



ADMINISTRATIVE RULES OF MONTANA

23.3.980 CERTIFIED IID INSTALLATION, MAINTENANCE, CALIBRATION, REMOVAL, AND REPORTS

- (1) Each restricted driver must:
 - (a) have a certified IID installed in any vehicle they drive prior to the Motor Vehicle Division issuing them a probationary or restricted driving permit;
 - (b) submit the vehicle and installed IID for calibration and inspection at intervals not to exceed sixty-five days;
 - (c) pay all costs associated with the installation and calibration.
- (2) At the time of installation, the certificate holder must ensure:
 - (a) the installer follows the manufacturer's instructions for proper installation and affixes to the IID a label substantially complying with the following notation: "Warning - This IID has been installed under the laws of the State of Montana. Attempts to disconnect, tamper with, or circumvent this IID may subject you to criminal prosecution. For more information, call (insert manufacturer, vendor, or service center's toll free number).";
 - (b) the restricted driver is thoroughly trained on the proper use and functionality of an IID; and
 - (c) that a user reference, operation, and problem-solving guide in English or Spanish is provided to the restricted driver when an IID is installed.
- (3) At the time of calibration, the service center must:
 - (a) download data contained in an IID's memory or data logger. The manufacturer or vendor certificate holder must make an electronic copy of the client data and the results of each examination; and
 - (b) remove from service any IID no longer meeting the certification standards. The serial number of the device must be kept on record for three years. An IID removed from service for no longer meeting the certification standards may be placed back in service only if it is repaired to meet the standards and all repairs are documented. These records must be kept for three years.
- (4) At the time of removal, the certificate holder must:
 - (a) remove the IID at the direction of the referring agencies at the end of the probationary period;
 - (b) remove the IID if the Motor Vehicle Division notifies the holder that the device is no longer certified. The holder must ensure the immediate replacement with a certified IID;
 - (c) remove the IID, if the account becomes sixty days past due for nonpayment of fees;

- (d) remove the IID, upon written authorization from the Motor Vehicle Division;
 - (e) return the vehicle in normal operating condition after removal;
 - (f) notify the referring agency and the Motor Vehicle Division of the removal of the IID within 24 hours of the removal; and
 - (g) provide any final report requested by the referring agency or the Motor Vehicle Division to the requestor once the IID has been removed from a restricted driver's vehicle(s).
- (5) If the restricted driver does not appear for a removal appointment and makes no attempt to appear to remove the IID, the replacement cost of the IID may be added to the lessee's account.
- (6) The certificate holder must:
- (a) ensure all downloaded data is reviewed;
 - (b) determine a restricted driver's compliance with the referring agency's requirements;
 - (c) retain all information obtained as a result of each calibration or inspection. Information must be retained by the manufacturer, vendor, or service center for three years from the date the IID is removed from the vehicle;
 - (d) not authorize or assist with the disconnection of an IID, or enable the use of any "emergency bypass" mechanism or any other "bypass" procedure that allows a person restricted to use the vehicle equipped with a functioning IID, to start or operate a vehicle without providing all required breath samples. Doing so may subject the person to criminal prosecution and may cause the revocation of a certification; and
 - (e) report all known IID circumventions or tampering to the Motor Vehicle Division in a Motor Vehicle Division-approved electronic format within ten days of determining that an IID was circumvented or tampered with and if requested, must report to the referring agency in a similar time line.
- (7) The certificate holder may permit:
- (a) the use of remote codes for vehicle repair by a mechanic other than the restricted driver; and
 - (b) the use of remote codes to override a vehicle lockout mode to facilitate the servicing of a device.
- (8) The manufacturer or vendor must notify the referring agency of any violation resets within ten days of the vehicle being serviced following a violation reset in a format acceptable to the referring agency.
- (9) The manufacturer or vendor must notify the referring agency of any device being placed in lockout mode preventing the vehicle from being started within ten days of the vehicle being serviced following a violation reset in a format acceptable to the referring agency.
- (10) In addition to any other information required by the Motor Vehicle Division or by a referring agency, all reports to the Motor Vehicle Division and the referring agency must include:
- (a) the full name, address, and driver's license number of the restricted driver;
 - (b) the full name and address of the lessee and registered owner of the vehicle the device is installed in;

- (c) the vehicle license registration number of the single vehicle in which the IID was installed;
 - (d) the unique serial number of the IID; and
 - (e) the toll free telephone number, and certification number of the manufacturer or vendor who prepared the report for the IID.
- (11) Under no circumstances will a manufacturer, service center, or ignition interlock technician knowingly permit a restricted driver to drive a vehicle not equipped with a functioning IID.
 - (12) The sale or use of any type of remote code allowing a restricted driver to bypass a lockout condition or any user to not provide a breath sample on vehicle start up is prohibited.
 - (13) Upon request, the manufacturer or vendor must provide additional reports in a format acceptable to and at no cost to the Motor Vehicle Division and the referring agency.
 - (14) Retention of the record of installation, calibrations, downloads, service and associated invoices must be maintained by the certificate holder for a minimum of three years.

Authorizing statute(s): 61-8-1025, MCA

Implementing statute(s): 61-8-1025, MCA

History: NEW, 2017 MAR p. 896, Eff. 1/1/18; AMD, 2023 MAR p. 411, Eff. 4/29/23.