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By Administrative Rules SOS at 12:05 pm, Dec 06, 2024

TITLE 7—MISSOURI DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending section (1)(C)2. through (1)(C)5.

PURPOSE: This proposed amendment amends language to document a violation in the event of two (2) occurrences within a thirty- (30-) day period.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must—

(C) Alcohol set point to start vehicle—

1. Have an alcohol set point below twenty-five thousandths (.025) for initial breath test to start the vehicle.

2. **Require the operator to provide a second breath sample that shall be below the alcohol set point within ten (10) minutes after the operator's initial breath sample provided is at or above the alcohol set point.**

3. Permit a maximum of two (2) attempts to blow a breath sample below the alcohol set point within a ten- (10-) minute period.

[3]4. Cause a fifteen- (15-) minute temporary lockout when two (2) failed startup attempts occur within a ten- (10-) minute period.

[4]5. Present a violations reset message when two (2) fifteen- (15-) minute temporary lockouts occur within a thirty- (30-) day period.

[5]6. [When a breath sample provided is at or above the alcohol set point, the operator shall provide a second breath sample below the alcohol set point within ten (10) minutes, or it shall be reported as a violation by] **Require the manufacturer in the event of two (2) temporary lockout occurrences within a thirty- (30-) day period to report such occurrences as a violation as required in 7 CSR 60-2.040(4);**

*AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, section 302.060, RSMo Supp. 2023, and sections 302.440–302.462, RSMo 2016 and Supp. 2023. * This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov.*

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30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018. Amended: Filed May 6, 2022, effective Dec. 30, 2022. Amended: Filed Jan. 5, 2024, effective Aug. 30, 2024. Amended: Filed Dec. 6, 2024.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*