

## **EXPRESS TERMS**

### Title 13, Division 1, Chapter 1

### Article 2.55 – California Ignition Interlock Device Program

#### **§ 125.00. Definitions.**

As used in this article, the following definitions shall apply:

(a) "Ignition interlock device" is a device designed to allow a vehicle ignition switch to start the engine when the breath alcohol concentration test result is below the alcohol setpoint, while locking the ignition when the breath test results is at or above the alcohol setpoint.

(b) The "alcohol setpoint" is the breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lockpoint at which the ignition interlock device is set at the time of calibration. The lockout setting shall be at 0.03 percent breath alcohol concentration.

(c) "Bypass" of an ignition interlock device, as used in Vehicle Code ~~Section~~ section 23575, shall mean the same as "circumvention" as contained in the federal model specifications for breath alcohol ignition interlock devices as published by notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pages 11774-11787.

(d) To "tamper" with an ignition interlock device, as used in Vehicle Code ~~Section~~ section 23575, means an overt, conscious attempt to alter, physically disable, or disconnect the ignition interlock device from its power source, and thereby allow a person with a breath alcohol concentration above the setpoint to start the engine. Examples of tampering with an ignition interlock device include, but are not limited to, the following:

- (1) Altering the wiring of the vehicle which will allow the starting of the vehicle without blowing a passing test.
- (2) Modifying the functionality of the breath unit.
- (3) Altering, deleting, or modifying the electronic log.

(e) "Manufacturer" means any individual, partnership, or corporation engaged in the manufacturing or assembling of ignition interlock devices.

(f) An "authorized installer" is a designee of the manufacturer who is responsible for ensuring that the manufacturer's ignition interlock devices are properly installed, calibrated, serviced, and monitored; and is responsible for the completion of all required forms, and maintenance of all files.

(g) "Participant file" is a tangible file used to retain and maintain all records and documents directly associated with, but not limited to, the installation, calibration,

servicing, monitoring and removal of the ignition interlock device(s) related to a program participant.

(h) "Electronic log" is a record of the vehicle use and interlock test results recorded by an ignition interlock device and shall mean the same as "data recording" as contained in the federal model specifications for breath alcohol ignition interlock devices published by notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pages 11774-11787.

(i) "Hardcopy" shall mean a legible, printed copy.

(j) "False Positive" is a test result in which the breath alcohol concentration is above the alcohol setpoint and the test results of two or more subsequent breath tests taken immediately within a 15 minute time period thereafter provide a breath alcohol concentration below the alcohol setpoint., as specified in Section 125.12(a)(2)(C).

(k) "Time to Reset the Device" is the actual time in minutes to service a device in order to make the device functional when a participant has returned a device for early recall.

(l) "Pause of Restriction" means that expiration of the required term of restriction specified in Vehicle Code section 23700(a)(7)(A) is temporarily stopped when the department is notified that the participant has failed to maintain the device pursuant to Vehicle Code section 23575.

(m) "Reset of Restriction" means the remainder of the original restriction term required pursuant to Vehicle Code section 23700(a)(7)(A) is re-imposed when the participant provides the department with the Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV 7/2010).

Note: Authority cited: Sections 1651, ~~and~~ 23575 and 23700, Vehicle Code. Reference: Section 23575, Vehicle Code.

## **§ 125.02. Certification of Ignition Interlock Devices.**

An ignition interlock device shall not be installed, or used as part of a program for driving under the influence offenders unless the model or type of device has been certified by the department in accordance with the requirements of this article.

(a) An individual, partnership, or corporation may apply to the department for certification of an ignition interlock device by submitting a completed application to the department. A separate application is required for each model or type of device. A completed application shall contain the following:

(1) Form DL 9, Application for Certification of Ignition Interlock Device (REV. 4/2000), which is hereby incorporated by reference. ~~The application form shall contain the following information:~~

~~(A) The name of the individual, partnership, or corporation which manufactures the device.~~

~~(B) The name and model number of the device.~~

~~(C) The business address and telephone number of the manufacturer.~~

~~(D) The business name under which the device will be marketed.~~

~~(E) Information specific to the type of business entity. If a sole proprietorship, the name and address of the sole owner. If a partnership, the partnership name, and the name and address of each general and limited partner. If a corporation, the California corporation number and the name, address and title of each principal officer, director, or stockholder participating in the direction, control, and management of the policy of the business.~~

~~(F) A statement signed by the sole proprietor, each partner, or a corporate officer authorized to sign for the corporation (the corporate seal may be affixed), under penalty of perjury under the laws of the state of California, that all statements made on the application and all attachments to the application are true and correct.~~

(2) A detailed description of the device, including a photograph, drawing, or other graphic depiction of the device.

(3) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.

(4) A complete and true copy of data from an independent laboratory demonstrating that the device meets or exceeds the minimum federal standards pursuant to Vehicle Code ~~Section~~ section 13386(d). For purposes of this article, the term "independent laboratory" shall be interpreted to include any of the following, provided the laboratory is properly equipped and staffed to conduct laboratory tests on ignition interlock devices to ensure they meet the accuracy requirements and specifications provided in Sections 1 and 2 of the model specifications for breath alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774-11787:

- (A) a A state-run laboratory;
- (B) a A private laboratory which can demonstrate its capability to carry out the required tests; or
- (C) a A laboratory certified by a state department of Public Health to conduct chemical tests.
- (5) A certification on Form DL 28, Laboratory Report (REV. 3/2000), signed by an authorized official of the laboratory which tested the device, that the device was tested by the laboratory indicated in accordance with the federal regulations and that the device was found to satisfy the requirements of Sections 1 and 2 of the model specifications for breath alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774-11787. The certification shall specify that the laboratory used properly maintained equipment, and trained personnel to conduct the tests, and that the test results are accurate. The form DL 28, Laboratory Report (REV 3/2000) is hereby incorporated by reference. ~~shall include the name, address and telephone number of the testing laboratory; the name, model number, and description of the device tested.~~
- (6) A complete listing of all authorized installers' locations and their satellite locations that includes the name, Bureau of Automotive Repair number, telephone number, contact name, and hours of operation.
- (7) A copy of the instructions that will be provided to authorized installers, including complete instructions for installation, operation, service, repair, and removal of the device.
- (8) A copy of the written instructions that will be provided to participants who have the device installed.
- (9) A certificate from an insurance company that the manufacturer holds product liability insurance and that the department is named as an additional insured. The policy limit shall be a minimum of one million dollars (\$1,000,000). The liability insurance shall include coverage for manufacturing, defects in product design and materials, calibration, installation, and removal of devices. The certificate of insurance shall contain a statement that the insurance company will notify the department 30 days before cancellation of the insurance.
- (10) A signed statement that the manufacturer shall indemnify and hold harmless the state of California, the department and its officers, employees and agents from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the

manufacturer relating to the installation, service, repair, use and removal of an ignition interlock device.

(11) A copy of the fee schedule or schedules adopted by a manufacturer and manufacturer's authorized installer pursuant to subdivision ~~(h)~~ (i) of Section 13386 of the Vehicle Code. The fee schedule shall include provisions for the payment of the costs of the device by an applicant in amounts commensurate with the applicant's ability to pay. The fee schedule shall include the cost of all services provided, including standard charges for installation, service and maintenance, and removal of the devices, and any non-standard charges for service and maintenance of the devices.

(12) An imprint of the manufacturer's stamp. A manufacturer shall ensure that each authorized installer has the stamp of the manufacturer of the device, meaning a stamping tool, not an imprint.

(13) A manufacturer shall provide the department with a toll-free telephone number through which participants may be referred to the authorized installers.

(14) An application fee of \$100.00.

(b) The department may have the laboratory test results reviewed, at the manufacturer's expense, by an agency or individual outside the department, and of the department's choice, when such review is deemed necessary to determine whether or not a device meets the requirements for certification.

(c) The department may require that manufacturers install devices on vehicles approved by the department to field test the devices.

(d) The department shall certify, or refuse to certify, a device within 90 days of receipt of a complete application. The department shall notify the manufacturer within 10 days of receipt of the application if the application is incomplete and shall specify what information or documents are needed to complete the application.

(e) An applicant who has not received notification within the time periods specified may file an appeal with the Secretary of the Business, Transportation and Housing Agency in accordance with Chapter 6 of Division 3 of Title 21 of the California Code of Regulations. If the Secretary finds that the department failed to provide the notification required within the time period specified without good cause, the department shall reimburse the applicant fully for all application fees paid.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652 and 13386, Vehicle Code; and Sections 15374-15378, Government Code.

**§ 125.12. Service and Maintenance of Ignition Interlock Devices.**

(a) A manufacturer shall ensure that an authorized installer has the training and skills necessary to install, troubleshoot, check for proper operation of the device, screen the vehicle for acceptable condition, and complies with the following:

(1) Provides all participants with the following:

(A) A verification of installation report upon installation of an ignition interlock device. The installer shall submit verification forms under the following circumstances:

(i) When a participant is requesting a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(7), the installer shall complete an original Verification of Installation, form DL 920 (REV ~~4/2007~~ 7/2010), which is hereby incorporated by reference, in accordance with ~~section~~ Section 125.16 of this article.

(ii) When a court has ordered the installation of an ~~Ignition Interlock Device~~ ignition interlock device, the installer shall complete and submit a court-authorized verification of installation form to the court. The installer shall provide verification of installation to the department and must submit an original Verification of Installation, form DL 920 (REV ~~4/2007~~ 7/2010) or a copy of the court-authorized verification of installation form.

(iii) When the Department of Motor Vehicles has ordered the installation of an ignition interlock device, the installer shall complete and submit to the department a Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (REV 7/2010) which is hereby incorporated by reference.

(B) Written instructions on cleaning and caring for the device.

(C) Written instructions on types of vehicle malfunctions or repairs that may affect the device, and what to do when such repairs are necessary.

(D) Written and hands-on training for the participant and all persons who operate the vehicle on use of the device after it is installed in the vehicle.

(E) A 24-hour emergency phone number that may be used to request assistance in the event of failure of the device or vehicle problems related to operation of the device. The assistance provided by the authorized installer shall include technical information, tow service, or road service.

The device shall be made functional within 48 hours of the call for assistance, or the device shall be replaced.

(2) Follows the manufacturer's specifications for service and repair of an ignition interlock device.

(A) Services the device in intervals not to exceed 60 days.

(B) Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory.

(C) Each time a device is serviced, downloads all the data recorded in the device's memory. The electronic log shall specify the corresponding device or participant file identification number (that when accessed will clearly specify the corresponding device), the date the download occurred and can be either a hardcopy or an electronic copy. If an electronic copy is used it shall be electronically maintained and a hardcopy shall be provided upon request. The downloaded data shall also contain a summary report that includes each incident the breath alcohol level was at or above the alcohol setpoint, any attempts to bypass or tamper with the device and shall specify the corresponding device or participant file identification number, and date the download occurred.

(D) Each time a device is serviced, a hardcopy of the summary report shall be included in the participant's file.

(E) Each time a device is serviced, a hardcopy of the calibration results shall be included in the participant's file.

(F) If an installed device is replaced with another device, the event shall be documented. The documentation shall specify each device and the documentation shall be included in the participant file.

(G) If a participant fails to return the vehicle for recalibration within 60 days, and does not contact the installer to reschedule the appointment for service, the installer shall schedule another appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the second appointment, and does not contact the installer to reschedule the appointment, the installer shall schedule a third appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the third appointment, the installer shall report the participant's non-compliance to the department

on the Notice of Non-Compliance, form DL 921 (NEW 11/99), pursuant to Section 125.18 of this article.

(H) If the participant is unable to return the vehicle for recalibration within 60 days due to military service, a family death, or similar event beyond the control of the participant, and the participant can document the event to the satisfaction of the installer prior to non-compliance being reported to the department by the installer, the installer may extend the time for recalibration as appropriate. A copy of the documentation shall be included in the participant's file. If the participant fails to return the vehicle for recalibration as scheduled, the installer shall follow the procedure in subdivision (G) to determine non-compliance.

(3) Conducts physical tamper inspections every time the device is serviced, or given routine inspection, maintenance, or repair, or is replaced.

(A) A tamper inspection shall include checking the device for proper operation of tamper detection capabilities. If tampering is detected, the inspection shall also include installation wiring connection and tamper seals.

(B) Documenting evidence of tampering shall include photographing the damage, an electronic log hardcopy, or completing a comprehensive incident report or other written documentation. If originals of such evidence are sent to a court or the department, copies shall be included in the participant's file.

(C) The installer shall report any evidence of attempts to bypass or circumvent the device or of physical tampering to the appropriate court or the department within three working days. When reporting such evidence to the department, the installer shall complete the Notice of Non-Compliance, form DL 921 (NEW 11/99) pursuant to Section 125.18 of this article.

(D) After the evidence of tampering has been recorded or photographed, and reported to the appropriate court or the department, the installer shall restore the system and its tamper seals, or equivalents, and all other components to their original condition to prevent further abuse.

(E) If a participant fails to maintain the device pursuant to Section 23573 or 23575 of the Vehicle Code, the installer shall report non-compliance to the appropriate court or the department as required by statute, within three working days.



(F) When reporting non-compliance to the court personnel or the Department of Motor Vehicles, the installer shall follow procedures and forms provided by the appropriate court and the Department of Motor Vehicles and a copy shall be included in the participant's file.

(b) Whenever a device is removed, a manufacturer shall ensure that the vehicle is restored to its original condition by the authorized installer. When reporting the removal to the court personnel, the installer shall follow procedures and forms provided by the appropriate court and a copy shall be included in the participant's file or an "Ignition Interlock Notice of Removal," form DL 922 (REV 1/2007), which is hereby incorporated by reference, pursuant to Section 125.20 of this article, shall be sent to the department, within three working days after removal of a device.

(c) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when an authorized installer is replaced with another affiliated authorized installer or replaced with another authorized installer affiliated with another manufacturer.

(1) The manufacturer shall obtain all participant files from an authorized installer being replaced, and shall provide the participant files to the new installer.

(2) The manufacturer shall ensure that each participant with an existing, installed device is able to obtain the required service within a similar distance or less from the participant's residence or place of business. If there are installed devices for which authorized service is no longer accessible, such devices shall be replaced by the manufacturer, at no cost to the participant, with a device from another manufacturer's authorized installer located at a similar distance or less from the participant's residence or place of business.

(3) The manufacturer shall make every effort to notify all participants of a change of the authorized installer or replacement of the device 30 days before the change or replacement will occur. When the manufacturer is unable to notify participants 30 days prior to the change or replacement, the manufacturer shall notify all participants of the change as soon as possible.

(4) The removal of the device shall be recorded on an Ignition Interlock Notice of Removal form ~~DL-922~~ DL 922 (REV 1/2007) pursuant to § Section 125.20. Section II of the Ignition Interlock Notice of Removal form ~~DL-922~~ DL 922 (REV 1/2007) is not applicable for this type of removal. The installation of the new manufacturer's device shall be recorded on a Verification of Installation form ~~DL-920 (REV 1/2007)~~ DL 920 (REV 7/2010) pursuant to ~~section~~ Section 125.16. To substantiate that no break in service has occurred, the department copies of the Verification of Installation form ~~DL-920 (REV 1/2007)~~ DL 920 (REV 7/2010) and Ignition Interlock Notice of Removal form ~~DL-922~~ DL 922 (REV 1/2007) shall be submitted to the department together.

(d) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when the participant elects to transfer to an affiliated authorized installer or to another authorized installer affiliated with another manufacturer.

(1) The participant's file shall be transferred pursuant to the procedures described in § Section 125.12(c)(1).

(2) The device removal and installation shall be recorded and reported pursuant to the procedures described in § Section 125.12(c)(4).

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13386, 23573 and 23575(g), Vehicle Code.

#### **§ 125.16. Verification of Installation.**

(a) Unless the participant is ordered by the court to install an Ignition Interlock Device, upon application for a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(9), the participant shall submit the \$15 fee specified in Section 124.95 of Title 13 of the California Code of Regulations and a Verification of Installation Ignition Interlock, form DL 920 (REV ~~4/2007~~ 7/2010), which is hereby incorporated by reference upon application for a restricted driver license pursuant to subdivisions (a)(3) through (a)(7) (9) of Section 13352 of the Vehicle Code. This fee and form is in addition to all other application requirements. ~~The Verification of Installation, form DL 920 (REV 4/2007) shall contain the following information:~~

~~(1) The stamp of the manufacturer of the device.~~

~~(2) The participant's name and driver license number.~~

~~(3) The participant's mailing address, and residence address, if different from the mailing address.~~

~~(4) The participant's birth date.~~

~~(5) The participant's home and work telephone numbers.~~

~~(6) The name of the manufacturer of the ignition interlock device installed.~~

~~(7) The installation location name, Bureau of Automotive Repair number, and address.~~

~~(8) The date the device was installed.~~

~~(9) The make, year, license plate number, and vehicle identification number of the vehicle in which the ignition interlock device was installed.~~

~~(10) The installer's printed name and a statement signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.~~

~~(11) The installer's daytime telephone number.~~

(b) Pursuant to Vehicle Code section 13352 (a)(3) and (a)(5) a participant shall submit a Verification of Installation Ignition Interlock, form DL 920 (REV 7/2010) and a forty-five dollar (\$45) administrative service fee.

~~(b) (c) If an Ignition Interlock Device ignition interlock device is ordered by the court, the participant shall submit an original Verification of Installation Ignition Interlock, form DL 920 (REV 4/2007 7/2010) or the court ordered verification of installation form to the department.~~

~~(c) (d) The Verification of Installation Ignition Interlock, Form DL 920 (REV 4/2007 7/2010), may contain the date of the next monitor check.~~

~~(d) (e) A manufacturer shall account for each Verification of Installation Ignition Interlock, form DL 920 (REV 4/2007 7/2010), issued to the manufacturer. If any unused forms become lost, stolen, or misplaced the manufacturer shall immediately notify local law enforcement and provide written notification to the department.~~

~~(e) (f) Completed copies of the Verification of Installation Ignition Interlock, form DL 920 (REV 4/2007 7/2010), shall be distributed as follows:~~

~~(1) The original completed Verification of Installation Ignition Interlock, form DL 920 (REV 4/2007 7/2010), shall be submitted to the department at a local field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.~~

~~(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.~~

Note: Authority cited: Sections 1651, 13352 and 13386, Vehicle Code. Reference: Sections 1652, 13352 and 13386, Vehicle Code.

**§ 125.18. Notice of Non-Compliance.**

(a) An installer shall submit to the department within three working days a Notice of Non-Compliance, form DL 921 (NEW 11/99), which is hereby incorporated by reference, if an ignition interlock device indicates that the participant has attempted to remove, bypass, or tamper with the device, or if the participant fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device, pursuant to ~~subdivision (g) of Section 23575 of the Vehicle Code~~ section 23573(e)(2) 23575(g), or 23700(a)(5)(B). ~~The Notice of Non-Compliance form, DL 921 (NEW 11/99)~~ shall contain the following information:

- ~~(1) The participant's name and driver license number.~~
- ~~(2) The participant's mailing address, and residence address, if different from the mailing address.~~
- ~~(3) The participant's date of birth.~~
- ~~(4) The participant's home and work telephone numbers.~~
- ~~(5) The name of the manufacturer of the device.~~
- ~~(6) The installation location name, Bureau of Automotive Repair number, and address.~~
- ~~(7) The serial number of the device and the date the device was installed in the vehicle.~~
- ~~(8) The make, year, license plate number, and vehicle identification number of the vehicle with the ignition interlock device.~~
- ~~(9) Whether the installed device shows evidence of attempts to remove, bypass or tamper with the device, and the corresponding date or dates.~~
- ~~(10) Whether the participant failed three or more times to comply with the device maintenance or calibration requirements, and the corresponding dates of non-compliance.~~
- ~~(11) The installer's printed name and a statement signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.~~
- ~~(12) The installer's daytime telephone number.~~
- ~~(13) The date the form is sent to the department.~~

(b) Completed copies of the Notice of Non-Compliance form, DL 921 (NEW 11/99), shall be distributed as follows:

(1) The installer shall submit the original completed Notice of Non-Compliance form, DL 921 (NEW 11/99), to the department. The installer may mail the form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290-0001, or fax the completed form to the department at (916) 657-6001.

(2) One copy each shall be provided to the driver, the authorized installer to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.

Note: Authority cited: Sections 1651, 23573 and 23575, Vehicle Code. Reference: Sections 1652, 13386, 23573 and 23575, Vehicle Code.

**§ 125.20. Notice of Removal.**

(a) An installer shall submit to the department within three working days an Ignition Interlock Notice of Removal, form DL 922 (REV 1/2007), which is hereby incorporated by reference, when the installer removes an ignition interlock device, pursuant to Section 125.12(b) of this article. ~~The Ignition Interlock Notice of Removal, form DL 922 (REV 1/2007), shall contain the following information:~~

~~(1) The stamp of the manufacturer of the device.~~

~~(2) The participant's name and driver license number.~~

~~(3) The participant's mailing address, and residence address if different from mailing address.~~

~~(4) The participant's birth date.~~

~~(5) The participant's home and work telephone numbers.~~

~~(6) The date the ignition interlock device was removed.~~

~~(7)(b)-~~When an installer removes a device from a participant's vehicle and reinstalls the device into another vehicle operated by the same participant, the removal and reinstallation is to be recorded by completing Section II "Removal/Installation Information."

~~(A)~~ (1) The first segment of Section II identifies the vehicle make, year, license plate number and vehicle identification number of the vehicle from which the device is being removed.

- ~~(B)~~ (2) The second segment of Section II identifies the vehicle make, year, license plate number, and vehicle identification number of the vehicle in which the device is being reinstalled and also includes the date of installation, and the date of the next monitor check.
- ~~(8) The name of the manufacturer of the device removed.~~
- ~~(9) The name, Bureau of Automotive Repair number, and address of the installation location that removed the device.~~
- ~~(10) A certification signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.~~
- ~~(11) The installer's printed name and daytime telephone number.~~
- ~~(12) The date the form is sent to the department.~~
- ~~(b)~~ (c) A manufacturer shall account for each Notice of Removal, form DL 922 (REV 1/2007), issued to the manufacturer. If any unused forms become lost, stolen, or misplaced the manufacturer shall immediately notify local law enforcement and provide written notification to the department.
- ~~(e)~~ (d) Completed copies of the Notice of Removal form, DL 922 (REV 1/2007), shall be distributed as follows:
- (1) The installer shall submit the original completed Notice of Removal, form DL 922 (REV 1/2007), to the department. The installer may mail the completed form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290-0001, or fax the completed form to the department at (916) 657-6001.
  - (2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652, 13386 and 23575(g), Vehicle Code.

**§ 125.22. Notice to Employers Regarding an Ignition Interlock Restriction.**

(a) The department shall provide to any requesting participant a Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99).

(b) The participant shall provide a Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99), which is hereby incorporated by reference, to any employer who owns a vehicle that the participant must operate during the course of employment, and keep a copy of the Notice to Employers Ignition Interlock Restriction in his or her possession or with the vehicle operated. The Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99), allows the participant to operate the employer's vehicle without an ignition interlock device. ~~The Notice to Employers, Ignition Interlock Restriction form DL 923 (NEW 11/99), shall contain the following information:~~

~~(1) The participant's name.~~

~~(2) The employer's name.~~

~~(3) The business name, telephone number, and address.~~

~~(4) A certification signed and dated by the employer, under penalty of perjury under the laws of the State of California, that the employer has been notified by the employee pursuant to Section 23576 of the Vehicle Code.~~

Note: Authority cited: Sections 1651 and 23576, Vehicle Code. Reference: Sections 1652 and 23576, Vehicle Code.

**§ 126.00. Verification of Installation for Department of Motor Vehicles Required Ignition Interlock Device.**

(a) Upon the department's receipt of notification from the court of a conviction of Vehicle Code section 14601.2, 14601.4 or 14601.5, the department shall notice the participant of the requirement to install an ignition interlock device, certified pursuant to Section 125.02 of this article, within 30 days of the mail date of the notice, unless the participant meets all the exemptions provided in Vehicle Code section 23573(g).

(b) Upon notification of the requirement to install an ignition interlock device, the participant shall submit the following to the department:

(1) A Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (REV 7/2010), which is hereby incorporated by reference.

(2) A forty dollar (\$40) administrative service fee required pursuant to Vehicle Code section 23573(c)(3).

Note: Authority Cited: Section 1651, Vehicle Code. Reference: Sections 1652, 14601.2, 14601.4 or 14601.5 and 23573, Vehicle Code.

**§ 126.02. Distribution of Verification of Installation, form DL 924**

(a) Completed copies of the Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV 7/2010), shall be distributed as follows:

(1) The original completed form DL 924 (REV 7/2010) shall be submitted to the department at a local public field office or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.

(b) A manufacturer shall account for each Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV 7/2010), issued to it by the department. If any unused forms become lost, stolen or misplaced, the manufacturer shall immediately notify local law enforcement and provide written notification to the department.

Note: Authority Cited: Section 1651, Vehicle Code. Reference: Section 23573, Vehicle Code

**§ 126.04. Exemption from Department of Motor Vehicles Required Ignition Interlock Device.**

(a) If the participant meets all the requirements for an exemption from the ignition interlock device requirement provided in Vehicle Code section 23573(g)(1)(A), he or she shall submit an Exemption for Ignition Interlock Device, form DL 4054B (REV. 1/2010), which is hereby incorporated by reference, to the department within 30 days from the mail date of the notification of the requirement to install ignition interlock device. The original completed form DL 4054B (REV. 1/2010), shall be submitted to the department at a local public field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13352 and 13386, Vehicle Code.

**§127.00. Ignition Interlock Device Restriction.**

The requirement of a person to participate in this pilot program is based upon the location of the county where the person was convicted.

(a) Pursuant to Vehicle Code section 23700, a person convicted of Vehicle Code section 23152 or 23153, in the county of Alameda, Los Angeles, Sacramento or Tulare, shall be



required to install an ignition interlock device for the term required by Vehicle Code section 23700(a)(7).

(b) Upon receipt of notification from a court located in the county of Alameda, Los Angeles, Sacramento or Tulare of a conviction of Vehicle Code section 23152 or 23153, the department shall require the participant to install an ignition interlock device, certified pursuant to Section 125.02 of this article, prior to reinstatement of the driving privilege, unless the participant meets all the exemptions provided in Vehicle Code section 23700(a)(8).

(c) Upon reinstatement of the driving privilege, the participant's driver license will be restricted to operating vehicles with an ignition interlock device for the term required in Vehicle Code section 23700(a)(7)(A) or (B).

(d) Prior to reinstatement of the driver license, the participant shall submit a Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV. 7/2010).

(e) A forty-five (\$45) administrative service fee is required pursuant to Vehicle Code section 23700 (a)(3)(C).

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Sections 23152, 23153, and 23700, Vehicle Code.

#### **§127.02 Administrative Fees.**

(a) Pursuant to Vehicle Code section 23700(a)(3)(C), a forty-five (\$45) administrative fee is required for participation in this pilot program for a conviction of Vehicle Code section 23152 or 23153.

(b) Pursuant to Vehicle Code section 13352(a)(3)(F) and (5)(F), a forty-five (\$45) administrative fee is required for a participant convicted of Vehicle Code section 23152 or 23153 who agrees to maintain a interlock ignition device pursuant to Vehicle Code section 13352(a)(3) or (5).

Note: Authority cited: Sections 1651, 13352 and 23700, Vehicle Code. Reference: Sections 13352, 23700, Vehicle Code.

#### **§127.04. Exemption from Ignition Interlock Device Requirements.**

(a) If the participant meets all the requirements for an exemption from the ignition interlock device requirement as provided in Vehicle Code section 23700, he or she shall submit an Exemption for Ignition Interlock Device (IID), form DL 4055B (NEW 7/2010), which is hereby incorporated by reference, to the department no later than 30 days from mail date of the notification of the requirement to install the IID. The original completed form DL 4055B (NEW 7/2010), shall be submitted to the department at a local

public field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.

#### **§127.06 Annual Report**

(a) Pursuant to Vehicle Code section 13386(g), effective July 1, 2010, a manufacturer or manufacturer's agent shall begin retaining data related to the number of false positives and time to reset the device, as defined in section 125.00.

(b) The first report shall be submitted to the department no later than July 30, 2011 and annually thereafter, no later than July 30<sup>th</sup>, each year through July 30, 2015. The final report for July 1, 2015 through December 31, 2015 shall be submitted to department no later than January 30, 2016. The reports shall be submitted on an original Report of False Positives/Reset Time, form DL 9A (NEW 7/2010), which is hereby incorporated by reference.

Note: Authority cited: Sections 1651 and 13386, Vehicle Code. Reference: Section 13386, Vehicle Code.

#### **§127.08. Reset of Ignition Interlock Restriction Term**

Pursuant to Vehicle Code section 23700(a)(10), a person who fails to comply with the required term of the ignition interlock device requirement shall have the duration of the required restriction term paused until the participant provides the department with a Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV. 7/2010.) The restriction shall then be re-imposed for the remainder of the original term of the restriction.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.

#### **§127.10. Term of Restriction**

A person is required to install an ignition interlock device for the term specified in Vehicle Code section 23700(a)(7)(A) or (B) upon eligibility for issuance of a driver license. The restriction does not lapse until the participant has provided proof of installation of the device as required by Section 126.00 of this article. Expiration of the restriction shall be paused if the participant fails to maintain or to install the device pursuant to Vehicle Code section 23575.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Sections 23575 and 23700, Vehicle Code.