

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 10. PERSONNEL
SUBCHAPTER 3. BREATH ALCOHOL ANALYSTS

40:10-3-7. Instructors for breath alcohol training courses

(a) **Policies pertaining to breath-alcohol training instructors.** The following policies apply to instructors for breath-alcohol training courses or programs under the jurisdiction and authority of the Board of Tests for Alcohol and Drug Influence:

(1) Only the State Director of Tests for Alcohol and Drug Influence or persons possessing the qualifications set forth herein and holding an appropriate valid and current instructor permit shall conduct instruction and training within the State of Oklahoma in breath-alcohol analysis and related subjects under the jurisdiction and authority of this Board.

(2) Instructor permits shall be issued to qualified persons by authority of the Board of Tests for Alcohol and Drug Influence in such categories or combinations of categories as may, from time to time, be established by the Board.

(3) Instructors shall comply with this Board's rules and the policies, practices, procedures and directives for breath-alcohol analysis training established by authority of this Board, and with the other conditions and requirements set forth herein.

(b) **Qualifications of instructors.** Breath-alcohol training instructors shall possess the following qualifications:

(1) ~~Employee of a recognized Oklahoma law enforcement agency~~ Possession of a valid Breath Alcohol Operator Permit in accordance with OAC 40:10-3-1 or OAC 40:10-3-3.

(2) ~~Minimum age of 21 years.~~

(3) ~~Good moral character~~

(4) ~~Current certification by the Council on Law Enforcement Education and Training as a general instructor, specialized instructor, or adjunct instructor, or eligibility for such CLEET certification.~~

(5) ~~Possession of a valid and appropriate Breath-Alcohol Analysis Supervisor Permit for all approved evidential breath instruments authorized to use a wet-bath simulator for verification, issued by authority of the Board of Tests for Alcohol and Drug Influence.~~

(6) (2) Satisfactory completion of a breath-alcohol training an instructor development course or school acceptable to the Board of Tests for Alcohol and Drug Influence, as determined by the State Director of Tests for Alcohol and Drug Influence, or equivalent background as determined by the State Director of Tests for Alcohol and Drug Influence.

(7) (3) Competence to conduct instruction and training and to administer examinations, in one or more appropriate categories of training in breath-alcohol analysis and closely related subject matter, as determined by the State Director of Tests for Alcohol and Drug Influence or the State Director's designated representative(s).

(c) **Instructor permits.** Instructor Permits shall be issued by authority of the Board of Tests for

Alcohol and Drug Influence, in the categories established by the Board, to persons who meet the above qualifications and have satisfied the requirements set forth herein.

(1) **Requirements.** Requirements for issuance of Breath-Alcohol Training Instructor Permits are as follows:

(A) Submission of a properly completed application form for the appropriate category or categories of Permits, together with the supporting documentation specified therein.

(B) Participation in such conference(s) or exercise(s) for prospective breath-alcohol training instructors as may be conducted by the State Director of Tests for Alcohol and Drug Influence or the State Director's designated representative(s)

(2) **Period of validity.** Breath-Alcohol Training Instructor Permits shall be valid to a period of three (3) years from the date of issue, and shall be subject to earlier termination or revocation at the discretion of the Board of Tests for Alcohol and Drug Influence. Such permits shall be renewable in accordance with such terms and requirements as are established by ~~authority of the Board~~ the State Director of Tests for Alcohol and Drug Influence.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 20. SPECIMENS

40:20-1-3. Collection, transfers, and retention of specimens of blood

(a) **Withdrawal and collection of blood.** Withdrawal and collection of specimens of blood obtained from living human subjects under the provisions of Title 47 and Title 3 and Title 63, Oklahoma Statutes shall be performed as set forth in this Section. The entire process shall be carried out with full regard for the health and safety of the tested persons, and so as to maintain properly the identity, integrity, and composition of such blood specimens.

(1) **Collection of blood specimens - general conditions.**

(A) Blood shall be withdrawn in accordance with accepted medical practices, in an appropriate hospital or medical or clinical environment, including the interior of an ambulance, and by persons authorized by Title 47, Section 752 of the Oklahoma Statutes, and these rules, to withdraw blood.

(B) No blood shall be knowingly withdrawn from any person with hemophilia or from any person who is taking anticoagulant medication(s) under the direction of a licensed healing arts practitioner.

(2) **Procedures and techniques, precautions.**

(A) Blood shall be withdrawn by venipuncture, after appropriate preparation of the puncture site(s), and with necessary precautions to maintain asepsis and avoid contamination of the specimens. Puncture site preparation and skin cleansing shall be performed without the use of alcohol or other volatile organic disinfectant.

(B) All blood specimens shall be collected directly in or immediately deposited into suitable clean, sterile, dry containers with inert closures, which contain adequate and appropriate anticoagulant(s) and preservative(s) in accordance with recognized procedural standards.

(C) All disposable materials, supplies, and paraphernalia shall not be reused for the withdrawal and collection or storage of blood specimens. All such materials, supplies, and paraphernalia other than required records or those required to be stored or retained or forwarded for evidentiary or other reasonable purposes shall be safely disposed of as soon as practicable after use. All materials, supplies, and paraphernalia with which the tested subject will or may come into physical contact shall be stored, handled, and used in a properly safe and sanitary manner.

(D) Each tube or other vessel containing a blood specimen shall be placed into a sealed envelope or other suitable sealed container or enclosure, approved by the State Director of Tests for Alcohol and Drug Influence, and bearing or containing at least the following information:

- (i) Full name of the subject from whom the blood specimen was obtained
- (ii) Date, time, and location where the blood specimen was obtained
- (iii) Name of the law enforcement agency (and unit thereof, if needed for further identification) responsible for obtaining and processing the blood specimen
- (iv) Legible signature and title of the qualified person who withdrew the blood specimen.

(b) **Handling and disposition of state's blood specimen.** A blood specimen collected at the request of a law enforcement officer, hereafter termed "State's blood specimen," shall be handled and processed as set forth hereinafter.

(1) Each State's blood specimen, in its sealed container and employing other shipping or transport enclosures as required, shall be ~~promptly~~ dispatched or forwarded by the law enforcement agency to a central or branch forensic laboratory of the Oklahoma State Bureau of Investigation, or to another official Forensic Alcohol Laboratory or Forensic Drug Laboratory approved by the Board, as appropriate, accompanied by a request for determination of the presence and/or concentration of alcohol and/or other intoxicating substance in such blood specimen, as appropriate. The choice of approved Laboratory shall be made by the law enforcement agency employing the arresting officer. The State's blood specimen shall be dispatched or forwarded within 48 hours of collection of the specimen. For purposes of this section, "dispatched or forwarded" includes, but is not limited to depositing in the U.S. Mail or with a courier, hand-delivery to the designated laboratory, or submission to the arresting officer's agency in accordance with that agency's policy or practice for the handling of specimens of blood.

(2) The law enforcement agency may accomplish the dispatch or forwarding of the State's blood specimen to the approved Laboratory of its choice by use of the U. S. Postal Service, personal delivery, or by any other appropriate means.

(3) The storage and dispatch or forwarding of the State's blood specimen shall be accomplished in such manner and by such means as to maintain the identity and integrity of specimens, maintain the chain of custody, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.

(c) **Collection, transfers, and retention of retained blood specimens.** Whenever a State's blood specimen is collected under the provisions of Title 47, Oklahoma Statutes, at the direction of a law enforcement officer and for the purpose of determining the concentration of alcohol or other intoxicating substance thereof, an additional and separate blood specimen shall be collected at the same time and by the same qualified person withdrawing the State's blood specimen. The resulting additional specimen is hereafter termed "Retained Blood Specimen." Such Retained Blood Specimens shall be collected, retained, transferred, and analyzed as set forth hereinafter.

(1) **Collection of retained blood specimens.**

(A) Whenever possible, the additional blood specimen shall be withdrawn from the tested person without performing additional venipunctures, and shall be collected incident to and as a part of the entire blood collection process.

(B) The Retained Blood Specimen shall be withdrawn and collected in a manner identical to the State's blood specimen and as set forth heretofore in this Section.

(C) The tube or other vessel containing the Retained Blood Specimen shall be placed into a sealed envelope or other suitable sealed container or enclosure, approved by the State Director of Tests for Alcohol and Drug Influence, and bearing or containing at least the following information:

(i) Full name of the subject from whom the blood specimen was obtained

(ii) Date, time, and location where the blood specimen was obtained

(iii) Name of the law enforcement agency (and unit thereof, if needed for further identification) responsible for obtaining and processing the blood specimen

(iv) Legible signature and title of the qualified person who withdrew the blood specimen.

(2) **Transfer of retained blood specimens to an approved retention laboratory.**

(A) Each Retained Blood Specimen, in a sealed container and employing other shipping

or transport enclosures as required, shall be promptly transferred by the law enforcement agency to a Retention Laboratory approved by the Board of Tests for Alcohol and Drug Influence and designated for that purpose by the Board.

(B) Each Retained Blood Specimen so transferred shall be accompanied by substantially the following information, clearly associated with a given specimen:

- (i) Name, location, address, and telephone number of the law enforcement agency (and unit thereof if needed for further identification) transferring the blood specimen
- (ii) Date of transfer of the blood specimen from the law enforcement agency to the Approved Retention Laboratory
- (iii) Full name of the subject from whom the blood specimen was obtained
- (iv) Date, time and location of blood specimen collection
- (v) Case or identification number assigned to the case or subject by the law enforcement agency
- (vi) Legible signature, name, and title of the authorized person initiating the transfer of the specimen from the law enforcement agency to the Approved Retention Laboratory.

(C) The law enforcement agency may accomplish the transfer or forwarding of the Retained Blood Specimen to the Approved Retention Laboratory designated by the Board by use of the U. S. Postal Service, personal delivery, or by any other appropriate means.

(D) The transfer or forwarding of the Retained Blood Specimen shall be accomplished in such manner and by such means as to maintain the identity and integrity of specimens, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.

(E) Neither the tested person, nor any agent or attorney of such person, shall have access to the Retained Blood Specimen while it is in the custody of the law enforcement agency, or during the transfer process, or thereafter.

(3) Retention and storage of retained blood specimens.

(A) Each Retained Blood Specimen, in a sealed envelope or other sealed container or enclosure, shall be kept and stored by the Approved Retention Laboratory designated by the Board for sixty (60) days from the date of collection, unless transferred prior thereto to a Board-approved Forensic Alcohol Laboratory or Forensic Drug Laboratory as hereinafter provided. After the expiration of sixty (60) days from the date of such collection, all such Retained Blood Specimens, other than those transferred to an approved Laboratory as hereinafter provided, may be promptly and safely destroyed by the Approved Retention Laboratory.

(B) Retained Blood Specimens shall be stored and kept in accordance with policies, practices, or procedures established by the Approved Retention Laboratory responsible for obtaining and storing these specimens and not inconsistent with the Rules of the Board of Tests for Alcohol and Drug Influence. Storage shall be carried out in such a manner and by such means as to maintain the identity and integrity of specimens, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.

(C) Neither the tested person, nor any agent or attorney of such person, shall have access to the Retained Blood Specimen while it is in the custody of the Approved Retention Laboratory.

(4) Transfer of retained blood specimens to a forensic alcohol laboratory or forensic drug

laboratory.

(A) Upon proper direction by the tested person or such person's agent to the Approved Retention Laboratory which has custody of the Retained Blood Specimen obtained from such person, received in accordance with such Approved Retention Laboratory's policies, practices and procedures and within sixty (60) days from the date of collection of the Retained Blood Specimen, the Approved Retention Laboratory shall promptly transfer the Retained Blood Specimen obtained from such person to any Forensic Alcohol Laboratory or Forensic Drug Laboratory, as appropriate, which is approved by the Board of Tests for Alcohol and Drug Influence and was selected by such person or such person's agent.

(B) The Approved Retention Laboratory may accomplish the transfer of the Retained Blood Specimen to the Forensic Alcohol Laboratory or Forensic Drug Laboratory by use of the U. S. Postal Service, personal delivery, or by any other appropriate means; provided, that neither the tested person nor any agent or attorney of such person shall have access to the Retained Blood Specimen during the transfer process, or thereafter.

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 50. IGNITION INTERLOCK DEVICES**

40:50-1-1.1. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

“**Alcohol**” means Ethyl Alcohol, also called ethanol.

“**Anti circumvention feature**” means any feature or circuitry incorporated into the device that is designed to prevent activity that would cause the device not to operate as intended.

“**Board**” means the Administrative Offices of the Oklahoma Board of Tests for Alcohol and Drug Influence created by O.S. 47:759.

“**Board *en banc***” means the sitting members of the Board as defined by O.S. 47:759 (A).

“**Breath alcohol test**” means the analysis of a person’s expired alveolar breath to determine the alcohol concentration.

“**Calibration**” means the process of testing and adjusting a device to ensure accuracy.

“**Circumvention**” means to bypass the correct operation of an interlock device by starting the vehicle, by any means, without first providing a breath test.

“**Confirmatory test**” means a breath test required in response to a circumvention.

“**Certification**” means a status granted by the Board that permits a manufacturer to distribute a device in the state of Oklahoma.

“**Data storage system**” means a recording of all events monitored by the device.

“**Director**” means the position of the State Director of the Board as defined in O.A.C. 40:1-1-3.

“**Fee**” means a non-refundable administrative fee.

“**Free restart**” means a function of a device that will allow a vehicle to be restarted under the requirements in this title, without having to complete another breath alcohol test.

“**Ignition interlock device**” means a mechanism that prevents a vehicle from starting when the breath alcohol concentration of a breath alcohol test meets or exceeds the startup set point. Also referred to as “device”.

~~“**Illegal start**” means the starting of a vehicle equipped with a device without successfully completing and passing the required breath alcohol test.~~

“**Inclusion Zone**” means an area encompassing 25 driven miles from the Oklahoma state line as determined by the Board.

“**Installation Authority**” means the Oklahoma agency or entity by statute or order requiring or authorizing installation of a device.

“**License**” means the permission granted by the Board to engage in specific activities of the ignition interlock program.

“**Manufacturer**” means the actual producer of the device.

“**Manufacturer representative**” means the individual designated by the manufacturer to act on behalf of or represent the manufacturer in all matters under the jurisdiction or consideration of the Board with respect to device certification.

“Monitor” means the agency, organization and/or person(s) designated by the Installation Authority to receive reports regarding ignition interlock program participants.

“Negative result” means a breath alcohol test result indicating the alcohol concentration is less than the specific point value for the purpose specified.

“Penalty Fail” means a breath alcohol test resulting in a positive result that meets or exceeds the specific point value for the purpose specified.

“Permanent lockout” means a condition wherein the device will not allow a breath alcohol test and therefore will not allow the vehicle to be started.

“Positive result” means a breath alcohol test result indicating the alcohol concentration meets or exceeds the specific point value for the purpose specified.

“Proper Record Maintenance” means the manufacturer’s complete records on every participant for a period of five (5) years from the date of removal including, but not limited to, all data retrieved from the data storage system of a device. The Board, or its designee, shall have access to any and all records.

“Reciprocity” means the process by which the Board may defer to a foreign state’s device standards and specifications when an interlock participant is required to meet an interlock requirement for more than one state simultaneously.

“Reference sample device” means any alcohol breath testing external control or device approved for use by the Board.

“Retest” means ~~an additional a~~ breath alcohol test or tests required in accordance with the requirements in this title O.A.C. 40:50-1-3(e).

“Startup set point” means an alcohol concentration at which, or above, the device would prevent the vehicle from starting.

“Tampering” means any act or attempt to alter, interfere, disable, defeat or circumvent the installation or operation of the device.

“Vendor” means a licensed ignition interlock technician designated by the Manufacturer representative of a certified device to act on behalf of or represent the manufacturer in all matters under the jurisdiction or consideration of the Board, excluding matters related to device certification.

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40:50-1-2. Device Certification Process

- (a) No device may be used in the state of Oklahoma unless it has been approved by the Board in accordance with the requirements stated herein.
- (b) A list of approved device models shall be maintained by the Board and available for public review at the administrative office of the Board during regular business hours or by accessing the Board website at <http://ignitioninterlock.ok.gov>.
- (c) A manufacturer representative seeking certification of a device shall:
 - (1) Complete an application for certification of an ignition interlock device and remit the appropriate fee ~~by accessing the Board website at <http://ignitioninterlock.ok.gov> in accordance with procedures established by the Board.~~
 - (2) Provide proof, as deemed appropriate by the Board, the device for which certification is being sought in Oklahoma meets or exceeds the current National Highway Traffic Safety Administration (NHTSA) specifications.
 - (3) Provide a certificate of insurance, issued by an insurance company authorized to transact business in Oklahoma, specifying:
 - (A) A product liability policy with a current effective date;
 - (B) The name and model number of the device model covered by the policy;
 - (C) Policy coverage of at least one million dollars (\$1,000,000) per occurrence and three million (\$3,000,000) in the aggregate;
 - (D) The manufacturer as the insured and the state of Oklahoma as an additional insured;
 - (E) Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the device; and
 - (F) The insurance company will notify the Board at least 30 days before canceling the product liability policy.
 - (4) Devices shall use fuel cell technology for breath alcohol test or other alcohol-specific sensing technology approved by the Board en banc.
 - (5) Agree to ensure any service performed outside the inclusion zone on a device installed pursuant to an Oklahoma Installation Authority shall be in compliance with all requirements in this title.
 - (6) Agree to ensure proper record keeping and provide testimony relating to any aspect of the installation, service, repair, use, removal, interpretation of any report or information recorded in the data storage system of a device or performance of any other duties required by this title at no cost on behalf of the State of Oklahoma or any political subdivision.
 - (7) Advise the Board whether the device for which certification is being sought in Oklahoma is the subject of any action to disallow, or has ever been, in any way, disallowed for use in another state whether such action occurred before or after approval in Oklahoma and if or when such action is or has been appealed in the other state and the outcome of the appeal.

- (8) Upon request of the Board, for each device submitted for certification or certified under this section, agree to install the device with all proposed anti circumvention features activated in a vehicle provided by the Board. Any service performed pursuant to this section, including but not limited to, installation, maintenance, calibration or removal shall be completed at no cost to the Board.
- (d) The Board may conduct compliance testing on the device submitted for certification.
 - (e) Certification shall be for only one device. Separate certification is required for devices that differ in any operational aspect.
 - (f) Approved devices shall be recognizable, as such, upon visual inspection.

TITLE 40. THE BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
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40:50-1-2.3. Revocation of certification

- (a) The Board may revoke certification of a device for any of the following reasons:
- (1) A Defect in the design, materials or workmanship causing the device to fail to function as intended.
 - (2) A manufacturer's liability insurance coverage is terminated, cancelled or expired.
 - (3) A manufacturer no longer offers the device for installation.
 - (4) Receipt of a letter, on manufacturer letterhead, at the administrative offices of the Board requesting voluntary surrender of certification by the manufacturer of a certified device.
 - (5) Violation by a manufacturer, a manufacturer representative, vendor, licensed service center or licensed ignition interlock technician of any requirements in this title.
 - (6) The manufacturer, manufacturer representative, vendor, licensed service center or licensed ignition interlock technician fail to submit any report(s) in accordance with this title.
 - (7) False or inaccurate information provided by the manufacturer, manufacturer representative or independent laboratory relating to the performance of the device.
 - (8) Modification of the components or design of the device or modification of National Highway Traffic Safety Administration specifications that causes the device to no longer satisfy the current National Highway Traffic Safety Administration specifications.
 - (9) The device fails to meet the requirements for certification or is no longer in compliance with all the requirements in this title.
 - (10) Changes in the ignition interlock device technology are such that continued certification of the device would, as determined by the Board, not be in the best interest of the state of Oklahoma.
- (b) The Board shall forward the notice and order of revocation of the certification of a device to the manufacturer representative.
- (1) The notice and order of revocation shall specify the basis for the revocation.
 - (2) The manufacture shall:
 - (A) On the effective date of an order of revocation, cause the immediate cessation of installations of any decertified device.
 - (B) Be responsible for, and shall bear the cost of:
 - (i) Removal of the revoked device and facilitate the simultaneous installation of another certified device of the participant's choice, regardless of the manufacturer of the device being substituted or the location of the licensed service center chosen by the participant.
 - (ii) Retrieval of the revoked device if removed by a licensed service center representing a different manufacturer. Upon removal, the licensed service center removing the revoked device shall notify the manufacturer representative of the revoked device as to where the revoked device may be retrieved.
 - (iii) Reimburse the participant, within 30 days of removal of the revoked device, all monies paid by the participant for deposits, unrealized lease or advance payments remitted on behalf of the participant for unrealized services.
 - (iv) The manufacturer shall make every reasonable effort to notify all participants

effected by the revocation of a certified device 30 days before the revocation will occur, or as soon as is possible.

(c) A manufacturer of a previously decertified device may apply to have the device certified in accordance with the provisions stated in this title.

(d) The Board will not consider certification of a device from a manufacturer that fails to comply with the provisions stated in this subsection.

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40:50-1-3. Standards and Specifications

- (a) The provisions in this subsection only apply to the use of a device pursuant to an Installation Authority.
- (b) The device shall:
- (1) Permit a free restart of the motor vehicle within two (2) minutes after the engine has shut off without requiring a further breath alcohol test.
 - (2) Have a data storage system of sufficient capacity to facilitate the recording and maintaining of all daily driving activities for the period of time elapsed from one maintenance and calibration to the next. All daily driving activity records in this data storage system shall be maintained by the manufacturer or the licensed service center and shall be available to the Installation Authority, Monitor and/or the Board upon request.
 - (3) Display tamper seals and a warning label that states: "Any person attempting to physically disable, disconnect or wire around this device or who intentionally fails to return the device upon request by the owner may be guilty of a misdemeanor under Oklahoma law (47 O.S. §11-902a)." If the device consists of separate pieces (e.g. a handset and separate base unit) a separate warning label shall be placed on each piece.
- (c) The startup set point value for the device shall be an alcohol concentration of 0.02 g/210L.
- (d) The penalty fail point value for the device shall be an alcohol concentration of:
- (1) 0.03 g/210L for persons under 21 years of age.
 - (2) 0.09 g/210L for persons 21 years of age and over.
 - (3) The device shall have a distinct audible and/or visual indicator to notify the driver when a penalty fail has been recorded in the data storage system.
- (e) A retest feature is required while a vehicle's engine is in operation.
- (1) The first retest shall be required at a randomly variable interval ranging from five (5) to fifteen (15) minutes after passing the initial breath test and starting the vehicle's engine. Subsequent retests shall be required at a randomly variable interval ranging from fifteen (15) to forty-five (45) minutes from the previously requested test for the duration of the travel.
 - (2) The device shall allow five (5) minutes for the retest to be completed.
 - (3) The retest set point value shall be an alcohol concentration of 0.03 g/210L.
 - (4) A distinct audible and/or visual indicator shall come on to alert the driver that a retest is in progress. Once a retest is in progress, failure to deliver a negative result within the time frame allowed shall:
 - (A) Activate the vehicle's horn to sound repeatedly or activate a unique audible and/or visual indicator inside the passenger compartment of the vehicle, until the engine is shutdown or a negative result is delivered.
 - (B) Record a retest violation in the data storage system, and
 - (C) Disable the free restart.
- (f) The device shall have an approved anti circumvention feature(s) activated at all times.
- (g) The device shall require a confirmatory test in response to a circumvention. The device shall allow five (5) minutes for the confirmatory test to be completed.
- ~~(g)~~ (h) In addition to the standards and specifications listed herein, the Board or its designee may

impose additional requirements, as needed, depending upon design and functional changes in device technology and to ensure that the device functions properly and reliably.

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40:50-1-3.1. Violation Reset

- (a) A violation reset shall be activated by any of the following:
- (1) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame.
 - (2) ~~An illegal start.~~ A circumvention.
 - (3) A retest violation.
- (b) When a violation reset is activated, the device will initiate a unique audible and/or visual cue that will warn the driver that the device will enter a permanent lockout in five (5) days. This event will be uniquely recorded in the data storage system and will simultaneously start a countdown that culminates in the permanent lockout. A licensed ignition interlock technician shall remedy a permanent lockout in person.
- (c) Anytime a device is submitted pursuant to a violation reset the licensed ignition interlock technician shall perform a violation reset service consisting of, but not limited to:
- (1) Performing a calibration confirmation test in accordance with this title, and
 - (2) Retrieving all data contained in the data storage system. Proper record maintenance shall be ensured as required in this title.

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40:50-1-3.2. Reportable violations

(a) Reportable violations are as follows:

(1) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame.

(2) ~~Any illegal start.~~ A circumvention.

(3) Three (3) retest violations constitute a reportable violation. Each retest violation thereafter constitutes a reportable violation.

(4) Removal of the device except:

(A) Upon receipt of documentation from the Installation Authority or Monitor authorizing said removal.

(B) The vehicle is being repaired. The program participant must inform the licensed service center at least every eight (8) days as to the anticipated date of completion of repairs, or

(C) The vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the removal and reinstallation of the device in the subsequent vehicle must be accomplished within eight (8) days of the removal.

(5) Tampering.

(b) Reportable violations shall be reported to the Installation Authority and/or Monitor, in the form and/or format designated by the Board, within five business days, banking holidays excepted, after the violation reset service or removal of the device

(c) The manufacturer shall ensure proper record maintenance.

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40:50-1-7. Service center licensing process

- (a) All service centers located in the state of Oklahoma or within the inclusion zone must be licensed by the Board in accordance with the requirements stated herein.
- (b) A service center shall be located in a fixed facility which:
 - (1) Is staffed at all times with at least one (1) ignition interlock technician duly licensed by the Board, and
 - (2) Properly and successfully accommodates installation, maintenance and calibration, removal and any other necessary services related to a specific device.
- (c) Each service center shall be inspected annually by ~~an ignition interlock inspector or a~~ a designated representative of the Board. Additional inspections may be performed as needed or as directed by the Board.
- (d) A vendor shall inform the Board of a licensed service center change of address within fifteen days of the change by accessing the Board website at <http://ignitioninterlock.ok.gov>.
- (e) A vendor seeking licensure for a service center shall initiate a service center license application and remit the appropriate fee by accessing the Board website at <http://ignitioninterlock.ok.gov>.
- (f) The applicant shall complete the service center license application.
- (g) Each application for licensure shall be for a single service center. Separate service center applications are required for additional service centers.
- (h) Prior to issuance of a license, an on-site evaluation may be required by the Board to ensure compliance with the requirements in this title.

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40:50-1-7.3. Inactivation, suspension, and revocation

- (a) **Inactivation.** Inactivation refers to the voluntary or temporary discontinuance of a license.
- (1) A service center license may be inactivated by the Board:
 - (A) Upon request from the vendor or service center manager, or
 - (B) If the service center no longer employs at least one (1) licensed ignition interlock technician.
 - (2) A licensed service center whose license has expired or no longer meets all the requirements for licensure shall be inactivated.
 - (3) Upon inactivation, the Board shall forward the notice and order of inactivation of the service center license to the vendor and service center manager specifying the basis for the inactivation.
 - (4) Inactivation shall be used for administrative program control to safeguard the scientific integrity of the device program.
- (b) **Suspension.** Suspension refers to the immediate curtailment of a license.
- (1) Suspension of a service center license may be initiated by a ~~licensed inspector or~~ designated representative of the Board when, because of unreliability, incompetence, or violation of these rules, the service center is not in compliance with the provisions stated in these rules or when, in the opinion of the ~~licensed inspector or~~ designated representative of the Board, the continuance of such licensure would not uphold the scientific integrity of the device program and enforcing these rules.
 - (2) Upon suspension the ~~licensed inspector or~~ designated representative of the Board shall provide the vendor and service center manager with a notice and order of suspension of the service center license specifying the basis for the suspension.
 - (3) The Board, in its sole discretion, shall determine the period of suspension.
 - (4) A suspension curtails any license issued to the service center for the period of suspension until reinstatement of the license.
 - (5) During the period of suspension, the suspended service center may continue to provide service to existing participants but shall not be able to generate official installation verification forms until the license has been reinstated.
 - (6) Suspension shall be for the purpose of maintaining the scientific integrity of the device program and enforcing these rules.
 - (7) Licensure of a service center whose license has been suspended will require a written request from the applicant to the Board and successful completion of the original requirements for licensure outlined in this subsection.
- (c) **Revocation.** Revocation refers to the immediate cancellation of a license.
- (1) A service center license may be revoked by the Board when, in the opinion of the Board, the service center no longer meets the requirements of these rules because of unreliability, incompetence, or violation of these rules, or in any case where, in the opinion of the Board, continuance of licensure would not uphold the scientific integrity of the ignition interlock program.
 - (2) A revocation cancels any license issued to the service center for the period of revocation.
 - (3) The Board, in its sole discretion, shall determine the period of revocation.
 - (4) Upon revocation, the Board shall forward the notice and order of revocation of the

service center license to the vendor and service center manager specifying the basis for the revocation.

(5) During the period of revocation, the revoked service center shall cease any and all activities related to the installation, maintenance and calibration, removal and any other services related to any device in the state of Oklahoma.

(6) Licensure of a service center whose license has been revoked will require a written request from the applicant to the Board and successful completion of the original requirements for licensure outlined in this subsection.

(7) Revocation shall be for the purpose of maintaining the scientific integrity of the device program and enforcing these rules.

(d) A manufacturer shall be responsible for providing continuing service by a licensed service center during the installation period, without interruption, should a service center's license be inactivated or revoked. The vendor, on or before the effective date of an order for inactivation or revocation shall cause the immediate cessation of installation, maintenance and calibration, removal and any other services related to any device at the inactivated or revoked service center. Any inactivated or revoked service center shall not be able to generate official installation verification forms.

(e) If the inactivated or revoked service center is being replaced by the manufacturer, the new licensed service center must be located within ~~25~~ 40 driven miles, as determined by the Board, of the service center that was inactivated or revoked. All reasonable efforts shall be made by the manufacturer representative to obtain participant records and data from the service center being replaced and provide them to the new licensed service center. The new licensed service center shall credit each participant all monies paid to the inactivated or revoked service center by the participant for deposits, unrealized lease or services.

(f) If the new licensed service center is not located within ~~25~~ 40 driven miles, as determined by the Board, of the inactivated or revoked service center or the inactivated or revoked service center is not being replaced the manufacturer shall:

(1) Make all reasonable efforts to obtain participant records and data from the service center being inactivated or revoked.

(2) Be responsible for, and shall bear the cost of:

(A) Removal of the installed device and facilitate the simultaneous installation of another certified device of the participant's choice, regardless of the manufacturer of the device being substituted or the location of the licensed service center chosen by the participant.

(B) Retrieval of the device removed by a licensed service center representing a different manufacturer. Upon removal, the licensed service center removing the original device shall notify the vendor, as soon as possible, of the original device as to where the original device may be retrieved.

(3) Reimburse the participant, within 30 days of removal of the original device, all monies paid to the inactivated or revoked service center by the participant for deposits, unrealized lease or advance payments remitted on behalf of the participant for unrealized services.

(4) The manufacturer shall make every reasonable effort to notify all participants effected by the inactivation or revocation of a service center's license 30 days before the inactivation or revocation will occur, or as soon as is possible.

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40:50-1-8.3. Inactivation, suspension, and revocation

- (a) **Inactivation.** Inactivation refers to the voluntary or temporary discontinuance of a license.
- (1) Inactivation of an ignition interlock technician license may be initiated by the Board:
 - (A) Upon request from the vendor, service center manager or ignition interlock technician.
 - (B) If the ignition interlock technician is no longer employed by a licensed service center representing the same manufacturer under which the current ignition Interlock technician license was issued.
 - (C) If an ignition interlock technician's license has expired or,
 - (D) The ignition interlock technician no longer meets all the licensing requirements.
 - (2) The Board shall provide the ignition interlock technician, vendor and service center manager with a notice and order of inactivation of the ignition interlock technician license specifying the basis for the inactivation.
 - (3) Inactivation shall be used for administrative program control to safeguard the scientific integrity of the device program.
 - (4) The renewal of an inactivated ignition interlock technician license shall be the same, unless modified by the Board, as the ignition interlock technician licensure process stated in this title.
- (b) **Suspension.** Suspension refers to the immediate and temporary cancellation of a license.
- (1) Suspension of an ignition interlock technician license may be initiated by a ~~licensed inspector or~~ designated representative of the Board when, because of unreliability, incompetence, or violation of these rules, the ignition interlock technician is not in compliance with the provisions stated in these rules or when, in the opinion of the ~~licensed inspector or~~ designated representative of the Board, the continuance of such licensure would not uphold the scientific integrity of the device program.
 - (2) The ~~licensed inspector or~~ the Board shall provide the ignition interlock technician, vendor and service center manager with a notice and order of suspension of the ignition interlock technician license specifying the basis for the suspension.
 - (3) The Board, in its sole discretion, shall determine the period of suspension.
 - (4) A suspension curtails any license issued to the ignition interlock technician for the period of suspension until reinstatement of the license.
 - (5) During the period of suspension, the suspended ignition interlock technician may continue to provide service to existing participants but shall not be able to generate official installation verification forms until the license has been reinstated.
 - (6) Licensure of an ignition interlock technician whose license has been suspended will require a written request from the applicant to the Board and successful completion of the original requirements for licensure outlined in this subsection.
 - (7) Suspension shall be for the purpose of maintaining the scientific integrity of the device program and enforcing these rules.
- (c) **Revocation.** Revocation refers to the immediate cancellation of a license.
- (1) An ignition interlock technician license may be revoked by the Board when, in the opinion of the Board, the ignition interlock technician no longer meets the requirements of these rules because of unreliability, incompetence, or violation of these rules, or in any case

where, in the opinion of the Board, continuance of licensure would not uphold the scientific integrity of the ignition interlock program.

(2) Upon revocation, the Board shall forward the notice and order of revocation of the ignition interlock technician license to the ignition interlock technician, vendor and service center manager specifying the basis for the revocation.

(3) The Board, in its sole discretion, shall determine the period of revocation.

(4) A revocation cancels any license issued to the ignition interlock technician for the period of revocation.

(5) During the period of revocation, the revoked ignition interlock technician shall cease any and all activities related to the device in the state of Oklahoma.

(6) Licensure of an ignition interlock technician whose license has been revoked will require a written request from the applicant to the Board and successful completion of the original requirements for licensure outlined in this subsection.

(7) Revocation shall be for the purpose of maintaining the scientific integrity of the device program and enforcing these rules.

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40:50-1-12. Reciprocity

- (a) Reciprocity may be granted by the Board in its sole discretion when consistent with applicable statutes and regulations and beneficial to the public safety and welfare.
- (b) The Board may set policies and procedures for the consideration of requests for reciprocity.
- (c) Reciprocity must be requested in writing by the person affected or their attorney on a form provided by the Board.
- (d) Requests for reciprocity shall be granted or denied by the Board in writing.