



ADMINISTRATIVE RULES OF MONTANA

23.3.957 MANDATORY REQUIREMENTS FOR AN IGNITION INTERLOCK DEVICE

An IID must meet the following requirements before it may be certified:

- (1) Comply with all applicable standards set under the Model Specifications of the National Highway Traffic Safety Administration Model Specifications for Breath Alcohol Ignition Interlock Devices 78 FR 26849-26867 (2013), Montana Code Annotated, and ARM Title 23.
- (2) Be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.
- (3) Work accurately and reliably in an unsupervised environment and under extreme weather conditions.
- (4) Require a deep lung breath sample or use an equally accurate measure of blood alcohol concentration equivalence. This requirement is met if the IID allows a minimum of 1200 ml or 1.2 L of breath for an acceptable breath sample.
- (5) Resist tampering and show evidence if tampering is attempted.
- (6) Be difficult to tamper with or circumvent. This may be shown by:
 - (a) using special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts;
 - (b) breath anti-circumvention features such as alternating breath flow, hum tone, breath temperature and any other Motor Vehicle Division-approved anti-circumvention features must be activated during all start up and random breath tests;
 - (c) changes in software and IID configuration, including anti-circumvention features and the State of Montana configuration profile must only be administered by the manufacturer.
- (7) Minimize inconvenience of a sober driver.
- (8) Operate reliably over the range of vehicle environments.
- (9) The manufacturer must be adequately insured for product liability.
- (10) Include a minimum supply of two disposable mouth pieces upon installation, designed to minimize the introduction of saliva into an IID, and an additional mouth piece with every calibration period.
- (11) Automatically and completely purge residual alcohol before allowing subsequent tests.
- (12) Be designed to permit a restart without testing within two minutes of a stall or when the ignition has been turned off.

- (13) Once there is a failed start attempt, require an increasing wait period for subsequent attempts to initially start the vehicle. After a first failed start attempt the wait period is 5 minutes, after a second failed start attempt the wait period is 10 minutes, and for all subsequent failed start attempts within a 2-hour period the wait period is 30 minutes. The device must be capable of notifying the driver of this time period. Acceptable forms of notification are use of an indicator light, audible tone, voice modulation, and/or count down timer.
- (14) Require a violation reset when the driver has:
 - (a) failed an initial start attempt four times within any two-hour period;
 - (b) circumvented or tampered with the IID;
 - (c) failed to have the IID serviced within the time period described in this chapter.
- (15) If the driver fails to service the vehicle within 10 days of violation reset, the device must be put into lockout mode preventing the vehicle from starting.
- (16) Uniquely identify and record each time the vehicle is attempted to be started and/or started, the results of all tests, retests, or failures as either being a malfunction of the device or from the driver not meeting the requirements, how long the vehicle was operated, any indication of bypassing or tampering with the IID, and whether the device entered into a violation reset.
- (17) To be certified, an ignition interlock device must be capable of being preset, by only the manufacturer, at any fail level from .02 through .09 g/210L BrAC (plus or minus .005 g/210L BrAC). The actual setting of each ignition interlock device, unless otherwise mandated by the originating court, must be .025 g/210L BrAC. The capability to change this setting must be made secure by the manufacturer.

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.