

1 H.810

2 Introduced by Representative Brennan of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; ignition interlock devices

6 Statement of purpose of bill as introduced: This bill proposes to authorize the
7 Commissioner of Motor Vehicles to prescribe ignition interlock device
8 recalibration periods without setting such periods through the rulemaking
9 process, and to require the Commissioner to use an evidence-based approach to
10 prescribe a recalibration frequency that is not more often than is needed to
11 ensure the accuracy of the devices.

12 An act relating to recalibration of ignition interlock devices

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 23 V.S.A. § 1213 is amended to read:

15 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
16 CERTIFICATE; PENALTIES

17 * * *

18 (l)(1) The Commissioner, in consultation with any individuals or entities
19 the Commissioner deems appropriate, shall adopt rules and may enter into
20 agreements to implement the provisions of this section. The Commissioner

1 shall not approve a manufacturer of ignition interlock devices as a provider in
2 this State unless the manufacturer agrees to reduce the cost of installing,
3 leasing, and deinstalling the device by at least 50 percent for persons who
4 furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like
5 benefits in another state.

6 (2) The rules shall establish uniform performance standards for ignition
7 interlock devices, including required levels of accuracy in measuring blood
8 alcohol concentration, efficacy in distinguishing valid breath samples, the
9 occurrence of random retests while the vehicle is running, and automatic
10 signaling by the vehicle if the operator fails such a retest. After an initial
11 random retest to occur within 15 minutes of the vehicle starting, subsequent
12 random retests shall occur on average not more often than once every 30
13 minutes. The Commissioner shall certify devices that meet these standards,
14 ~~specify any periodic calibration that may be required to ensure accuracy of the~~
15 ~~devices,~~ and specify the means and frequency of the retrieval and sharing of
16 data collected by ignition interlock devices. The rules also shall establish a
17 schedule of extensions of the period prior to eligibility for reinstatement as
18 authorized under subsection (h) of this section.

19 (3) The Commissioner shall prescribe the frequency with which ignition
20 interlock devices must be recalibrated, and for each approved manufacturer,
21 shall use an evidence-based approach to prescribe a recalibration frequency

1 that is not more often than is needed to ensure the accuracy of the devices. The
2 Commissioner is expressly authorized and directed to prescribe recalibration
3 periods that vary from manufacturer to manufacturer if evidence demonstrates
4 that the devices vary in the periods within which they need to be recalibrated in
5 order to ensure accuracy. The Commissioner is not required to undertake
6 rulemaking in order to prescribe recalibration periods under this subdivision
7 (1)(3). An approved manufacturer may challenge the Commissioner's action
8 under this subdivision (1)(3) in the Civil Division of the Superior Court
9 pursuant to Rule 74 of the Vermont Rules of Civil Procedure, and the court
10 shall review the Commissioner's action de novo.

11 * * *

12 Sec. 2. EFFECTIVE DATE; IMPLEMENTATION

13 (a) This act shall take effect on passage.

14 (b) As soon as practicable after the effective date of this act, the
15 Commissioner of Motor Vehicles shall review all ignition interlock
16 recalibration periods to ensure that they conform to the standards set forth in
17 this act. If recalibration periods must be adjusted in order to conform to the
18 standards of this act, the Commissioner shall prescribe the adjusted periods as
19 soon as is practicable after determining that the adjustment is needed, and shall
20 not be required to undertake rulemaking to adjust the recalibration periods.