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MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: October 17, 2016

Rule Number: 7 CSR 60-2.030 Standards and Specifications

Name of Agency Preparing Statement: Missouri Highways and Transportation Commission
Traffic and Highway Safety Division

Name of Person Preparing Statement: Bill Whitfield
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Name of Person Approving Statement: Bryce Gamblin
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Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The proposed amendment will go into effect on May 30, 2017 and has several new requirements that include requirements for data storage on ignition interlock devices, photo identification and near real-time transmission of data. The requirement for near real-time transmission of data has an effective date of March 1, 2018.

The near real-time transmission of ignition interlock data between the authorized service provider's server and the devices relay unit while the device is in use and shall be available for viewing by state officials in Missouri without delay as cellular reception permits.

This amendment only requires that the information be transmitted to the authorized service provider's server. It does not change any reporting requirements to the state. This will provide those

in the state with quicker access to the data instead of waiting for the devices to be calibrated every 30 days before that data can be accessed.

The proposed amendment sets forth the requirements for photo identification technology which includes a wide angle view to determine if the person providing the breath test is the driver. The photo must also clearly identify who is providing the breath test. The proposed amendment requires a reference photo of the client (DWI offender) that is included as part of the persons electronic record that can be used for comparison if a violation occurs.

In addition, the proposed amendment will require that the ignition interlock device have a data storage system with sufficient internal memory to allow continuous recording and maintaining of all data for a minimum of thirty-seven days. This will prevent the clients from being called in early because the memory on their device is full and needs to be downloaded more frequently. The clients are charged a fee each time they come in for a download and some were being required to come in more frequently than required by rule.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Missouri Department of Transportation consulted with other states that require the real-time reporting and outline requirements for photo identification. In addition, the proposed rules were sent via email to each of the manufacturers for review as well as the Department of Revenue and the Missouri Safety Center.

Missouri staff also attended the Association of Ignition Interlock Program Administrator's annual conference and spoke with both manufacturers and program administrators about reporting issues in general.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

No additional costs will be incurred by MoDOT or other agencies affected. The proposed amendment will assist those agencies when handling complaints. More importantly the ability to obtain ignition interlock data on an offender quicker is a huge benefit to monitoring that offender by the courts and/or probation and parole and ensure public safety.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Ignition interlock manufacturers will be required to comply with the administrative rules that set forth the standards and specifications for the breath alcohol ignition interlock program. Those businesses will be adversely affected if they are not following the requirements outlined and will no longer be allowed to install devices that do not meet the requirements.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

The fiscal impact to ignition interlock manufacturers, distributors, and installers is unknown and will vary by manufacturer. It is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It is also difficult to determine the number of devices that will need to be switched to another device after the rule goes into effect. Many of the manufacturers, distributors and installation sites may be able to provide the services required under the rule.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Ignition interlock manufacturers, installers and service centers could be impacted by the proposed rule in an adverse manner.

State and local officials as well as the offender could benefit from the proposed rule. In addition, the public could benefit from improved public safety. State and local officials will have access to ignition interlock data in a more timely fashion thereby allowing for quicker responses to complaints from those who are required to utilize the devices. In addition, courts and/or probation and parole officers can take more immediate action when a violation occurs. The photo identification technology will also allow for clear identification of the person providing the breath test and if they are driving the vehicle.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes X No ___

If yes, please explain the reason for imposing a more stringent standard.

The Departments of Transportation and Revenue and the Missouri Safety Center receive complaints from ignition interlock clients (DWI offenders) who claim that they either did not have a violation, which extends their ignition interlock use, or they claim that the device isn't functioning properly. Requiring real-time reporting allows for the ignition interlock data to be accessible in a more timely fashion. This will be especially helpful since passage of SB 254 which will require a period of three (3) consecutive months of violation free ignition interlock use before a person can have their driver license fully reinstated.

Quicker access to data by the court supervising authorities also allows for more immediate action to be taken against an offender who violates the use of their ignition interlock device. This will allow for better public safety. In addition, the photo identification technology will also allow for clear identification of the person providing the breath test and if they are driving the vehicle.

No other standards exist with the state or county. Federal guidelines do not address this type of issue. However, other states have similar standards for their ignition interlock programs.