



Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending subsections (1)(A)5., (1)(C)2., and (1)(D), and adding new subsections (1)(C)5. and (1)(D)4.B.

PURPOSE: This amendment permits the manufacturer, at its discretion, the adjustment of the breath volume requirement to as low as 1.2 liter on its device. The addition of aftermarket lighting installation in the cabin of the vehicle for hearing impaired has been added, and a requirement of a second follow up test after a positive breath sample has been added.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must—

(A) General—

5. Audibly or visually indicate when a **1.2 or 1.5** liter breath sample has been collected. The *[division]manufacturer*, at its discretion, may permit the adjustment of the breath volume requirement to as low as 1.2 liter*[, when provided documentation from a licensed physician verifying an applicable medical condition. The physician's documentation will be submitted in a format approved by the division. Upon review, the division will notify the operator in writing of approval or denial of a lowered breath volume]*;

(C) Alcohol set point to start vehicle.

2. Permit a maximum of *[three]two ([3]2)* attempts to blow a breath sample below the alcohol set point within a ten- (10-) minute period.

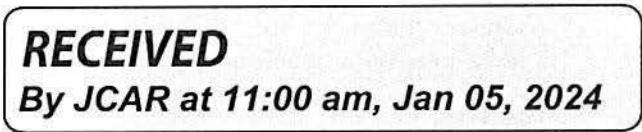
5. When a breath sample provided is above the alcohol set point, the operator shall provide a second breath sample below the alcohol set point within ten (10) minutes, or it shall be reported as a violation by the manufacturer.

(D) Alcohol retest set point and running retest.

4. Activate the vehicle's horn, or other installed alarm, until the operator shuts off the engine when a device calculates a breath sample at or above the alcohol retest set point of twenty-five thousandths (.025) or when a device records a failure to provide a running retest sample within five (5) minutes.

A. Any aftermarket alarm or siren installed in a vehicle by the Authorized Service Provider (ASP) will be installed inside the passenger compartment of the vehicle.

B. Aftermarket lighting may be installed within the vehicle by the ASP to notify hearing impaired drivers of a requested breath test.



*AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, sections 302.440–302.462, RSMo 2016 and Supp. 2022, and section 302.060, RSMo Supp. 2022. * This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov. 30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018. Amended: Filed May 6, 2022, effective Dec. 30, 2022. Amended: Filed: January 5, 2024.*

**Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1961, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015, 2018; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, see Revised Statutes of Missouri, 2016 and Supp. 2017; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*