

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 7 – Department of Transportation
Division Title: 60 – Traffic and Highway Safety Division
Chapter Title: 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

Rule Number and Title:	7 CSR 60-2.030 – Standards and Specifications
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3 (based on compliance)	Ignition Interlock Manufacturers	\$18,810.60 to \$28,340.00 (annual)
1 (based on decertification)	Ignition Interlock Manufacturers	\$164,874.00 (annual)
19 (based on decertification)	Authorized Service Providers	\$45,900.00 (annual)

III. WORKSHEET

There are six (6) breath alcohol ignition interlock manufacturers with eight (8) devices that are approved for use in Missouri. All ignition interlock devices are similar in that they provide a physical barrier to prevent the operation of a motor vehicle by drivers who have a breath alcohol concentration above a specified limit. A breath sample must be provided at vehicle start up and at variable times during vehicle operation. Manufacturers differ slightly in services provided to their clients (driving while intoxicated (DWT) offenders) and how the information is transmitted from their local installation sites and service centers. In addition, features such as photo identification vary in terms of quality and what is captured in the photo.

The proposed rule will require “real-time” reporting, which means near real-time transmission of ignition interlock data between a manufacturer’s system and the driver’s device while in use. The data shall be available for viewing by Missouri officials within twelve (12) hours of collection.

“Real-time” reporting will be required on all new installations of camera unit devices by January 1, 2019. Two (2) manufacturers already provide this service with their devices. In contrast, the remaining provide data only when the device is downloaded, which occurs every thirty (30) days. The delay in receipt of the data creates monitoring challenges for courts and probation and parole personnel. State and local officials can respond more quickly to complaints and violations with “real-time” data transmission and reporting.

In addition, the proposed rule sets standards for photo identification technology. Photo identification technology confirms the identity of the person providing the breath sample and the person operating the vehicle.

The rule will also require that the devices be manufactured or assembled by an entity which possesses an International Organization for Standardization (ISO) 9001 certification by January 1, 2019. The Missouri Department of Transportation (MoDOT) is adopting this as a best practice recommendation by the National Highway Traffic Safety Administration and the American Association of Motor Vehicle Administrators. MoDOT believes that one (1) manufacturer currently does not meet this requirement; however, it is unknown whether the requirement can be met by January 1, 2019.

MoDOT met with the six (6) ignition interlock manufacturers with certified devices in Missouri and three (3) manufacturers provided information on the fiscal impact caused by the “real-time” reporting requirement. There is wide variation between the fiscal impacts provided because the manufacturers made different assumptions to calculate their total costs. MoDOT can only speculate as to the future loss or growth of the manufacturers’ client base and to what extent, if any, manufacturers will “pass on” compliance costs to their clients through increased user fees. Accordingly, to present the estimated costs below, MoDOT utilized data provided by the Department of Revenue and the per unit-compliance-cost provided by three (3) of the six (6) manufacturers.

Manufacturer	Total number of devices installed as of 2/6/2018	Number of devices currently installed with camera as of 2/6/2018	Cost per device to meet specifications (provided by manufacturer)	Total Annual Cost
Manufacturer A	153	52	\$545.00	\$28,340.00
Manufacturer B	579	56	\$460.00	\$25,760.00
Manufacturer C	899	428	\$43.95	\$18,810.60

The above estimated fiscal impact is for compliance of the proposed rulemaking; however a manufacturer may not meet the proposed rule requirements, which would result in decertification. A chart estimating the costs incurred for decertification in calendar year 2019 is below for both the manufacturer and their authorized service providers.

Manufacturer	Total number of devices installed as of 2/6/2018	Monthly charge for device	Removal Fee	Total Annual Cost
Manufacturer	101 (standard) 52 (camera/gps)	\$79.00 \$99.00	\$50.00	\$164,874.00

Authorized Service Provider	Total number of devices installed as of 2/6/2018	Monthly fee for service	Install fee & Removal fee	Total Annual Cost
Service Providers	153	\$15.00	\$120.00	\$45,900.00

Total Estimated Costs for Calendar Year '19 and all Subsequent Years: \$18,810.60 to \$28,340.00 for compliance with the proposed rulemaking; for \$164,874.00 if a manufacturer's device is decertified; and \$45,900.00 for authorized service providers.

IV. ASSUMPTIONS

1. Data utilized is based on current number of devices installed and pricing provided by the ignition interlock manufacturers.
2. It is difficult to determine an annual cost since the term of ignition interlock use is based on the DWI offender's driving record and can range from 90 days to 10 years. The cost of decertification is based on the current number of devices the manufacturer has installed assuming the client/offender has the device installed for a one year period.
3. Research used to support information about the ignition interlock detection methods and program requirements: *Best Practices for Alcohol Interlock Programs*, Traffic Injury Research Foundation, April 2001; *Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States, 2006-2011*, National Highway Traffic Safety Administration, May 2015; and *Ignition Interlock Best Practices*, American Association of Motor Vehicle Program Administrators, August 2015.
4. Only reasonably foreseeable costs have been used.