

APPLICATION FOR CERTIFICATION TO PROVIDE IGNITION INTERLOCK SERVICES IN VERMONT



**DEPARTMENT OF MOTOR VEHICLES
Agency of Transportation
120 State Street
Montpelier, VT 05603-0001
dmv.vermont.gov**



APPLICATION INSTRUCTIONS

Manufacturers seeking to provide ignition interlock program services in the State of Vermont shall submit a complete response to this application. **Applications must be signed by the individual authorized to make contractual commitments on the organization's behalf.**

Manufacturers seeking certification must provide state-wide ignition interlock device services in all 14 counties of Vermont. Service may be provided in either fixed locations or by mobile service centers.

Where attachments are indicated, they must be attached to this application. If they are not attached, you must indicate, in a cover letter, the date in which you will submit the document to the Vermont Department of Motor Vehicles.

Included in this Request for Certification is an ***Application for Ignition Interlock Device Certification***. If you wish to submit applications for more than one device, you may make additional copies of the application, or request them from this Department. **Please note:** You may only apply for certification of devices that use **fuel cell technology** and are **equipped with a camera**.

Your response should be enclosed in one mailing envelope or box with the notation "***Ignition Interlock Program***" clearly visible on the front. Fax or e-mail transmittals will not be accepted.

Mail completed applications to:

Vermont Department of Motor Vehicles
ATTN: RDL Unit
120 State Street
Montpelier, VT 05603-0001

Additionally, if you have any questions or comments, please submit them **in writing** to the address indicated above or via email to: DMV.RDL@vermont.gov

All applications will become the property of the State of Vermont Department of Motor Vehicles, and will be considered public documents once final decisions are made, with the exception of any information deemed proprietary by the Department upon review of such request from a manufacturer.

Once approved you must renew your certification every two years.

Name of Company	Name of Chief Executive Officer
Street / PO Box	
City / State / Zip	
Email Address	Phone Number

PERSON COMPLETING APPLICATION

Name	Title
Street / PO Box (<u>If different</u> than the address indicated above)	
City / State / Zip	
Email Address	Phone Number

POINT OF CONTACT FOR QUESTIONS ABOUT THIS APPLICATION

Name	Title
Email Address	Phone Number

STATE REPRESENTATIVE

Name	Title
Email Address	Phone Number

Note: This application must be signed by the individual authorized to make contractual commitments on the applicant manufacturer's behalf.

Application Questions

All questions must be answered. If needed, attach additional sheets for comments or questions

§1. Ignition Interlock Service Coverage

- (a) Provide a listing of the states and other countries in which you install ignition interlock devices
- (b) Will you be providing mobile service centers? Yes No

§2. Certification of Manufacturers of Ignition Interlock Devices

(a) I certify the manufacturer will only lease, sell, install or use as part of the Vermont Ignition Interlock Program those models or types of devices that meet NHTSA and AIIPA Ignition Interlock Device Standards.

(b) Application for Certification:

A separate application is required for each model or type of device for which approval is sought. The manufacturer must certify the device:

- Does not impede the safe operation of a vehicle.
- Minimizes opportunities to bypass.
- Performs accurately and reliably under all normally anticipated circumstances.
- Satisfies the requirements for certification as set by the Vermont Ignition Interlock Program Rules, NHTSA & AIIPA.
- Prevents a person from starting a vehicle when the person has a prohibited alcohol concentration.

I certify the manufacturer will provide all of the following information:

- The name, address, telephone number and email address of the manufacturer of the device.
- The name and model number of the device.
- A statement the device meets or exceeds the minimum federal standards contained in the most recently published Model Specifications for Breath Alcohol Ignition Interlock Devices adopted by the National Highway Traffic Safety Administration by a Notice in the Federal Register.
- A certification from an officer of a laboratory or a certified laboratory technician who tested the device stating the device was tested in accordance with the federal standards and the device was found to satisfy the requirements of the Model Specifications.
- A certification that the device is made by a manufacturer who is covered by product liability insurance.
- The manufacturer agrees to indemnify and hold harmless the state of Vermont and the Commissioner and his or her officers, employees and agents from all claims, demands and actions as a result of

damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use and removal of a device.

- The manufacturer may submit for consideration evidence of certification obtained in any other jurisdiction.
- The manufacturer shall agree that any installation or service of an IID performed within the state of Vermont or the inclusion zone shall be in compliance with all requirements of Vermont Ignition Interlock Program Rules.
- The manufacturer agrees to provide an expert witness if the performance of the device is an issue in any judicial or administrative proceeding.
- The manufacturer agrees to provide state-wide coverage for installation and service of ignition interlock devices.

(c) I understand the representations made by a manufacturer on the Application for Ignition Interlock Device Certification become conditions to the certification when the certification is approved by the Commissioner of Motor Vehicles. The failure of a manufacturer to comply with those conditions may result in the suspension or revocation of the certification.

(d) I understand the Commissioner of Motor Vehicles shall certify, or refuse to certify, a device after receipt of a complete Application for Ignition Interlock Device Certification. The manufacturer will be notified within fifteen (15) days of receipt of the application if the application is incomplete. The manufacturer will be told what information or documents are needed to complete the application.

(e) I understand the Commissioner of Motor Vehicles may deny, suspend or revoke certification of a manufacturer or device for any of the following:

- Defects in design, materials, or workmanship causing repeated failures of a device to function as intended.
- Termination or cancellation of a manufacturer's liability insurance.
- The manufacturer ceases to manufacture ignition interlock devices.
- Voluntary request by a manufacturer to cancel approval of a device.
- Violation by a manufacturer, vendor, installer, service provider or agent, employee or independent contractor of any provisions of this rule or conditions to the certification.
- Providing materially false or inaccurate information relating to a device's performance standards by the manufacturer or certifying laboratory.
- Modification or alteration of the components, design, or installation and operation instructions so that the requirements of the minimum federal standards are no longer satisfied, unless the modifications have already been certified.

(f) I understand a suspension or revocation is effective fifteen (15) days after notification is sent to the manufacturer by regular mail or such later date as may be specified in the notice. The notice must specify the basis for the action.

- (g) I understand a manufacturer whose Application for Certification is denied or whose certification is suspended or revoked may request an administrative hearing. The hearing will be held pursuant to 23 VSA §105 – §106. The issue at the hearing is whether, by a preponderance of the evidence, the manufacturer can show cause why the decision of the Commissioner of Motor Vehicles should not be upheld.
- (h) I understand that within ninety (90) days of the event of suspension or revocation of certification, the manufacturer is responsible for and must bear the cost for the removal of any and all decertified devices and the replacement with a certified device whether their own or another certified manufacturer's device.
- (i) I understand the manufacturer must notify the Commissioner of Motor Vehicles immediately, in writing, of any material modification or alteration in the components, design or installation and operating instructions of any device approved for use in this state, and must provide the Commissioner of Motor Vehicles satisfactory proof (to include retesting by an independent laboratory, if required) prior to sale or distribution of the altered or modified device that these modifications or alterations do not adversely affect the ability of the device to satisfy the requirements of the minimum federal standards contained in the most recently published Model Specifications for Breath Alcohol Ignition Interlock Devices adopted by the National Highway Traffic Safety Administration. Any device with a material modification or alteration must be re-approved by the Commissioner of Motor Vehicles.

§3. Standards and Specifications for Ignition Interlock Devices

- (a) Expect as otherwise provided herein, I certify that all ignition interlock devices for which certification is sought will meet or exceed the most recently published standards established by the U.S. Department of Transportation, National Highway Traffic Safety Administration and that all devices employ an electrochemical (fuel cell) sensing method of detecting the presence of alcohol.
- (b) I certify the device will indicate by audible or visual means when a sufficient breath sample has been collected and indicate the result by a pass/fail signal. A device must be able to be adjusted to permit operation with as little as 1.2 liter of breath per blow if required to obtain a sufficient sample.
- (c) I certify the device will prevent a driver from starting the vehicle when a breath test detects a BAC of 0.02 or greater and when a driver fails to appear for service within the five (5) day warning period.
- (d) I certify the device will require the driver to submit to a random retest within a variable interval ranging from five (5) to fifteen (15) minutes after a driver has passed an initial breath test and started the vehicle. An audible or visual warning must alert the driver of the retest and the driver will have ten (10) minutes to take the random retest. If the driver fails to submit to the retest within ten (10) minutes or the device detects a BAC of 0.02 or greater, the horn will sound repeatedly and the headlights shall flash until the vehicle is turned off. Once the vehicle is turned off, the device must not allow the driver to restart the vehicle without taking an initial breath test. If the vehicle is turned off or accidentally stalls, after or during the warning of an impending random retest, but before the driver takes the random retest, the device must prevent the driver from starting the vehicle without taking an initial breath test.
- (e) I certify the device will be programmed to allow unlimited attempts to provide a breath sample on a retest within a ten (10) minute period, and that the device shall enter a temporary lockout for a period of 30 minutes if the user fails to provide a sample within the 10-minute period or fails a retest.
- (f) I certify the device will record data in its memory in such a manner that data cannot be erased and a hard copy can be printed, and that the data recorder has a backup system to protect the security of all recorded data in the event the power supply to the device is interrupted or the sample head is disengaged or

disconnected. The ability to transfer the unaltered data electronically must be included. The following information must be stored in the data recorder:

- The date and time of any use or attempted use of a vehicle.
- The date and time of any attempt to tamper, circumvent or bypass the device.
- The date, time and alcohol concentration, in grams per 210 liters, of each breath sample provided to the device.
- The date and time of any malfunctions of the device.
- The date and time of any failures to provide retest samples.
- The date and time a “service required” message is issued to the customer by the device.

(g) I certify the device will provide the following information to a driver:

- The device’s readiness for acceptance of a breath sample.
- A reminder seven (7) days prior to a scheduled service date followed by a warning to obtain service within five (5) days after the scheduled service date.
- An indication when the device has entered a lockout state.

(h) I certify the device will place the vehicle in a permanent lockout state, if any of the following conditions occur:

- The device detects tampering, circumvention or bypass attempts.
- The driver fails to provide a breath sample during three (3) consecutive retest periods.
- A scheduled service date is missed and the five (5) day grace period has expired.
- Service is not obtained within five (5) days of the service reminder.

(i) I certify the manufacturer will ensure that a device has adequate electronic anti-tampering features which include the following:

- A device must retain its tamper detection capabilities when disconnected from the vehicle’s power supply, or record that it was disconnected.
- A device must retain its data memory when disconnected from the vehicle’s power supply.
- When a device detects a condition that would be considered tampering, the device must activate a visual and audible indicator.
- A device must include a camera with the capability of capturing and retaining an image of the person providing the breath sample at each vehicle start and random retest. Such images shall be included in the reports required in Section 6 of these rules. A person may not cover the camera or otherwise attempt to prevent an image of his or her face from being captured while providing breath samples for vehicle starts or retests.

(j) Override. I certify the device will be programmed to allow test free restarts in the case of engine stalls.

§4. Manufacturer Responsibilities

(a) I certify the manufacturer will provide the following information to the Commissioner of Motor Vehicles at initial certification and each recertification:

- A copy of the agreement between the manufacturer and installer.
- A copy of the standard agreement between the installer/manufacturer and the driver of the vehicle in which the device is installed.
- The 24 hour toll free telephone number which the manufacturer provides the driver to contact authorized installers.
- The fee schedule listing the costs assessed to a driver for installation of the device, monthly leasing of the device, scheduled service visit, violations service visit, and removal of the device.
- The name, address, telephone number and e-mail address of the state coordinator.
- A detailed description, including a photograph, drawing or other graphic depiction of the device.
- Document containing complete written instructions provided to authorized installers for installation, operation, service, repair and removal of the device.
- Document containing the complete written instructions provided to participants and other operators of a vehicle equipped with the device.
- A complete and up-to-date list of authorized installers (including name, business address, phone number, contact person and hours of operation).

(b) I certify the manufacturer will ensure installers:

- Comply with all requirements of the Ignition Interlock Program rules.
- Possess and maintain all necessary training and skills required to install, examine, troubleshoot, and verify proper operation of devices.
- Possess the tools, test equipment and manuals needed to install, inspect, download, calibrate, repair, maintain, service and remove devices.
- Provide the restricted driver and all persons who will use the vehicle with written and hands on training in how to operate a vehicle equipped with the device, including:
 - Care, cleaning and maintenance.
 - Identification of vehicle malfunctions and repairs affecting the device and procedures for addressing them.
 - A twenty-four (24) hour emergency telephone number for assistance in the event a device fails to operate properly or a vehicle experiences a problem relating to the installation, operation or failure of a device. Assistance must include technical information and assistance in locating a

tow company or road service provider. Emergency assistance related to the failure of a device must be provided within two (2) hours for vehicles located near an area with an installation facility. The device must be made functional within 48 hours of the call for assistance being received or the device must be replaced.

- Informing the restricted driver that he or she is accountable for all breath samples logged by the device.
- Maintain established business hours with an installer available during those hours.
- Conduct business from an enclosed building with a separate waiting area for customers. If installation is done by a mobile unit, the customer cannot observe installation of the device. The business premises and mobile units are subject to announced and unannounced inspection by the Commissioner of Motor Vehicles or his or her agents.
- A person employed as an installer must be at least eighteen years of age.
- I understand persons employed as installers are subject to the approval of the Commissioner of Motor Vehicles.

§5. Installation, Monitoring, Servicing and Removal of Ignition Interlock Devices

I certify the manufacturer will meet the following installation, servicing and removal requirements:

(a) Installation:

- An installer must provide proof of installation, including the information required in Section 6 a) (2), to the Commissioner electronically within 24 business hours of the installation.
- Only installers, manufacturers and representatives of the Commissioner may observe the installation and removal of devices. Reasonable security measures must be taken to prevent access by unauthorized persons to devices, the written materials and hardware and software associated with the devices.
- An installer shall examine each vehicle before installing the device. The examination must include screening procedures to ensure the vehicle in which the device is to be installed is in a mechanical and electrical condition that will allow the device to meet the specifications contained in these rules. Conditions that the manufacturer has determined would prevent the device from meeting the specifications must be repaired before the device is installed. The person seeking installation is responsible for the costs of any repairs to the vehicle.
- The device's camera must be mounted in such a manner as to capture the front compartment of the vehicle. The camera shall capture an image of both the driver and the front passenger.
- After a device is installed, the vehicle and device must be inspected to ensure that the installation was performed properly, the device is working as required and the device does not interfere with the normal operation of the vehicle.
- An installer must certify that a device has been installed. The certification shall be made on a form prescribed by the Commissioner.

- A warning label, approved by the Commissioner, must be affixed to installed devices. The warning label must contain the following information: “WARNING – A person removing, tampering with, disconnecting or otherwise circumventing this device may be subject to civil penalties. 23 VSA §1213(k)”.

(b) Monitoring and Servicing:

- An installer must follow the requirements established by this rule and the manufacturer’s specifications for service monitoring, service and repair.
- A device must be scheduled for service 60 days after initial installation and thereafter at intervals not to exceed 67 days.
- Calibration service must be provided within five (5) business days after the request for service is made.
- Each time a device is serviced, the installer must:
 - Review the data recorded in the device’s memory and retain a copy in the person’s file.
 - Inspect the device for indications of tampering.
 - Calibrate the device.
- For those manufacturers who perform “swap outs” at every scheduled service visit, i.e. remove the currently installed device and replace it with a new device, the installer must:
 - Review the data recorded in the removed device’s memory and retain a copy in the person’s file.
 - Inspect the removed device for indications of tampering.

(c) Removal:

Note: The following does not apply to “swap outs” as described in Section 5

- Only a manufacturer or installer may remove a device.
- An installer or manufacturer must notify the Commissioner electronically within 24 hours, or next business day, of the removal of a device stating the specific reasons for removal.
- Whenever a device is removed, the vehicle must be restored to its original condition. All severed wires must be securely reconnected and insulated with heat shrink tubing or its equivalent.

§6. Reports and Records

I certify the manufacturer will meet the following reports and records requirements:

(a) Violations Reports:

- A manufacturer or installer must electronically notify the Commissioner and Vermont Department of Corrections within 24 hours, or next business day, of discovering reliable information showing:

- Evidence of circumventing, removing, or tampering with a device.
- A registered 0.02 or greater BAC during a rolling retest.
- A failure to submit to a retest that results in a permanent lock out condition.
- A missed service visit.
- The report must include the following information:
 - Name and affiliation (manufacturer and installer) of the person submitting the report.
 - Reason and basis for the report.
 - Driver's full name, date of birth, driver license number and address.
 - Registration plate number and the vehicle identification number of the vehicle in which the device is installed.

(b) Driver Monitoring Reports:

- A manufacturer or installer must electronically notify the Commissioner within 24 hours of the servicing of a device.
- The report must include the information required by subdivision (a) (2) of this section and the results of the service, including a summary of the information provided by the device's data recorder.

(c) Six Month Status Reports:

- An installer must electronically provide data to the manufacturer for the periods of January 1 – June 30 and July 1 – December 31, for each device installed on vehicles to be operated within the state of Vermont, a manufacturer must electronically provide the Commissioner a status report once every six months.
- The report must provide the following:
 - Information required by §6 (a) (2) (i) and (ii).
 - Standard prices established for installation, calibration, removal, device rental, reinstallation and any other standard charges.
 - Non-standard charges assessed to any driver, listing the driver's contact information as provided in §6 (a) (2) (iii) and the amount and reason for the charge.
 - Number of requests for financial assistance.
 - List of persons, including the information required by §6 (a) (2) (iii) and (iv) who had a device installed or removed from a vehicle.
 - Number of devices installed and number of devices that malfunctioned or were defective requiring service, repair or replacement. The serial numbers and the specific problem identified for malfunctioning and defective devices must be included in the report.

- Number of service visits that resulted in a charge to a driver, including the information required by §6(a) (2) (iii), amount of the charge and the reason for the charge.
- Number and a summary of all complaints received and the corrective action, if any, taken by the manufacturer or installer for each model or type of device.
- The date any service is performed.
- The mileage since the previous service was performed.

(d) A manufacturer or installer must keep all records relating to the application for approval of a device and all records relating to the installation, service, removal, performance and use of individual devices for a period of three years following the removal of any device.

§7. Audit and Inspection of Records and Facilities

I understand the Commissioner of Motor Vehicles or his or her agents may audit and inspect the facilities and records of a manufacturer and installer to verify compliance with the requirements of this rule. Manufacturers and installers must make facilities and records available to the Commissioner or his or her agents during reasonable business hours.

CERTIFICATION

This certification must be signed by the individual authorized to make contractual commitments on the applicant manufacturer's behalf. The statements and warrants made herein are certified under the penalties of 23 VSA §202.

I have read, understand and am able and willing to comply with all standards contained in this Request for Certification. I certify that all information on this application and all attachments are complete, true and correct.

Signature: _____ **Date:** _____

Printed Name: _____

Title: _____