

40:50-1-1. Explanation of terms and actions [REVOKED]

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 or passing a confirmatory 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".

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

"Ignition Interlock Maintenance and Calibration Fee" means the fee collected from the participant, at the time of the performing calibration and maintenance as required by this title. This fee is to be remitted to the Board of Tests.

"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.

"Operable vehicle" means a motor vehicle with ability to drive forward under its own power and steer and can be legally driven on public roadways.

"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 a breath alcohol test or tests required in accordance with 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.

"Technical non-compliance" means the failure of the device to comply with one or more provisions of this title with regard to device performance that does not affect the device's ability to respond appropriately to a negative breath test or a breath test required by 40:50-1-3-(c), (e), or (g), or the ability of the device to satisfy the requirements of 40:50-1-3(b)(1) or 40:50-1-3(f).

"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.

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 www.ok.gov/bot.
- (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 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 (78 FR 26849).
 - (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 manufacturer will notify the Board immediately upon notice of cancellation of 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 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, at any time.
- (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.

40:50-1-2.1. Approval and denial

(a) The Board shall notify the applicant of certification of a device or of denial to certify the device within 10 days of such determination.

(b) The Board may deny certification of a device upon finding any of the following:

(1) A Defect in the design, materials or workmanship causing the device to fail to function as intended.

(2) False or inaccurate information provided by the manufacturer, manufacturer representative or independent laboratory.

(3) 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.

(4) The device fails the compliance testing conducted by the Board.

(5) The device fails to meet the requirements for certification or is no longer in compliance with all the requirements in this title.

(6) Any final action against a device or manufacturer by other state administrators or agencies in the United States.

~~(c) The Board may prescribe procedures for the conditional approval of devices in the event of:~~

~~(1) Technical non-compliance with the certification requirements that does not represent a threat to the safety of the public or the user of the device, or diminish the effectiveness of the device in preventing unauthorized vehicle starts.~~

~~(2) Conditional approval of a previously approved device would temporarily ease the administrative burden on the agency.~~

~~(d) The decision to award conditional approval lies solely with the Board.~~

~~(e) When granted, conditional approval shall not exceed one six (6) month period.~~

40:50-1-2.2. Annual recertification

- (a) All certifications expire June 30th of each year unless revoked by the Board.
- (b) The annual recertification of a certified device shall be the same as the device certification process stated in this title. The Board shall designate a renewal period within which the annual recertification process shall be allowed.
- (c) Any request(s) to renew a device certification may be denied if there is pending action against the manufacturer, manufacturer representative or vendor for any violation of these rules or outstanding invoices payable to the Board.

40:50-1-2.3. Revocation or suspension of certification

(a) The Board may revoke or suspend 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 or suspension of the certification of a device to the manufacturer representative.

(1) The notice and order of revocation or suspension shall specify the basis for the ~~revocation~~action.

(2) The manufacture shall:

- (A) On the effective date of an order of revocation or suspension, cause the immediate cessation of installations of any certified or 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.

40:50-1-2.4. Modification of a certified device

(a) A manufacturer representative shall notify the Board at least 15 days before implementation of any modification, upgrade or alteration to any hardware, software or firmware of a device certified for use in this state. Said notification shall include:

(1) A description and explanation of the modification, upgrade or alteration and satisfactory proof that these modifications, upgrades or alterations do not adversely affect the ability of the device to satisfy the requirements of this title, and

(2) A comprehensive plan of action for the phasing out of the use of the current device. This plan of action must be approved by the Board prior to the implementation of the plan of action.

(b) Any equipment in the possession of the Board that was retained pursuant to certification of the device shall be modified, upgraded or altered simultaneously with implementation.

(c) Material modifications to a certified device, as determined by the Board, may require certification pursuant to this title.

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 0.025 g/210L.
- (d) The penalty fail point value for the device shall be an alcohol concentration of 0.025g/210L.
- (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 0.025 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 an audible and/or visual indicator inside the passenger compartment of the vehicle, until the engine is shutdown.
 - (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.

- (1) The device shall allow two (2) minutes for the confirmatory test to be completed.
- (2) The confirmatory test set point value shall be an alcohol concentration of 0.025 g/210L.
- (3) An audible and/or visual indicator shall come on to alert the driver that a confirmatory test is in progress. Once a confirmatory test is in progress, failure to deliver a negative result within the time frame allowed shall:
 - (A) Activate an audible and/or visual indicator inside the passenger compartment of the vehicle, until the engine is shutdown.
 - (B) Record a circumvention violation in the data storage system, and
 - (C) Disable the free restart.
- (4) Once the confirmatory test is passed, the device shall enter the normal retest sequence as provided by these rules.
 - (h) A breath sample collection volume limit at or above 1.2 Liters unless an alternative configuration has been approved by the Board.
 - (i) 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.

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) 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. However, the Director may approve standards and procedures for an override lockout. For the purposes of this section, override lockout means a method of overriding a lockout condition by providing a breath sample indicating a negative result.

(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 maintenance and calibration 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.

40:50-1-3.2. Reporting requirements

(a) Reportable violations are as follows:

- (1) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame.
- (2) A circumvention.
- (3) Three (3) retest violations constitute a reportable violation. Each retest violation thereafter constitutes a reportable violation.
- (4) Removal of the device.
- (5) Tampering.
- (6) Permanent lockout.

(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 a maintenance and calibration service, violation reset service or removal of the device.

(c) The manufacturer shall ensure proper record maintenance.

(d) The manufacturer shall report to the Board, in the form and format designated by the Board:

- (1) Device installations.
- (2) Device removals.
- (3) Any reportable violations.
- (4) Maintenance and calibration performed on an ignition interlock device as required by these rules.

40:50-1-4. Miscellaneous requirements [REVOKED]

40:50-1-4.1. Installation requirements

The device shall be installed according to the following guidelines:

- (1) Original device installations shall only be performed in a service center duly licensed by the Board.
- (2) The only person(s) allowed to install or observe the installation of the device are ignition interlock technicians duly licensed by the Board.
- (3) A designated waiting area that is separate from the installation area is to be provided for the participant.
- (4) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials or files of other participants.
- (5) Installations shall be completed on operable vehicles, as defined in this title.
- (6) The ignition interlock technician shall perform maintenance and calibration on the device in accordance with this title.
- (7) Upon completion of an installation of a device and all the components required for the device to function as required by these rules, the licensed ignition interlock technician shall provide the participant with installation verification in the form and/or format designated by the Board.
- (8) Upon completion of the installation of a device required for compliance with an Installation Authority(s), the licensed ignition interlock technician shall:
 - (A) Provide the participant with installation verification in the form and/or format designated by the Board, and
 - (B) Remit the appropriate fee.
- (9) Outside the State of Oklahoma, upon completion of the installation of a device required for compliance with an Installation Authority(s), the technician who installs the device shall:
 - (A) Apply to the Director for authority to issue installation verification in the form and/or format designated by the Board, and
 - (B) Remit the appropriate fee.

40:50-1-5. Maintenance and calibration

(a) The maintenance and calibration of a device shall be completed according to the following guidelines:

(1) The device shall enter a permanent lockout if the device has not been checked for calibration accuracy within sixty-five (65) days subsequent to the last check for calibration accuracy.

(2) The maintenance and calibration of the device shall only be performed by ignition interlock technicians duly licensed by the Board who shall perform a visual inspection of the vehicle, the device, and the device's wiring to ensure no tampering or circumvention has occurred.

(3) The maintenance and calibration will consist of, but not be limited to, a check of the device to determine:

(A) The device is configured to the specifications required in this title.

(B) The anti circumvention features are activated and properly functioning.

(C) The device is in calibration.

(D) The device is installed in an operable vehicle as defined in this title.

(i) The device shall be subjected to a calibration confirmation test. This test shall consist of introducing a sample from a calibration standard approved by these rules into the device.

(I) Calibration standard(s) shall be within plus or minus (+/-) 0.005 g/210L of the stated alcohol concentration.

(II) Only dry gas calibration standards appearing on the *Conforming Products List of Calibrating Units for Breath Alcohol Testers* (77 FR 64588) published by the National Highway Traffic Safety Administration may be employed in the maintenance and calibration of the ignition interlock device.

(III) Calibration standards shall be operated in accordance with the manufacturer's recommendations, unless modified by the Board or its designee, and shall be maintained in proper working order. This includes, but is not limited to, any required altitude adjustment.

(IV) Preparatory documentation (such as a certificate of analysis) stating the alcohol concentration on the calibration gas standard must be available for inspection while the gas standard is being utilized.

(ii) The calibration confirmation test shall verify the accuracy of the ignition interlock device to be within plus or minus (\pm) 0.01 g/210L of the stated alcohol concentration, unless modified by the Board en banc.

(iii) Should the ignition interlock device fail the calibration confirmation test:

(I) The ignition interlock device shall be recalibrated so as to restore accuracy before the device may be placed into service.

(II) That information shall be provided to the Board or its designee and/or the Installation Authority and/or the monitor upon request.

(iv) If the device fails to meet the requirements in this section, the device shall be removed from service and simultaneously replaced with a device that successfully meets the requirements in this section. All data contained in the data storage of the device being replaced shall be retrieved upon replacement. Records may be maintained electronically.

(b) The manufacturer's software utilized in a licensed service center by the licensed ignition interlock technician shall be capable of performing, documenting and reporting the result of this calibration confirmation test. All data contained in the data storage system shall be retrieved anytime the device is submitted to maintenance and calibration. Records may be maintained electronically. Upon completion of maintenance and calibration of the device, the licensed ignition interlock technician shall provide the participant a report showing the maintenance and calibration of the device.

40:50-1-6. Approval, denial, and withdrawal of approval [REVOKED]

40:50-1-6.1. Removal requirements

The device shall be removed according to the following guidelines:

- (1) The only person(s) allowed to remove or observe the removal of the device are ignition interlock technicians licensed by the Board.
- (2) A designated waiting area that is separate from the removal area is to be provided for the participant.
- (3) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials or files of other participants.
- (4) All data contained in the data storage system shall be retrieved in conjunction with removal of the device. Records may be maintained electronically.
- (5) Upon completion of the removal of the device, harness, relay and all third party materials used to initially install the device, the licensed ignition interlock technician shall:
 - (A) Provide the participant a report showing the removal of the device, and
 - (B) Notify the Board in the form and/or format designated by the Board.
 - (C) Notify the installation and monitoring authority in the form and format designated by the Board.

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

- (a) All service centers located in the state of Oklahoma 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 or prominently displays the days and times at which the ignition interlock technician is on duty at the location and ignition interlock services are available, 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 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.
- (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.
- (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.
- (i) The licensed service center shall prominently display a fee schedule reflecting any and all fees related to ignition interlock services.

40:50-1-7.1. Approval and denial

(a) The Board shall notify the vendor and applicant of licensure of a service center or of denial to license a service center within 10 days of such determination. The Board may deny licensure of a service center upon finding of any of the following:

- (1) Any false or inaccurate information provided on the service center application.
 - (2) Failure to meet all criteria stated in this title.
 - (3) Violation or noncompliance of any rules stated in this title.
 - (4) Violation of any law of this state that applies to the service center.
 - (5) Previous action against the service center such that, in the opinion of the Board, licensure would not uphold the scientific integrity of the device program.
- (b) Any request(s) to license additional service centers may be denied if there is pending action against a licensed service center for any violation of these rules.

40:50-1-7.2. Annual renewal

- (a) All service center licenses expire June 30th of each year unless inactivated, suspended or revoked by the Board.
- (b) The process of license renewal of a service center shall be the same as the service center licensure process stated in this title. The Board shall designate a renewal period within which the license renewal process shall be allowed.
- (c) No license shall be renewed if there is pending action against the service center manager or service center for any violation of these rules or outstanding invoices payable to the Board.

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 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 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 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) Suspension issued by the Board may prohibit the issuance of official installation verification forms, or the provision of calibration and maintenance services, or both.

(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 40 driven miles, as determined by the Board, of the service center that was inactivated or revoked. Failure of the manufacturer to license a new service center in accordance with this paragraph within 30 days of the inactivation or revocation will subject the manufacturer to the provisions of paragraph (f) of this rule. 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 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 within the timeframe established by paragraph (e) of this rule, 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.

40:50-1-8. Ignition interlock technician

- (a) No person may perform any service(s) related to any device in this state without being duly licensed by the Board.
- (b) An applicant who has been convicted of, or plead guilty or *nolo contendere*, to an alcohol related traffic offense or any offense classified as a felony, within five (5) years prior to the date of filing of the applicant's application for licensure as an ignition interlock technician may not be eligible for licensure. For purposes of this section, a conviction means the applicant was adjudicated guilty by a court of competent jurisdiction.
- (c) An applicant must be at least eighteen (18) years of age.
- (d) An applicant must possess a valid driver license without any requirements for ignition interlock.
- (e) A vendor seeking licensure for an ignition interlock technician shall initiate an ignition interlock technician license application and remit the appropriate fee by accessing the Board website at www.ok.gov/bot.
- (f) The applicant shall:
 - (1) Complete the ignition interlock technician license application.
 - (2) Complete and score an 80% or higher on a knowledge and skills examination administered by the Board.
 - (3) Submit a criminal history report certified within the immediately preceding thirty (30) days from either the Oklahoma State Bureau of Investigation or, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.
- (g) Each application for licensure shall be for a single ignition interlock technician. Separate ignition interlock technician applications are required for additional ignition interlock technicians.

40:50-1-8.1. Approval and denial

- (a) The Board shall notify the vendor and applicant of licensure of an ignition interlock technician or of denial to license an ignition interlock technician within 10 days of such determination.
- (b) The Board may deny licensure of an ignition interlock technician upon finding of any of the following:
 - (1) Failure to complete and score an 80% or higher on the examination covering the regulatory aspects of the Oklahoma device program.
 - (2) Any false or inaccurate information provided on the ignition interlock technician application.
 - (3) Failure to meet all criteria stated in this title.
 - (4) Violation or noncompliance of any rules stated in this title.
 - (5) Previous or current action against the ignition interlock technician such that, in the opinion of the Board, licensure would not uphold the scientific integrity of the device program.
- (c) Any request(s) to license additional ignition interlock technicians may be denied if there is pending action against a licensed ignition interlock technician for any violation of these rules.

40:50-1-8.2. Annual renewal

- (a) All ignition interlock technician licenses expire June 30th of each year unless inactivated, suspended or revoked by the Board.
- (b) The process of license renewal of an ignition interlock technician shall be the same as the ignition interlock technician licensure process stated in this title except submission of a criminal history report shall be by affidavit of the applicant. The Board shall designate a renewal period within which the license renewal process shall be allowed.
- (c) No license shall be renewed if there is pending action against the ignition interlock technician for any violation of these rules or outstanding invoices payable to the Board.

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 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 designated representative of the Board, the continuance of such licensure would not uphold the scientific integrity of the device program.

(2) 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) Suspension issued by the Board may prohibit the issuance of official installation verification forms or the provision of calibration and maintenance services, or both.

(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.

40:50-1-9. Ignition interlock inspector [REVOKED]

40:50-1-10. Appeal process

An appeal of any action issued under the requirements in this title may be made in the following manner:

(1) **The Director.**

(A) A request for appeal must be received at the administrative offices of the Board within 30 days of the date of action.

(B) Upon proper submission, the Director shall issue an administrative order sustaining or overruling the action within 30 days.

(2) **The Board *en banc*.**

(A) A request for appeal of an administrative order shall be received at the administrative offices of the Board within 30 days of the date of the administrative order.

(B) Upon proper submission, the Board *en banc* shall issue a final administrative order sustaining or overruling the administrative order.

(3) An appeal of a final administrative order of the Board *en banc* may be made in accordance with the requirements in the Oklahoma Administrative Procedures Act, 75 O.S. 250, et seq.

40:50-1-11. Approved ignition interlock devices [REVOKED]

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.