odometer reading of the motor vehicle in which the device is to be installed or removed and a description of the motor vehicle, including the vehicle identification number.

Sec. 14-227a-21a. Maintenance and calibration of IID device

[(a)] At the time of installation, the [Installer] installer shall provide the owner of the motor vehicle, and the operator if different from the owner, with a written schedule of required inspections. The [Installer] installer shall inspect the IID every twenty-five (25) to thirty (30) days to [insure] ensure that the device is working properly and, in this regard, shall perform any necessary maintenance or calibration and shall record the mileage from the motor vehicle's odometer. If the [manufacturer] approved applicant or installer removes and replaces an existing device, or any part thereof, in connection with the maintenance or calibration of the device, such removal and replacement shall be completed at a service center.

Sec. 14-227a-22a. Reports of operator default or violation

(a) The [Installer manufacturer or manufacturer's representative] installer or approved applicant shall [immediately] file a report with the commissioner, CSSD and such other entities as the commissioner designates in such manner as the commissioner requires, [upon discovering] not later than five (5) days after the operator: (1) [Evidence of circumventing, disabling or tampering with a device; (2) Failing] Fails a rolling re-test; [(3)] (2) [Failing] Fails to submit to a rolling re-test; [(4)] (3) [A failed] Fails a start-up test; [(5)] (4) [A missed] Misses a service visit; or[; (6)] (5) [Removal of] Removes the device. The installer or approved applicant shall also file such report not later than

five (5) days after it discovers that the operator has circumvented, disabled or tampered with a device. The installer or approved applicant shall take the steps necessary to obtain violation information from the device not later than seventy-two (72) hours after the occurrence of a violation.

(b) The report shall include the following information: (1) Name and position of the person submitting the report; (2) Date and time of the incident or violation giving rise to the report; (3) Reason for the report and if applicable, documentation to support the report; (4) [Driver's] Operator's name and [driver] operator license number and; (5) Registration number and vehicle identification number of the motor vehicle in which the device is installed.

(c) The installer or approved applicant shall provide, in a timely manner, violation and calibration reports to an operator who committed a violation upon a written request by the operator for such reports.

Sec. 14-227a-23a. Maintenance of records

The [Installer] installer[, manufacturer or manufacturer's representative] or approved applicant shall keep a record of the installation, inspection, maintenance, calibration and removal of each IID, and any complaints received as set forth in section 14-227a-16a of the Regulations of Connecticut State Agencies. The record shall be maintained for a period of five (5) years, and shall be made available for inspection by the department at any time upon twenty-four (24) [hours] hours' notice.

Sec. 14-227a-24a. Suspension or revocation of installer

(a) [A manufacturer] An approved applicant shall suspend or revoke a person's or firm's authorization as an [Installer] installer for any of the following reasons:

(1) The [Installer] installer failed to properly install, inspect, maintain, calibrate or remove an IID;

(2) The [Installer] installer failed to make a required report to the commissioner in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;

~~(3) The [Installer] installer failed to make or maintain the records in accordance with sections 14-~~227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;

(4) The [Installer] installer tampered with the IID; or

(5) (5) Any other reasonable cause related to the installation, inspection, maintenance, calibration or removal of an IID.

(b) The [manufacturer] approved applicant shall notify the commissioner [promptly] in writing within twenty-four (24) hours of any action taken pursuant to subsection (a) of this section.

Sec. 2 The Regulations of Connecticut State Agencies is amended by adding the following:

(NEW) Sec. 14-227b-24b . Suspension and revocation of an approved applicant

(a) The commissioner may suspend or revoke an approved applicant:

(1) For failure to comply with the requirements set forth in this regulation and all applicable state and federal laws; and

(2) For failure to adequately respond to complaints that it receives from operators who are using the approved applicant's IID.

(b) The effective date of a suspension or revocation shall be fifteen (15) days after written notification to the approved applicant, except in cases where the commissioner determines immediate suspension or revocation is required to protect the public health, safety or welfare. If such approved applicant complies with all requirements in this regulation prior to the effective date of such

suspension or revocation, the commissioner shall not impose such suspension or revocation.

Sec. 3 Sections 14-227a-25a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-227a-25a. List of approved IIDs, applicantsand installers

The department shall maintain an official list of approved IIDs, [of manufacturers,] applicants and [of] certified [Installers] installers. Each approved applicant shall notify the department of any additions to or removals from its network of certified installers. The department also shall maintain contact information, including toll free telephone numbers, for [manufacturers whose IIDs have been] approved applicants. Such list and information shall be made available to any person who seeks to have an IID installed in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 14-227a-26a. Permission to operate motor vehicle with an IID

(a) Any person who is ordered by the Superior Court not to operate any motor vehicle unless such motor vehicle is equipped with an IID shall apply to the commissioner for permission to install and use such a device in all motor vehicles owned [by such person] or operated by such person. The commissioner shall grant such permission if: (1) the commissioner has received reliable information that such order has been made, including any special conditions imposed by the court and (2) such person's license or operating privilege is not under suspension by the commissioner or is currently scheduled, as of a date certain, to be suspended for any reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(b) Any person who is convicted of a first or second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes [or a second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes] within ten (10) years after a prior conviction for the same offense, as indicated on such person's driving history as maintained by the commissioner, and, as a consequence, has had his or her motor vehicle operator's license or nonresident operating [privileges] privilege suspended, shall apply to the commissioner for permission to operate a motor vehicle that is equipped with an approved IID. The commissioner shall grant such permission if: (1) such person has been convicted on or after January 1, 2012 and has served not less than forty-five (45) days of such suspension; (2) such person has installed an approved IID in each motor vehicle owned or [to be used] operated by such person[,]; and (3) such person's license or operating privilege is not under suspension by the commissioner or currently scheduled, as of a date certain, to be suspended for any other reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(c) Any person whose operator's license or operating privilege is suspended in accordance with subdivision (1) or (2) of subsection (i) of section 14-227b of the Connecticut General Statutes shall apply to the commissioner for permission to operate a motor vehicle that is equipped with an approved IID. The commissioner shall grant such permission if : (1) such person's operator's license or operating privilege has been suspended pursuant to section 14-227b of the Connecticut General Statutes on or after July 1, 2015 and such person has served not less than forty-five (45) days of such suspension; (2) such person has installed an approved IID in each motor vehicle owned or operated by such person; and (3) such person's license or operating privilege is not under suspension by the commissioner or currently scheduled, as of a date certain, to be suspended for any other reason or cause.

[(c)](d) The commissioner shall not restore the motor vehicle operator's license or operating

privilege of any person who is convicted of a first or second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, or who is suspended pursuant to subdivision (1) or (2) of subsection (i) of section 14-227b of the Connecticut General Statutes, until such person has installed an approved IID in each [of the driver's] motor [vehicles, as defined in 23 Code of Federal Regulations, section 1275.3 (b),] vehicle that such person owns or operates and shall not authorize the removal of the device until such person has maintained it for the period of time required by law, including any extension of such period that is imposed by the commissioner pursuant to subsection (b) of section 14-227a-27a of the Regulations of Connecticut State Agencies.

[(d)](e) The commissioner shall establish a procedure for any person identified in subsections (a), (b), [or] (c) or (d) of this section to obtain permission to operate a motor vehicle that is equipped with an approved IID. The procedure shall require each such person to complete and execute a written application, which shall contain such information and affirmations by such person as the commissioner may prescribe. Prior to having an approved IID installed, any person seeking to operate a motor vehicle equipped with an approved IID may request a preliminary determination from the department as to whether such person otherwise meets the requirements, as stated in subsections (a) [and], (b) and (c) of this section, for such person's application to be granted. The commissioner shall make available for review by CSSD application materials and [driver] operator records of all persons who apply for IIDs.

[(e)](f) If permission is granted to a person by the commissioner under subsection [(d)](c) of this section, the department shall place a notation on the official record of such person's operator's license or [Connecticut] operating privilege, to indicate that such person's operator's license or operating privilege is restricted, including the travel limitations described in subsection [(f)](g) of this section, if applicable, and that the holder is authorized to operate motor vehicles that are equipped with an approved, properly functioning IID, and no other motor vehicles. Such restriction shall be known as an IID restriction. The commissioner may place the designation "IID" or similar designation, on the operator's license record of any person who is granted permission to operate a motor vehicle in accordance with the provisions of this section. The department shall take steps necessary to furnish information concerning each IID restriction to the Connecticut On-Line Law Enforcement Communications Teleprocessing System (COLLECT system).

[(f)](g) A person who has been convicted of a second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes within ten years after a prior conviction for the same offense, as indicated on such person's driving history as maintained by the commissioner, and who has been granted permission to operate a motor vehicle equipped with an approved IID in accordance with subsection [(d)](c) of this section shall, during the first year of the prescribed three-year IID period, operate such motor vehicle only to or from (1) work, (2) school, (3) an alcohol or drug abuse treatment program, (4) an ignition interlock service center, or (5) an appointment with a probation officer. Each person subject to this subsection shall, at all times while operating a motor vehicle, carry a schedule or schedules detailing such person's hours of work and school, and all appointments pursuant to subdivisions (3) to (5), inclusive, of this subsection to which such person is authorized to drive under this subsection.

[(g)](h) If permission as described herein is granted by the commissioner, it shall be the responsibility of such person to have each motor vehicle[,] owned or operated by such person, that is equipped with the IID, inspected by the [Installer] installer every twenty-five (25) to thirty (30) days to [insure] ensure that the device is operating properly, and that the device is properly maintained, inspected, installed and calibrated. It shall also be the responsibility of such person to contact the installer if such person has reason to believe that the device is not working properly.

[(h)](i) The person shall be provided with a document by the department evidencing the fact that the commissioner has granted such person permission to operate a specific motor vehicle or vehicles

equipped with an IID. This document shall be kept in the motor vehicle whenever the person is operating [the] such vehicle.

[(i)](j) A person who has been ordered by a court to operate only a motor vehicle equipped with an IID as described in subsection (a) of this section shall not be permitted to remove the IID until the commissioner receives documentation from such court that the order is no longer in effect. A person who is authorized to operate with an IID as a result of a conviction under subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, as described in subsection (b) of this section, or as a result of a suspension in accordance with subdivision (1) or (2) of subsection (i) of section 14-227b of the Connecticut General Statutes, shall not remove an IID until the commissioner notifies such person that he or she has fulfilled the IID restriction.

Sec. 14-227a-27a. Suspension or revocation of permission to operate with an IID

(a) The commissioner shall suspend or revoke a person's permission to operate a motor vehicle if such person removes, causes to be removed or fails to maintain an IID that is required to be installed and maintained in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies. The commissioner shall suspend or revoke a person's permission to operate a motor vehicle equipped with an IID, in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies in the event that such person is convicted of an offense or violation of law, including a violation of section 14-227b of the Connecticut General Statutes, that requires a suspension of the operator's license or operating privilege. After such person serves the license or privilege suspension, the IID restriction shall resume for the duration of the original IID period, and shall be extended for the length of time that such suspension was in effect and if applicable, for any additional time specified in subsection (b) of this section.

(b) For each violation of the IID restriction, as defined in section 14-227a-12a of the Regulations of Connecticut State Agencies, the duration of the operator's IID restriction shall be extended by ~~thirty (30) days. The unauthorized removal of a device or the failure to maintain an installed device~~ shall also result in an additional extension of the IID restriction for a period equal to the time that the operator did not have or maintain a device [on] in a motor vehicle prior to any suspension or revocation imposed under subsection (a) of this section.

(c) The operator shall be provided with written notice and an opportunity for a hearing, held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, to contest the proposed suspension or revocation of permission to operate with an IID or for the extension of the IID period under one or more provisions of sections 14-227a-11a through 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies.

(d) In addition to taking any action authorized by subsection (b) of this section, if the commissioner becomes aware of any reliable information that a person who has been permitted to operate a motor vehicle equipped with an IID has requested or solicited another person to blow into an IID or to start a motor vehicle equipped with an IID for the purpose of providing such person with an operable motor vehicle[,] or that such person has operated any motor vehicle not equipped with a functioning IID in violation of subsection (a) of section 14-227k of the Connecticut General Statutes, or that such person or any other person has tampered with, altered or bypassed the operation of an IID in order to [use] operate such motor vehicle [for transportation purposes] in violation of subsection (b) of section 14-227k of the Connecticut General Statutes, the commissioner shall report such information to the appropriate law enforcement or prosecuting authority. If the commissioner receives reliable information that an operator has requested or solicited another person to provide a breath sample for the IID, the commissioner may require that such operator install a device with biometric capabilities or that is equipped with a camera.

Sec. 14-227a-28a. Third or subsequent convictions

Sections 14-227a-11a [through] to 14-227a-27a, inclusive, of the Regulations of Connecticut State Agencies shall apply to the installation and use of an IID authorized after a hearing held in accordance with section 14-111(i)(2) as the result of a third or subsequent conviction for a violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes.

Statement of Purpose

The purpose of this regulation is to implement recent legislative changes to state law governing licensed operators who are permitted to drive a motor vehicle equipped with an ignition interlock device or "IID" as a condition of the restoration of their operator's license or operating privilege. Public Act 2014-228, effective July 1, 2015, extends the IID requirement for those operators suspended in violation of the state's administrative "per se" law, after serving a license suspension of not less than forty-five (45) days.

Other highlights of the proposal are:

- Creates new definitions which clarify the roles and responsibilities of the manufacturer or vendors of the device and the certified installers of the approved IIDs as well as the operator of a motor vehicle equipped with such a device;
- Strengthens the rolling re-test violation and adds two more reportable violations an operator will be subject to and which may require the IID to remain in the motor vehicle beyond the original time allocated under statute;
- Enhances the manufacturer's or vendor's responsibility regarding their record keeping, including responding to any complaints received by an operator who has installed their device in a motor vehicle;
- Requires any reportable violation committed by an operator of a motor vehicle equipped with an IID to be made available to such violator upon written request to the approved manufacturer or vendor;
- Creates a new regulatory section regarding the suspension or revocation of an approved manufacturer or vendor of an IID;
- Places responsibility upon the operator of a motor vehicle equipped with an approved IID to alert the installer if the device is not working property;
- Provides greater communication between the agency, the approved manufacturer or vendor, the installers and the operator of a motor vehicle equipped with an IID.

The amendment also provides grammatical changes for clarity and consistency.