

## **Part 10**

### **Ignition Interlock System Program Act**

#### **53-3-1001 Title.**

This part is known as the "Ignition Interlock System Program Act."

Enacted by Chapter 421, 2011 General Session

#### **53-3-1002 Definitions.**

As used in this part:

- (1) "Ignition interlock system" has the same meaning as defined in Section 41-6a-518.2.
- (2) "Ignition interlock system provider" means an individual who:
  - (a) is acting on behalf of a business enterprise conducted by a person, association, partnership, or corporation for the purpose of installation and maintenance of an ignition interlock system;
  - (b) is certified as an installer;
  - (c) has met the requirements for ignition interlock system provider status as established by the division;
  - (d) is authorized or certified to operate or manage an ignition interlock system business;
  - (e) may supervise the work of another installer; and
  - (f) charges a fee for the services described under this Subsection (2).
- (3) "Installer" means a person, whether acting as an ignition interlock system provider or for an ignition interlock system provider for compensation, who is certified by the division to install ignition interlock systems.
- (4) "Interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.
- (5) "Provider" means an ignition interlock system provider.

Enacted by Chapter 421, 2011 General Session

#### **53-3-1003 Licenses required -- Inspections.**

- (1) An ignition interlock system provider may be certified to facilitate installation of ignition interlock systems only if the provider applies for and obtains a license from the division.
- (2) A person may act as an ignition interlock system installer only if the person applies for and obtains a license from the division.
- (3) The division shall inspect the provider facilities and equipment of applicants and licensees and examine applicants for provider licenses and installer licenses.
- (4) The division shall administer and enforce this part.

Enacted by Chapter 421, 2011 General Session

#### **53-3-1004 Ignition interlock system provider license -- Contents of rules.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:

- (1) an ignition interlock system provider license, including requirements concerning:
  - (a) locations;
  - (b) equipment;
  - (c) installers;
  - (d) previous records of the provider and installers;

- (e) financial statements;
  - (f) schedule of fees and charges;
  - (g) character and reputation of the providers and installers;
  - (h) insurance as the commissioner determines necessary to protect the interests of the public;  
and
  - (i) other provisions the commissioner may prescribe for the protection of the public;
- (2) an installer's license, including requirements concerning:
- (a) moral character;
  - (b) knowledge of the procedures for installation of an ignition interlock system; and
  - (c) other provisions the commissioner may prescribe for the protection of the public; and
- (3) applications for licenses.

Enacted by Chapter 421, 2011 General Session

**53-3-1005 License expiration and renewal -- Fee required -- Disposition of revenue.**

- (1)
- (a) All ignition interlock system provider licenses and installer licenses:
    - (i) expire one year from the date of issuance; and
    - (ii) may be renewed upon application to the commissioner as prescribed by rule.
  - (b) Each application for an original or renewal provider license or installer license shall be accompanied by a fee determined by the department under Section 63J-1-504.
  - (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.
- (2) The license fees collected under this part shall be placed in the Department of Public Safety Restricted Account.

Enacted by Chapter 421, 2011 General Session

**53-3-1006 Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.**

- (1) The department may cancel, revoke, or refuse to issue or renew an ignition interlock system provider or installer license if it finds that the licensee or applicant has not complied with or has violated this part or any rule made by the division.
- (2) A licensee:
- (a) shall return a canceled or revoked license to the division; and
  - (b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Enacted by Chapter 421, 2011 General Session

***Effective until 7/1/2024***

**53-3-1007 Ignition interlock system provider -- Notification to the division upon installation or removal of an ignition interlock system -- Monitoring and reporting requirements -- Penalties.**

- (1) An ignition interlock system provider who installs an ignition interlock system on an individual's vehicle shall:
- (a) provide proof of installation to the individual; and
  - (b) electronically notify the division of installation of an ignition interlock system on the individual's vehicle.

- (2) An ignition interlock system provider shall electronically notify the division if an individual has:
  - (a) removed an ignition interlock system from the individual's vehicle;
  - (b) attempted to start the motor vehicle with a measurable breath alcohol concentration, and the attempt to start the motor vehicle was prevented by the ignition interlock system, including the date and time of each attempt; or
  - (c) failed to report to the ignition interlock provider for the purpose of monitoring the device every 60 days, or more frequently if ordered by the court as described in Subsection 41-6a-518(5) (a).
- (3) If an individual is an interlock restricted driver and the individual removes an ignition interlock system as described in Subsection (2)(a), the division shall:
  - (a) suspend the individual's driving privilege for the duration of the restriction period as defined in Section 41-6a-518.2; and
  - (b) notify the individual of the suspension period in place and the requirements for reinstatement of the driving privilege with respect to the ignition interlock restriction suspension.
- (4) The division shall clear a suspension described in Subsection (3) upon:
  - (a) receipt of payment of the fee or fees required under Section 53-3-105; and
  - (b)
    - (i) receipt of electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating;
    - (ii) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual:
      - (A) electronic verification that the individual does not have a vehicle registered in the individual's name in the state; and
      - (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or
    - (iii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.
- (5) If Subsection (4)(b)(ii) applies, the division shall every six months:
  - (a) electronically verify the individual does not have a vehicle registered in the individual's name in the state; and
  - (b) require the individual to provide updated documentation described in Subsection (4)(b)(ii).
- (6) If the individual described in Subsection (5) does not provide the required documentation described in Subsection (4)(b)(ii), the division shall suspend the individual's driving privilege until:
  - (a) the division receives payment of the fee or fees required under Section 53-3-105; and
  - (b)
    - (i) the division:
      - (A) receives electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or
      - (B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1); or
    - (ii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.

- (7) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division shall suspend the license of any individual without receiving a record of the individual's conviction of crime seven days after receiving electronic notification from an ignition interlock system provider that an individual has removed an ignition interlock system from the individual's vehicle or a vehicle owned by another individual and operated by the individual if the individual is an interlock restricted driver until:
- (a) the division receives payment of the fee or fees specified in Section 53-3-105; and
  - (b)
    - (i)
      - (A) the division receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or
      - (B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, the division receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1);
    - (ii) if the individual is not a resident of Utah, the division receives electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence; or
    - (iii) the individual's interlock restricted period has expired.
- (8)
- (a) Upon receipt of a notice described in Subsection (2)(b) or (2)(c), the division shall extend the individual's ignition interlock restriction period by 60 days.
  - (b) The division shall notify the individual of the modified ignition interlock restriction period described in Subsection (8)(a).
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
- (a) procedures for certification and regulation of ignition interlock system providers;
  - (b) acceptable documentation for proof of the installation of an ignition interlock device;
  - (c) procedures for an ignition interlock system provider to electronically notify the division;
  - (d) procedures for an ignition interlock system provider to provide monitoring of an ignition interlock system and reporting the results of monitoring;
  - (e) procedures for the removal of an ignition interlock restriction if the individual is unable to provide a deep lung breath sample as a result of a medical condition and is unable to properly use an ignition interlock system as described in Subsection 41-6a-518.2(8); and
  - (f) policies and procedures for the administration of the ignition interlock system program created under this section.

Amended by Chapter 384, 2023 General Session

***Effective 7/1/2024***

**53-3-1007 Ignition interlock system provider -- Notification to the division upon installation or removal of an ignition interlock system -- Monitoring and reporting requirements -- Penalties.**

- (1) An ignition interlock system provider who installs an ignition interlock system on an individual's vehicle shall:
- (a) provide proof of installation to the individual; and

- (b) electronically notify the division of installation of an ignition interlock system on the individual's vehicle.
- (2) An ignition interlock system provider shall electronically notify the division if an individual has:
  - (a) removed an ignition interlock system from the individual's vehicle;
  - (b) attempted to start the motor vehicle with a measurable breath alcohol concentration, and the attempt to start the motor vehicle was prevented by the ignition interlock system, including the date and time of each attempt; or
  - (c) failed to report to the ignition interlock provider for the purpose of monitoring the device every 60 days, or more frequently if ordered by the court as described in Subsection 41-6a-518(5)
    - (a).
- (3) If an individual is an interlock restricted driver and the individual removes an ignition interlock system as described in Subsection (2)(a), the division shall:
  - (a) suspend the individual's driving privilege for the duration of the restriction period as defined in Section 41-6a-518.2; and
  - (b) notify the individual of the suspension period in place and the requirements for reinstatement of the driving privilege with respect to the ignition interlock restriction suspension.
- (4) The division shall clear a suspension described in Subsection (3) upon:
  - (a) receipt of payment of the fee or fees required under Section 53-3-105; and
  - (b)
    - (i) receipt of electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating;
    - (ii) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual:
      - (A) electronic verification that the individual does not have a vehicle registered in the individual's name in the state; and
      - (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or
    - (iii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.
- (5) If Subsection (4)(b)(ii) applies, the division shall every six months:
  - (a) electronically verify the individual does not have a vehicle registered in the individual's name in the state; and
  - (b) require the individual to provide updated documentation described in Subsection (4)(b)(ii).
- (6) If the individual described in Subsection (5) does not provide the required documentation described in Subsection (4)(b)(ii), the division shall suspend the individual's driving privilege until:
  - (a) the division receives payment of the fee or fees required under Section 53-3-105; and
  - (b)
    - (i) the division:
      - (A) receives electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or
      - (B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1); or

- (ii) if the individual is not a resident of Utah, electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence.
- (7) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division shall suspend the license of any individual without receiving a record of the individual's conviction of crime seven days after receiving electronic notification from an ignition interlock system provider that an individual has removed an ignition interlock system from the individual's vehicle or a vehicle owned by another individual and operated by the individual if the individual is an interlock restricted driver until:
  - (a) the division receives payment of the fee or fees specified in Section 53-3-105; and
  - (b)
    - (i)
      - (A) the division receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system on the individual's vehicle or the vehicle the individual will be operating; or
      - (B) if the individual does not own a vehicle or will not be operating a vehicle owned by another individual, the division receives electronic verification that the individual does not have a vehicle registered in the individual's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1);
    - (ii) if the individual is not a resident of Utah, the division receives electronic verification that the individual is licensed in the individual's state of residence or is in the process of obtaining a license in the individual's state of residence; or
    - (iii) the individual's interlock restricted period has expired.
- (8)
  - (a) Upon receipt of a notice described in Subsection (2)(b) or (2)(c), the division shall extend the individual's ignition interlock restriction period by 60 days.
  - (b) The division shall notify the individual of the modified ignition interlock restriction period described in Subsection (8)(a).
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
  - (a) procedures for certification and regulation of ignition interlock system providers;
  - (b) acceptable documentation for proof of the installation of an ignition interlock device;
  - (c) procedures for an ignition interlock system provider to electronically notify the division;
  - (d) procedures for an ignition interlock system provider to provide monitoring of an ignition interlock system and reporting the results of monitoring;
  - (e) procedures for the removal of an ignition interlock restriction if the individual is unable to provide a deep lung breath sample as a result of a medical condition and is unable to properly use an ignition interlock system as described in Subsection 41-6a-518.2(9); and
  - (f) policies and procedures for the administration of the ignition interlock system program created under this section.

Amended by Chapter 197, 2024 General Session

**53-3-1008 Violations -- Penalties.**

A violation of the requirement under this part to be licensed as an ignition interlock system provider or installer is a class C misdemeanor.

Enacted by Chapter 421, 2011 General Session

