

Kansas Administrative Regulations

Kansas Department of Revenue

Article 56.—Ignition Interlock Devices

92-56-1. Ignition interlock device; definitions.

As used in this article, each of the following terms shall have the meaning specified in this regulation: (a) "Device" means "ignition interlock device," as defined in K.S.A. 8-1013 and amendments thereto. This device uses microcomputer logic and internal memory and has a breath alcohol analyzer as a major component that interconnects with the ignition and other control systems of a motor vehicle. This device measures the breath alcohol concentration (BrAC) of an intended driver to prevent the motor vehicle from being started if the BrAC exceeds a preset limit and to deter and record any instances of circumvention or tampering.

(b) "Alcohol setpoint" means the breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the normal lockpoint at which the ignition interlock device is set at the time of calibration. The alcohol setpoint shall be .03. The alcohol setpoint for retests shall be .03.

(c) "BrAC" means the breath alcohol concentration expressed as weight divided by volume, based upon grams of alcohol per 210 liters of breath.

(d) "BrAC fail" means the condition in which the ignition interlock device registers a BrAC value equal to or greater than the alcohol setpoint when the intended driver conducts an initial test or retest. This condition is recorded as a violation.

(e) "Breath sample" means the sample of alveolar or end-expiratory breath that is analyzed for the analysis of alcohol content after the expiration of at least 1.2 liters of air.

(f) "Circumvention" means an overt, conscious attempt to bypass the ignition interlock device by any of the following:

- (1) Providing samples other than the natural, unfiltered breath of the driver;
- (2) starting the vehicle without using the ignition switch; or

(3) performing any other act intended to start the vehicle without first taking and passing a breath test.

(g) "Director" means director of vehicles, division of vehicles of the department of revenue.

(h) "Emergency bypass procedure" means the procedure that allows the driver to travel to a service provider and avoid a lockout. If used, the event shall be recorded in the event log, and the device shall be put into early service status. The emergency bypass procedure shall require the driver to provide a breath sample with a test result below the alcohol setpoint.

(i) "Fail-safe" means a condition in which the ignition interlock device cannot operate properly due to a problem, including improper voltage and a dead sensor. In fail-safe, the ignition interlock device will not permit the vehicle to be started.

(j) "Fixed site" means the building in which a service provider operates. The building shall have a separate waiting room, a bathroom, and a work area. The work area shall be accessible to only the service provider and the service provider's employees while performing services.

(k) "High BrAC" means a BrAC fail result for an initial test or retest that registers an alcohol setpoint of .08 or greater.

(l) "Lockout" means an instance in which the ignition interlock device will prevent the vehicle from starting. The vehicle cannot be operated until serviced by the service provider. A lockout occurs if any of the following events occurs:

(1) A driver incurs five or more violations between scheduled inspections with the service provider.

(2) A driver fails to submit to calibration and inspection as required by K.A.R. 92-56-4(b)(5), and the seven-day grace period has expired.

(3) A driver engages in circumvention or tampering.

(m) "Manufacturer" means the person, company, or corporation that produces an ignition interlock device and certifies to the division that the manufacturer's representative and the manufacturer's service providers are qualified to service and provide information on the manufacturer's state-approved ignition interlock device. To

be a manufacturer, the division shall approve and certify the manufacturer's device for use in the state, and the approval and certification shall remain in effect.

(n) "Manufacturer's representative" means a single individual based in Kansas and designated by a manufacturer to act on behalf of or represent the manufacturer in matters relating to this article and K.S.A. 8-1001 et seq., and amendments thereto.

(o) "Rolling retest" means a breath test that is required after the initial engine start-up breath test and while the engine is running. This term is also known as a retest or a running retest. The device shall require the driver of the vehicle to submit to a retest within 10 minutes of starting the vehicle. A rolling retest shall continue at randomized, variable intervals ranging from 10 to 45 minutes after the previous retest for the duration of the travel.

(p) "Service provider" means an ignition interlock device technician that is authorized by a manufacturer to service a certified device on behalf of the manufacturer or the manufacturer's representative. The ignition interlock device technician shall have a written agreement or authorization from a division-approved manufacturer or its manufacturer's representative to service the manufacturer's devices within Kansas.

(q) "Services" means the installation, inspection, monitoring, calibration, maintenance, removal, replacement, and repair of division-approved ignition interlock devices within Kansas.

(r) "Tampering" means an overt, conscious attempt to physically disable, bypass, adjust, or otherwise disconnect an ignition interlock device from its power source.

(s) "Violation" means any of the following:

- (1) The driver has blown a BrAC fail when attempting to start the vehicle.
 - (2) The driver has blown a BrAC fail when attempting a required rolling retest.
 - (3) The driver fails to execute a valid rolling retest after a five-minute period.
 - (4) The driver fails to submit to a requested rolling retest by turning the vehicle off to avoid submitting to the rolling retest.
 - (5) The driver has blown a high BrAC during an initial breath test or rolling retest.
- (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended May 2, 2014; amended Nov. 6, 2015.)

***** Authenticated Kansas Administrative Regulation *****