

MISSISSIPPI CRIME LABORATORY
IMPLIED CONSENT
POLICIES AND PROCEDURES
1700-1799



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Date

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Date

(05-04)

<u>Section</u>	<u>Latest Revision</u>	<u>Approved by</u>	<u>Section</u>	<u>Latest Revision</u>	<u>Approved by</u>
Form IP-29	7-97		1766.000	07-01-02	
Main Title page	12-00		1750.000-1760.000	07-25-02	
Sub Title page	12-00		Form IP-31	07-25-02	
Section numbering	12-00		Form IP-29	07-31-02	
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MISSISSIPPI CRIME LABORATORY IMPLIED CONSENT POLICIES AND PROCEDURES



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1750.000-1799.999 BIOLOGICAL ALCOHOL AND DRUG TESTING

39	1750.000 BIOLOGICAL ALCOHOL AND DRUG TESTING
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GLOSSARY

Alcohol Ethyl alcohol and may include isopropyl alcohol and methyl alcohol.

BrAC Breath Alcohol Concentration, measured as grams of alcohol per 210 liters of breath.

Breath Alcohol Reference Standard Solution A water-alcohol solution compounded for use in a simulator which, when equilibrated with air, yields a predictable alcohol concentration.

Calibration Check The verification of evidentiary breath alcohol instruments accuracy by a certifier of calibration using a certified breath alcohol reference solution in a simulator and obtaining a result within $\pm.003$ of the expected value.

Certifier of Calibration A person who has received specialized training in the operation and the calibration check of evidentiary breath alcohol instruments and is certified to perform calibration checks.

CMI, Inc. Company at 316 East Ninth Street, Owensboro, Kentucky 42303, that manufactures the Intoxilyzer 5000 and the Intoxilyzer 8000 evidential breath alcohol test instrument.

Evidentiary Breath Alcohol Instrument An instrument used for making a chemical analysis of breath and giving a resultant alcohol concentration for evidential purposes. Such instrument is listed in section 1700.200 and 1702.100 in this chapter.

Guth Laboratories, Inc. Company at 590 North Street, Harrisburg, PA 17111, that manufactures breath alcohol reference standard solutions and 34C Simulator.

Implied Consent Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of Mississippi Code 1972, Annotated, to a chemical test or tests of his breath for the purpose of determining alcohol concentration.

Instrument Performance The evidentiary breath alcohol instruments ability to determine the alcohol level in a breath sample or simulator sample to a level of $\pm.003$ at .100.

Intoxilyzer 5000 An automated, microprocessor controlled instrument utilizing infrared spectrophotometry used for evidentiary breath alcohol analysis.

Lot An entire batch of breath alcohol reference standard solution.

Mouth Alcohol Residual alcohol in the mouth which typically dissipates in less than ten minutes.

Observation Period A period during which the person being tested has been observed to determine that he has not ingested alcohol or other fluids, regurgitated, vomited,

eaten, smoked, or placed anything into his mouth in the 20 minutes immediately prior to the collection of a breath sample.

Recirculation A method where the simulator is attached to the Intoxilyzer so that during calibration or calibration checks the vapor of the breath alcohol reference standard solution is circulated from the simulator through the Intoxilyzer and back to the simulator in a closed loop.

RFI (Radio Frequency Interference) Detection The routine by which the evidentiary breath alcohol instrument detects interfering radio frequency and inhibits the testing procedure if RFI is detected.

Simulator A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture that simulates breath. Such instrument is listed in section 1700.600 of this chapter.

1700.200

EVIDENTIARY BREATH ALCOHOL INSTRUMENT

The Department of Public Safety has adopted the Intoxilyzer 5000 with the cooled detection option and the Intoxilyzer 8000 Mississippi Version both which are manufactured by CMI, Inc. as the only accepted evidentiary instruments for use in breath alcohol testing in the State of Mississippi pertaining to Implied Consent laws in Mississippi Code.

1700.300

INTOXILYZER 5000 INSTRUMENT CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 5000 instruments used for evidentiary breath alcohol testing shall have a Certificate of Calibration and Operation (IP-54) on file with the Implied Consent Branch of the Mississippi Highway Patrol. A Certificate of Calibration and Operation (IP-54) is issued for each new Intoxilyzer 5000 instrument before the instrument is released for placement in a location. When an instrument receives maintenance and is recalibrated as part of the maintenance procedure, a Certificate of Calibration and Operation (IP-54) is issued by the Mississippi Crime Laboratory. All calibrations are performed by the manufacturer or factory authorized Mississippi Crime Laboratory repair center personnel. The Intoxilyzer 5000 instrument certification is to be performed as follows:

Certified Simulators: The day that Calibration is performed the service technician must insure.

1. The glass jar is clean, dry and not cracked or broken.
2. The thermometer is in place, not broken or cracked, and the mercury is not separated.
3. The simulators are filled with appropriate standard solutions (Certified Breath Alcohol Solutions where required).
4. Each simulator seals properly after being filled with solution.
5. Each simulator is plugged in.
6. The agitator in each simulator is turning after power switch is turned on.
7. Temperature is 34° C. $\pm 0.5^\circ$ C. on mercury thermometer after a minimum warm-up time of 20 minutes.

Solutions as specified in section 1700.700 of this chapter used for Certification of Operation and Calibration:

1. .02% Certified Breath Alcohol Solution.
2. .04% Certified Breath Alcohol Solution.
3. .08% or .10% Certified Breath Alcohol Solution.
4. .15% Certified Breath Alcohol Solution.
5. Solution of acetone in 500ml of water
6. Water.

Intoxilyzer:

1. If off, the instrument power is turned on and the instrument is allowed to warm-up a minimum of 20 minutes.
2. The instrument time and date is checked and set.
3. The instrument is set for Auto Calibration Mode and the simulators containing appropriate Calibration Solutions as required by the instrument Auto Calibration Mode routine are attached in proper sequence utilizing recirculation setup.
4. Complete the auto calibration routine.
5. A Calibration Check of the instrument is now performed using simulators containing appropriate Calibration Solutions attached in proper sequence utilizing recirculation setup.
6. The instrument is set for Diagnostic Mode and the diagnostics are performed.
7. When the instrument passes diagnostics the Intoxilyzer Operation Checks are performed.

Intoxilyzer Operational Checks:

1. Perform an RFI Test to check the RFI detection feature of the instrument as defined by section 1700.100 of this chapter.
2. Check the response of the instrument to mouth alcohol.
3. Check the response of the instrument to improper ambient conditions.
4. Check the response of the instrument to insufficient sample--subject did not complete test.
5. Check the response of the instrument to insufficient sample--no sample given.
6. Check the response of the instrument to sample introduced at improper time.
7. Check the response of the instrument to "Start Test" button being depressed twice.
8. Check the response of the instrument to normal ABA breath test (ABA--air blank--breath test--air blank).
9. Turn the instrument off.
10. Record any service performed on the instrument on the IP-55 form and submit to the Implied Consent Branch of the Mississippi Highway Patrol.
11. Complete the IP-54 Certificate of Calibration and Operation and submit to the Implied Consent Branch of the Mississippi Highway Patrol.

The instrument is now certified and ready to be placed into service.

INTOXILYZER LOCATIONS

An agency may submit a request in writing to be considered by the Implied Consent Section of the Mississippi Crime Laboratory as an Intoxilyzer 5000 location. Criteria to be used in the selection of Intoxilyzer 5000 locations are specified in section 1700.500 of this chapter. If an Agency desires to purchase its own instrument the Mississippi Code of 1972, Annotated, Section 63-11-47 will apply. Each location must meet all criteria for location certification. The Implied Consent Section of the Mississippi Crime Laboratory will evaluate each agency's request based upon established criteria for Intoxilyzer locations as specified in section 1700.500 of this chapter and will approve or disapprove the proposed location and the agency will be notified in writing.

INTOXILYZER LOCATION CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 5000 locations will be certified using the Intoxilyzer Location Certification form IP-65 which is on file with the Mississippi Highway Patrol Implied Consent Branch. All certified locations must follow any and all directives concerning use and care of the Intoxilyzer 5000 instruments in order to maintain Intoxilyzer Location Certification. In order for an agency to be selected and approved as a Intoxilyzer location it must meet all the following criteria.

1. Designate and maintain a secure location for instrument installation.
2. Provide adequate work space and secure storage for expendables such as test record cards, mouth pieces, and forms.
3. Insure that supplies left at location for the Intoxilyzer 5000 are to be used only for that instrument.
4. Instrument **MUST** be maintained in a clean area away from eating, drinking, and smoking.
5. Provide grounded electrical outlet meeting Intoxilyzer 5000 instrument and Simulator specifications.
6. Insure that instrument is turned off after use and remains off until its next use, unless the instrument is to be used again within a short period (i.e. DUI, BUI details, or known high use periods).
7. Allow all qualified individuals with permits issued under Mississippi Code Section 63-11-19 access to instrument for the purpose of conducting breath alcohol testing.
8. Average 2 or more tests a month per calendar year to maintain certification.
9. Allow MHP and MCL personnel access to instruments for routine inspections, Calibration Checks, or any needed service.
10. Assume responsibility for repair costs resulting from abuse of instrument.
11. Instrument must pass IP-60 checklist at location.
12. Maintain the supplied log book IP-22 and insure that said log book remains at the location at all times. Insure that all tests conducted on the Intoxilyzer 5000 are

entered into the log book. Any documentation required from the log book shall be supplied by photocopy.

13. The location must comply with any and all Implied Consent directives issued by the Mississippi Crime Laboratory Implied Consent Section.
14. Use of the Intoxilyzer 5000 shall be restricted to the enforcement of DUI and BUI Laws of Mississippi Code of 1972.

If the location fails to meet these requirements, the location will be notified in writing of the areas needing improvement. If the deficiencies are not corrected, the instrument will be removed from service in that location and the Instrument Location Certification suspended or revoked. The Intoxilyzer Location Certification can be re-instated if the appropriate corrections are implemented and maintained. Instrument Location Certifications are issued or revoked at the discretion of the Implied Consent Section of the Mississippi Crime Laboratory.

1700.600

BREATH ALCOHOL SIMULATOR

The calibration and calibration checks of the Intoxilyzer 5000 are performed using a certified Breath Alcohol Simulator containing a certified breath alcohol reference standard solution. The Mississippi Crime Laboratory has adopted the Guth 34C simulator as the approved simulator for this use. The Guth 34C simulators are to be certified yearly or as required by repair or service. The certification is reported on the Implied Consent Simulator Certification form IP-62 and is on file with the Implied Consent Branch of the Mississippi Highway Patrol.

1700.700

CERTIFIED BREATH ALCOHOL STANDARDS

Breath alcohol reference standard solutions are purchased in the concentrations utilized in the Calibration and Calibration Checks of the Intoxilyzer 5000. These solutions are certified by the manufacturer to be consistent for each concentration throughout the lot. The Mississippi Crime Laboratory analyzes random samples of each lot# of breath alcohol reference standard solutions to ascertain the concentration value for use in the Calibration and Calibration Checks of the Intoxilyzer 5000. The analysis of the breath alcohol reference standard solutions is performed using Gas Chromatography and methods according to Mississippi Crime Laboratory Toxicology Section SOP. The result of analysis is reported on the Implied Consent Certificate of Analysis form IP-61 and is on file with the Implied Consent Branch of the Mississippi Highway Patrol.

INTOXILYZER CALIBRATION CHECK

Mississippi Code 63-11-19 requires that calibration checks be performed at least once a quarter on breath alcohol instruments. The calibration checks of Intoxilyzer 5000 instruments are to be performed monthly as follows:

Certified Simulator: (Daily on days that Calibration Checks are to be performed).

1. Verify that the glass jar is clean, dry and not cracked or broken.
2. Verify that the thermometer is in place, not broken or cracked, and the mercury is not separated.
3. The morning of Calibration Checks, the simulator is filled with certified breath alcohol reference standard solution. (solution is to be discarded at end of day whether or not any calibration checks were performed)
4. Verify that the simulator seals properly after being filled with solution.

At Location

5. The simulator is plugged in.
6. The simulator is attached to the appropriate ports on the Intoxilyzer 5000 utilizing recirculation.
7. The agitator is turning after power switch is turned on.
8. Temperature is 34° C. $\pm 0.5^\circ$ C. on mercury thermometer after a minimum warm-up time of 20 minutes.

Intoxilyzer:

1. Follow the directions on the IP-33 Calibration Check List.
2. The Intoxilyzer must print a calibration check test value within $\pm .003$ of concentration listed on the Certified Alcohol Reference Solution for Simulator Certificate of Analysis form for the lot# of the solution being used. If the instrument does not return the appropriate value it must be removed from service and returned to the Mississippi Crime Laboratory for calibration.
3. All tests performed at the location by the certifier of calibration are entered into the location log book, IP-22, in RED INK. The certifier of calibration will identify the instrument by serial number, and DPS number and will enter both numbers, the date of calibration check along with their name and badge # into log book IP-22.
4. All consumables (IP-12, IP-14, IP-29 forms, test record cards, mouthpieces, envelopes) are checked and replenished as needed and the area around and under the instrument is cleaned.
5. The back copy ("TESTING OFFICERS COPY") of the test record card with the calibration check test results and the breath test results, and forms IP-31, IP-33, IP-52 prepared as part of the Calibration Check are to be submitted to the Implied Consent Branch of the Mississippi Highway Patrol. The pink copy of the current Certificate of Calibration Check IP-52 is to be left at the location.
6. Whenever an instrument is initially installed or replaced in a location the Installation Check List IP-60 is to be completed on the new or replacement instrument and submitted to the Implied Consent Branch of the Mississippi Highway Patrol. The IP-60 check list is to be in addition to the normal Calibration

Check that is to be performed as well.

The IP-60 check list includes:

RFI test

Mouth alcohol

Improper ambient conditions test

Insufficient Sample-subject did not complete test

Insufficient sample-no sample given test

Sample introduced at improper time test

Start Test button depressed twice to show invalid test

A normal ABA breath test (ABA--air blank--breath test--air blank)

The Test Record Cards with the required IP-60 checks are to be turned in with the IP-60.

7. Whenever an instrument is moved, the Calibration Check is to be performed on the instrument being moved before and after moving (this is when an instrument is moved to a different area of the room or to another room at that location). An RFI test is to be performed after the instrument is moved.
8. If an instrument is to be replaced or removed from a location, a Calibration Check is to be performed on the instrument being removed (if possible) and on the replacement instrument.
 - a. If the instrument failure at a location is due to the printer not printing, disable the printer via the side panel switch and perform the Calibration Check. The value results should be visually noted on the display and recorded prior to removing the instrument for service.
9. If an instrument needs to be removed from a location for service, a detailed description of the service request should be submitted along with the instrument. The instrument should be returned to the Crime Lab for repair within 72 hours (if possible). All service shall be performed by the manufacturer or factory authorized Mississippi Crime Laboratory repair center personnel. After service is complete, the Intoxilyzer will be re-certified as specified in section 1700.300 of this chapter and an IP-54 Certificate of Calibration and Operation along with the IP-55 Implied Consent Intoxilyzer Service Record will be submitted to the Implied Consent Branch of the Mississippi Highway Patrol.

1700.900

RELEASE OF INFORMATION

Records of two (2) calibration checks, the calibration check immediately before and the calibration check immediately after the subject test in question, will be supplied upon request. The request must be made in writing giving the test subjects name, the date of test, the testing location, and the test serial number of the instrument used to perform test. The Implied Consent Branch of the Mississippi Highway Patrol and the Implied Consent Section of the Mississippi Crime Laboratory will adhere to U. S. Copyright laws as to release of any copyrighted materials. CMI, Inc. guidelines as pertains to any of that company's copyrighted materials will be followed.

1701.000

RECORDS MAINTENANCE

All official records for the Implied Consent Program of the State of Mississippi will be maintained by the Implied Consent Branch of the Mississippi Highway Patrol. This office will act as the official agent in all matters regarding Implied Consent Records.

1701.100

PERMITS TO CONDUCT BREATH ALCOHOL TESTS

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19, operators conducting a chemical test of an individual's breath to ascertain alcohol level shall hold a valid permit issued by the Mississippi Crime Laboratory in order to conduct such tests. The Permit to Conduct Breath Analysis (IP-51) for determination of alcohol level shall be valid for twenty-four (24) months. No permit will be issued to any law enforcement officer who has not met minimum standards pursuant to Mississippi Code of 1972 Annotated, Section 63-11-5 and Section 45-6-1, et seq; "... provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirements".

1701.200

OPERATOR TRAINING

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19 in order to receive a permit to conduct breath alcohol tests, an individual must successfully complete the training program for Intoxilyzer 5000 operator certification. This training program is taught by persons of the Implied Consent Section of the Mississippi Highway Patrol and/or the Mississippi Crime Laboratory who have been certified in the operation and calibration check of the Intoxilyzer 5000 by the Mississippi Crime Laboratory.

1701.300

RENEWAL OF OPERATOR PERMIT

Prior to the expiration of a valid Permit to Conduct Breath Analysis IP-51, the operator must renew his permit in order to continue to conduct chemical tests of an individual's breath to determine alcohol level. The permit renewal is issued by the Implied Consent Section of the Mississippi Highway Patrol. If an operator fails to renew the Permit to Conduct Breath Analysis before the expiration date, the Permit is no longer valid. Before the operator can be reissued a Permit to Conduct Breath Analysis and resume conducting breath analysis he must demonstrate his ability to perform a breath test on the Intoxilyzer 5000 to the Operator Trainer of the Implied Section of the Mississippi Highway Patrol and/or the Mississippi Crime Laboratory. If this is not done within 6 months of the expiration of the Permit to Conduct Breath Analysis the operator must complete the training program for the Intoxilyzer 5000 operator certification as described in section 1701.200 of the Mississippi Crime Laboratory Implied Consent Policies and Procedures.

1701.400

IMPLIED CONSENT FORMS

IP-11 PERMIT RENEWAL
IP-12 RECEIPT FOR DRIVER LICENSE (.02 BrAC or greater)
IP-14 RECEIPT FOR DRIVER LICENSE (refusal)
IP-22 (LOGBOOK) not attached
IP-29 INTOXILYZER 5000 OPERATIONAL CHECKLIST
IP-31 IMPLIED CONSENT INSTRUMENT RECORD
IP-33 CALIBRATION CHECK SHEET FOR INTOXILYZER 5000
IP-34 APPLICATION FOR PERMIT
IP-51 PERMIT TO CONDUCT BREATH ANALYSIS
IP-52 INTOXILYZER INSTRUMENT CALIBRATION CHECK CERTIFICATE
IP-54 CERTIFICATE OF CALIBRATION AND OPERATION
IP-55 IMPLIED CONSENT INTOXILYZER 5000 SERVICE RECORD
IP-60 INTOXILYZER INSTALLATION CHECKLIST
IP-61 IMPLIED CONSENT CERTIFICATE OF ANALYSIS (alcohol reference solution)
IP-62 IMPLIED CONSENT SIMULATOR CERTIFICATION
IP-64 INSTRUMENT LOCATION CERTIFICATION CHECKLIST
IP-65 INTOXILYZER LOCATION CERTIFICATION

See Appendix A

GLOSSARY

Alcohol Ethyl alcohol and may include isopropyl alcohol and methyl alcohol.

BrAC Breath Alcohol Concentration, measured as grams of alcohol per 210 liters of breath.

Breath Alcohol Reference Standard Solution A water-alcohol solution compounded for use in a simulator which, when equilibrated with air, yields a predictable alcohol concentration.

Calibration Check The verification of evidentiary breath alcohol instruments accuracy using a certified dry gas standard and obtaining a result within $\pm.005$ of the expected value.

Certifier of Calibration A person who has received specialized training in the operation and the calibration check of evidentiary breath alcohol instruments and is certified to perform calibration checks.

CMI, Inc. Company at 316 East Ninth Street, Owensboro, Kentucky 42303, that manufactures the Intoxilyzer 8000 and the Intoxilyzer 5000 evidential breath alcohol test instruments.

Dry Gas Ethanol Standard A cylinder containing a known concentration of ethanol used to check the calibration of the Intoxilyzer 8000.

Evidentiary Breath Alcohol Instrument An instrument used for making a chemical analysis of breath and giving a resultant alcohol concentration for evidential purposes. Such instrument is listed in section 1700.200 in this chapter.

Guth Laboratories, Inc. Company at 590 North Street, Harrisburg, PA 17111, that manufactures breath alcohol reference standard solutions and 34C Simulator.

Implied Consent Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of Mississippi Code 1972, Annotated, to a chemical test or tests of his breath for the purpose of determining alcohol concentration.

Intoxilyzer 8000 An automated, microprocessor controlled instrument utilizing infrared spectrophotometry used for evidentiary breath alcohol analysis.

Lot An entire batch of breath alcohol reference standard solution or dry gas ethanol standard.

Mouth Alcohol Residual alcohol in the mouth which typically dissipates in less than ten minutes.

NCIC The National Crime Information Center.

N.I.S.T. National Institute of Standards and Technology.

NO 0.020 AGREEMENT Operational message printed when consecutive subject tests differ by more than 0.020.

Observation Period A period during which the person being tested has been observed to determine that he has not ingested alcohol or other fluids, regurgitated, vomited, eaten, smoked, or placed anything into his mouth in the 20 minutes immediately prior to the collection of a breath sample.

Recirculation A method where the simulator is attached to the Intoxilyzer so that during calibration or calibration checks the vapor of the breath alcohol reference standard solution is circulated from the simulator through the Intoxilyzer and back to the simulator in a closed loop.

Radio Frequency Interference (RFI Detect) The alcohol instrument detects interfering radio frequency and stops the testing procedure if RFI is detected.

Simulator A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture that simulates breath.

EVIDENTIARY BREATH ALCOHOL INSTRUMENT

The Department of Public Safety has adopted the Intoxilyzer 5000 with the cooled detection option and the Intoxilyzer 8000 Mississippi Version both of which are manufactured by CMI, Inc. As the only accepted evidentiary instruments for use in breath alcohol testing in the State of Mississippi pertaining to Implied Consent laws in Mississippi Code. The following policies and procedures apply to the Intoxilyzer 8000 Mississippi Version.

1702.300

INTOXILYZER 8000 INSTRUMENT CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 instruments used for evidentiary breath alcohol testing shall have a Certificate of Calibration and Operation (IP-54E) on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.400

INTOXILYZER LOCATIONS

An agency may submit a request in writing to be considered by the Implied Consent Section of the Mississippi Crime Laboratory as an Intoxilyzer 8000 location. Criteria to be used in the selection of Intoxilyzer 8000 locations are specified in section 1702.500 of this chapter. If an Agency desires to purchase its own instrument the Mississippi Code of 1972, Annotated, Section 63-11-47 will apply. Each location must meet all criteria for location certification. The Implied Consent Section of the Mississippi Crime Laboratory will evaluate each agency's request based upon established criteria for Intoxilyzer locations as specified in section 1702.500 of this chapter and will approve or disapprove the proposed location and will be notified in writing.

1702.500

INTOXILYZER LOCATION CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 locations will be certified using the Intoxilyzer Location Certification form IP-65E which is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee. All certified locations must follow any and all directives concerning use and care of the Intoxilyzer 8000 instruments in order to maintain Intoxilyzer Location Certification. In order for an agency to be selected and approved as an Intoxilyzer location it must meet all the following criteria.

1. Designate and maintain a secure location for instrument installation.

2. Provide adequate work space and secure storage for expendables such as printer paper and mouth pieces.
3. Insure that supplies left at location for the Intoxilyzer 8000 are to be used only for that instrument.
4. Instrument **MUST** be maintained in a clean area away from eating, drinking, and smoking.
5. Provide grounded electrical outlet meeting Intoxilyzer 8000 instrument specifications.
6. Location will provide a phone line and /or NCIC line for communication only.
7. Allow all qualified individuals with permits issued under Mississippi Code Section 63-11-19 access to instrument for the purpose of conducting breath alcohol testing.
8. Average 2 or more tests a month per calendar year to maintain certification.
9. Allow MHP and MCL personnel access to instruments for routine inspections, Calibration Checks, or any needed service.
10. Assume responsibility for repair costs resulting from abuse of instrument.
11. Instrument must pass IP-60E checklist at location.
12. Supply paper and toner cartridges for the external printer provided with the Intoxilyzer 8000.
13. The location must comply with any and all Implied Consent directives issued by the Mississippi Crime Laboratory Implied Consent Section.
14. Use of the Intoxilyzer 8000 shall be restricted to the enforcement of DUI and BUI Laws of Mississippi Code of 1972.

If the location fails to meet these requirements, the location will be notified in writing of the areas needing improvement. If the deficiencies are not corrected, the instrument will be removed from service in that location and the Instrument Location Certification suspended or revoked. The Intoxilyzer Location Certification can be re-instated if the appropriate corrections are implemented and maintained. Instrument Location Certifications are issued or revoked at the discretion of the Implied Consent Section of the Mississippi Crime Laboratory.

1702.600

BREATH ALCOHOL SIMULATOR

The calibration of the Intoxilyzer 8000 are performed using a certified Breath Alcohol Simulator containing a certified breath alcohol reference standard solution. The simulators are to be certified yearly or as required by repair or service. The certification is reported on the Implied Consent Simulator Certification form IP-62 and is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.700

CERTIFIED BREATH ALCOHOL STANDARDS

Breath alcohol reference standard solutions are purchased in the concentrations utilized in the Calibration of the Intoxilyzer 8000. These solutions are certified by the manufacturer to be consistent for each concentration throughout the lot. The Mississippi Crime Laboratory analyzes random samples of each lot# of breath alcohol reference standard solutions to ascertain the concentration value for use in the Calibration of the Intoxilyzer 8000. The analysis of the breath alcohol reference standard solutions is performed using Gas Chromatography. The result of analysis is reported on the Implied Consent Certificate of Analysis form IP-61 Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.800

DRY GAS ETHANOL STANDARD

Dry gas ethanol standards are purchased from manufactures that certify the ethanol concentration using N.I.S.T. traceable standards. Each lot of dry gas ethanol standard comes with a manufacturer's certificate of analysis. This certificate is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee. These dry gas standards are used to check the calibration of the Intoxilyzer 8000.

1702.900

INTOXILYZER CALIBRATION CHECK

Mississippi Code 63-11-19 requires that calibration checks be performed at least once a quarter on breath alcohol instruments. The calibration checks of Intoxilyzer 8000 instruments are performed when an instrument is installed or removed from a location, when a dry gas ethanol standard is changed and with each breath test. The monthly calibration checks are performed remotely by the Implied Consent Section of the Mississippi Crime Laboratory or designee. These are recorded on form IP-16E. Certifiers of calibration perform the calibration checks on instruments; a) when they are installed, b) removed from a location if possible and c) when a dry gas ethanol standard is changed. These calibration checks are recorded on form IP-03E. The calibration checks performed with each breath test are automatically performed by the instrument during the breath test sequence. These calibration check results are recorded on each breath test on form IP-01E.

1702.101

RELEASE OF INFORMATION

Records of two (2) calibration checks, the calibration check immediately before and the calibration check immediately after the subject test in question will be supplied upon request. The request must be made in writing giving the test subjects name, the date of test, the testing location, and the serial number of the instrument used to perform test. The Implied Consent Section of the Mississippi Crime Laboratory will adhere to U. S. Copyright laws as to release of any copyrighted materials.

1702.102

RECORDS MAINTENANCE

All official records for the Intoxilyzer 8000 of the State of Mississippi will be maintained by the Implied Consent Section of the Mississippi Crime Laboratory or designee. The records will be maintained in either an electronic file or paper file.

1702.103

PERMITS TO CONDUCT BREATH ALCOHOL TESTS

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19, operators conducting a chemical test of an individual's breath to ascertain alcohol level shall hold a valid permit issued by the Mississippi Crime Laboratory or designee in order to conduct such tests. The Permit to Conduct Breath Analysis (IP-51E) for determination of alcohol level shall be valid for twenty-four (24) months. No permit will be issued to any law enforcement officer who has not met minimum standards pursuant to Mississippi Code of 1972 Annotated, Section 63-11-5 and Section 45-6-1, et seq; "... provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirements".

1702.104

OPERATOR TRAINING

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19 in order to receive a permit to conduct breath alcohol tests, an individual must successfully complete the training program for Intoxilyzer 8000 operator certification. This training program is taught by persons of the Implied Consent Section of the Mississippi Crime Laboratory or designee who have been certified in the operation and calibration check of the Intoxilyzer 8000 by the Mississippi Crime Laboratory. All training material for the Intoxilyzer 8000 must be approved by the Implied Consent Section Chief of the Mississippi Crime Laboratory.

1702.105

RENEWAL OF OPERATOR PERMIT

Prior to the expiration of a valid Permit to Conduct Breath Analysis IP-51E, the operator must renew his permit in order to continue to conduct chemical tests of an individual's breath to determine alcohol level. The permit renewal is issued by the Implied Consent Section of the Mississippi Crime Laboratory or designee. If an operator fails to renew the Permit to Conduct Breath Analysis before the expiration date, the Permit is no longer valid. Before the operator can be reissued a Permit to Conduct Breath Analysis and resume conducting breath analysis he must demonstrate his ability to perform a breath test on the Intoxilyzer 8000 to the Operator Trainer of the Implied Consent Section of the Mississippi Crime Laboratory or designee. If this is not done within 6 months of the expiration of the Permit to Conduct Breath Analysis the operator must complete the training program for the Intoxilyzer 8000 operator certification as described in section 1702.104 of the Mississippi Crime Laboratory Implied Consent Policies and Procedures.

IMPLIED CONSENT FORMS

IP-01E BREATH TEST REPORT
IP-03E INTOXILYZER 8000 CALIBRATION CERTIFICATE
IP-04E REMOVAL OF INSTRUMENT
IP-11E PERMIT APPLICATION
IP-12E RECEIPT FOR DRIVER LICENSE (.02 BrAC or greater)
IP-14E RECEIPT FOR DRIVER LICENSE (refusal)
IP-16E REMOTE CALIBRATION CERTIFICATION
IP-51E PERMIT TO CONDUCT BREATH ANALYSIS
IP-54E CERTIFICATE OF CALIBRATION AND OPERATION
IP-55E IMPLIED CONSENT INTOXILYZER 8000 SERVICE RECORD
IP-60E INTOXILYZER INSTALLATION CHECKLIST
IP-61 IMPLIED CONSENT CERTIFICATE OF ANALYSIS (alcohol reference solution)
IP-62 IMPLIED CONSENT SIMULATOR CERTIFICATION
IP-64E INSTRUMENT LOCATION CERTIFICATION CHECKLIST
IP-65E INTOXILYZER LOCATION CERTIFICATION

See Appendix B

1740.00

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY
IGNITION INTERLOCK DEVICE PROGRAM

1741.000

I. INTRODUCTION

The Mississippi Department of Public Safety (MS DPS) Ignition Interlock Device (IID) program was created during the 2000 Mississippi Legislative session by house bill 878. House bill 878 was signed into law by the Governor and it amends Mississippi Code of 1972, Annotated Sections 63-11-23 and 63-11-30. This program is offered as a sentencing option to the judicial system of the State of Mississippi for second or subsequent convictions of Section 63-11-30 of Mississippi Code of 1972, Annotated.

1742.000

II. DEFINITIONS

(1) Alcohol -- Ethyl alcohol, also called Ethanol.

(2) Alcohol concentration -- The weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol per 210 liters of breath. Breath alcohol concentration (BrAC) in these regulations shall be designated as "alcohol concentration." For the purposes of this chapter, alcohol concentrations given in BrAC are equal to those given in BAC.

(3) Alveolar air -- Also called "deep lung air" or "alveolar breath." An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined.

"Alveolar" refers to the alveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(4) Anti-circumvention feature(s) -- Any feature or circuitry incorporated into the Ignition Interlock Device (IID) that is designed to prevent human tampering which would cause the device not to operate as intended.

(5) Approval -- Meeting and maintaining the requirements of these regulations and placement on the MS DPS list of approved devices. Approval may be denied, canceled, withdrawn, and/or suspended at any time, for cause by the MS DPS.

(6) Appropriate judiciary authority -- a phrase used throughout these regulations that is meant to include personnel or court orders of the Mississippi judiciary system including but not be limited to: the actual court order requiring or authorizing installation of an IID, the court (or judge) that ordered or authorized that installation, pretrial services authorities (having to do with bail bond requirements in these matters), adult supervision (or adult probation) authorities and or occupational licensing authorities.

(7) BAC - - Blood Alcohol Concentration, grams of alcohol per 100 milliliters of Blood.

(8) Bogus Breath Sample -- Any gas sample other than the unaltered, undiluted, or unfiltered alveolar air sample coming from the individual required to have an ignition interlock device installed in his/her vehicle.

(9) Breath alcohol analysis -- Analysis of a sample of person's expired alveolar breath to determine the concentration of alcohol in the person's breath.

(10) BrAC - - Breath Alcohol Concentration, grams of alcohol per 210 liters of breath.

(11) Certification - Certification refers to meeting and maintaining the requirements set forth in these regulations.

(12) Costs -- The non-refundable original administrative fees plus any and all costs incurred by the MS DPS for testimony and/or approval, or reevaluation, of any device. Any and all incurred costs and expenses shall be the responsibility of the manufacturers and shall be reimbursed to the MS DPS within 30 days. Additionally the reasonable cost of providing legislatively mandated inspections of certified service centers shall be reimbursed to the MS DPS in the form of inspection fees payable by either the manufacturer or vendor, whichever is appropriate. Failure to pay or reimburse the MS DPS for these reasonable costs shall result in the denial or loss of certification of the affected service center(s).

(13) Data storage system -- A computerized recording of all events monitored by the installed IID, which may be reproduced in the form of required reports.

(14) Device -- An ignition interlock device (abbreviated in this title as IID).

(15) Emergency bypass -- a one-time event, authorized by a service representative that permits the IID-equipped vehicle to be started without the requirement of passing the breath test. This event must be recorded in the Data storage system. Also see Illegal Start.

(16) Filtered air samples -- Any mechanism by which there is an attempt to remove alcohol from the human breath sample. Filters would include, but are not limited to, silica gel, drierite, cat litter, cigarette filters, water filters, cotton, etc.

(17) Fixed-site service center -- A certified service center that is at a permanent location, i.e., not mobile.

(18) Free restart -- The condition in which a test is successfully completed and the motor vehicle is started, and then at some point the engine stops for any reason (including stalling). A free restart is the ability to start the engine again, within two minutes, without completion of another breath alcohol analysis. This free restart does not apply, however, if the IID was awaiting a rolling retest that was not delivered.

(19) IID - The common abbreviation for Ignition Interlock Device used throughout these regulations.

(20) Ignition interlock device (abbreviated in this chapter as IID) – A device that is a breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.

(21) Illegal start -- An event wherein the IID-equipped vehicle is started without the requisite breath test having been taken and passed and/or is started when the IID is in a lockout condition or is started by enabling an unauthorized emergency bypass. Any and all of these events shall be recorded in the Data storage system as violations.

(22) Interlock -- The mechanism which prevents a motor vehicle from starting when the alcohol concentration of a person exceeds a preset value.

(23) Lockout condition -- A state wherein the IID will not allow the vehicle to be started until a service representative completes a violation reset, downloads the Data storage system and restores the IID to a state that will allow the vehicle to be started. Violation conditions that trigger the lockout condition will enable a unique auditory and/or visual cue that will warn the driver that the vehicle ignition will enter a lockout condition within a period not to exceed 5 days. This event will be uniquely recorded in the data storage system and will simultaneously start a clock that culminates in the actual lockout condition.

(24) Manufacturer -- The actual producer of the device.

(25) Manufacturer's representative -- An individual and/or entity designated by the manufacturer to act on behalf of or represent the manufacturer of a device. May be synonymous with vendor.

(26) Mobile service center -- Any IID facility that has the personnel and equipment capability to be in use separately and simultaneously with its parent fixed site service center, whether set up in a vehicle or temporarily set up at a site with a permanent foundation.

(27) Negative result -- A test result indicating that the alcohol concentration is less than the startup set point value.

(28) Mississippi Department of Public Safety (MS DPS) B The Agency for the implementation, administration, and enforcement of the Mississippi Ignition Interlock Device Regulations.

(29) Positive result -- A test result indicating that the alcohol concentration meets or exceeds the startup set point value.

(30) Proficiency test -- A test administered by, and in the presence of, an IID inspector to establish and/or ascertain the competency of a service representative with regard to IID equipment.

(31) Purge -- Any mechanism which cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

(32) Reference sample device -- A device which generates a head-space gas above a water/alcohol solution that is maintained at a thermostatically controlled temperature. This head space gas can be used to simulate the breath alcohol concentration of an individual who has been drinking alcoholic beverages and whose alcohol concentration is reflected in an analysis of a breath sample. Or the use of a prepared standardized canister of "Dry Gas" containing a measured alcohol level specifically used in the calibration of breath alcohol devices. The results of this analysis are expressed as grams of alcohol/210liters of breath.

(33) Retest set point -- A pre-set or pre-determined alcohol concentration setting, which is the same (0.03) as the startup set point, at which, or above, during a rolling retest, the device will record in the data storage system, the high alcohol result as a violation.

(34) Revocation -- Revocation refers to the immediate cancellation of certification.

(35) Rolling retest -- After passing the test allowing the engine to start, the IID shall require a second test within a randomly variable interval ranging from 5 to 30 minutes. Third and subsequent retests shall be required at intervals not to exceed 45 minutes from the previously requested test for the duration of the travel. See Retest set point.

(36) Rolling retest violation -- An event, recorded in the data storage system when the rolling retest requirement is not met.

(37) Service center -- The physical location where the service representatives perform their IID services.

(38) Startup set point -- A pre-set or pre-determined alcohol concentration setting at which, or above, the device will prevent the ignition of a motor vehicle from operating. That value shall be an alcohol concentration of 0.03 g /210 liters of breath.

(39) Suspension -- Suspension refers to the immediate cancellation or curtailment of certification and may be applied to any certified IID entity when, because of unreliability, incompetence, or violation of these regulations that entity is not in compliance with the provisions stated in these regulations or when continuance of such certification in the opinion of the MS DPS would not uphold the scientific integrity of the IID program.

(40) Tampering -- An overt or conscious attempt to physically disable or otherwise disconnect

the IID from its power source and thereby allow the operator to start the engine without taking and passing the requisite breath test. This attempt, whether successful or not, shall be recorded in the data storage system as a violation.

(41) Vendor -- The person or entity representing the manufacturer(s) of an approved IID and responsible for the day-to-day operations and the continuing certification of an IID service center. Must have manufacturer's approval for use of a particular approved IID either through purchase or lease agreement. May be synonymous with manufacturer's representative.

(42) Violation -- Any of several events including but not limited to such things as high alcohol, whether from a violation set point or from a retest set point, a rolling retest violation, tampering or an illegal start. These events, recorded in the data storage system, must be reported as per appropriate judiciary requirements and which, when accumulated to a total determined by the appropriate judiciary authority, shall enter a lockout condition within a period not to exceed 5 days and require a violation reset.

(43) Violation reset -- An unscheduled service of the IID and download of the data storage system by the service center required because an accumulation of violations has reached a number (predetermined by appropriate judiciary authority) that generates a lockout condition. This information shall be reported to the appropriate judiciary authority within 48 hours after the vendor becomes aware of the violation. Completion of this service will include restoring the IID to a state that will allow the vehicle to be started.

(44) Violation set point -- A pre-set or pre-determined alcohol concentration setting at which, or above, the device will record the high alcohol result in the data storage system as a violation.

(45) Withdrawal of approval -- Cancellation of approval of a device; to wit, not meeting or maintaining these regulations.

1743.000

III. SCOPE OF WORK

The purpose of an ignition interlock program is to provide an alternative sanction, at no cost to the state, for persons convicted of second or subsequent driving under the influence.

Task 1:Device Technology

Task 2:Program Costs

Task 3:Installation Standards

Task 4:Service and Monitoring Guidelines

Task 5>User Orientation and Support

Task 6:Facility and Personnel Requirements

Task 7:Evaluations, Reports and Information Dissemination

Task 8:Product Liability

Task 1. Ignition Interlock Device Technology

The ignition interlock device must be tested and the results submitted to the MS DPS by an independent alcohol testing laboratory, with all costs of the test being the responsibility of the manufacturer or service provider. All ignition interlock devices must at a minimum meet the National Highway Traffic Safety Administration (NHTSA) specifications as published in the Federal Register Volume 57, Number 67, Tuesday April 7, 1992 pages 11772-11787. In addition to the NHTSA specifications any proposed IID must be based upon an electro-chemical fuel cell sensor technology, and any system based upon the Taguchi-cell semi-conductor technology will not be considered. These specifications include, but are not limited to, the following:

- A. The ignition interlock device shall have the ability to detect and record attempts to tamper, alter, or bypass the device and any violations such as an alcohol concentration of above 0.03 grams of alcohol/210liters of breath (BrAC).
- B. The ignition interlock device shall have the ability to prevent operation of the motor vehicle by a participant who fails to retest or fails to appear at a scheduled monitoring appointment.
- C. The ignition interlock device shall issue a warning of an impending lockout.
- D. The ignition interlock device shall be able to analyze a specimen of alveolar breath for alcohol concentration.
- E. The ignition interlock device shall indicate when a sufficient sample of breath has been collected and shall indicate this by audible or visual means.
- F. The results of the test shall be noted through the use of pass/fail signals. There shall be no numerical BrAC level displayed.
- G. The ignition interlock device shall lockout a driver when an alcohol concentration of .03 grams of alcohol/210liters of breath is detected.
- H. The ignition interlock device must be capable of random re-testing and timed re-testing. Rolling retest. To thwart curbside assistance, after passing the test allowing the engine to start, the IID shall require a second test within a randomly variable interval ranging from 5 to 30 minutes. Third and subsequent retests shall be required at intervals not to exceed 45 minutes from the previously requested test for the duration of the travel. During the rolling retest, the retest set point shall be the same as the startup set point. In order to alert the driver that a retest is to be required, a 3 minute warning light and/or tone shall come on. The driver will then have 3 minutes to retest. If the engine is intentionally or accidentally shutdown

after or during the 3 minute warning but before retesting, the retest clock shall not be reset. Retesting takes priority over free restarts. Free restart shall not be operative when the IID is awaiting a rolling retest. The failure to take a retest shall be recorded in the data storage system as a violation.

- I. The startup set point value for the interlock device shall be an alcohol concentration of 0.03 g/210 liters of breath. The accuracy of the device shall be plus or minus 0.005 g/210 liters of breath. The accuracy will be determined by analysis of an external standard generated by a reference sample device.
- J. The device must operate between -20 centigrade to +70 centigrade.
- K. The ignition interlock device shall operate up to altitudes of 2.5 KM above sea level.
- L. The ignition interlock device's readings shall not be significantly affected by humidity, dust, electromagnetic interference, or normal automobile vibration.
- M. The ignition interlock device's operation shall not be affected by normal fluctuations of power source voltage.
- N. The ignition interlock device, after successful completion of a breath alcohol test, shall enable the ignition relay. The ignition interlock device shall allow one (1) minute from the time the ignition is enabled to start the vehicle. The ignition interlock device shall allow the vehicle to be restarted within two (2) minutes of a stall without requiring an additional test.
- O. If the initial test results in a lockout due to the operator's BrAC level, the device shall not allow an additional attempt for fifteen (15) minutes. If the operator's BrAC remains too high, the machine shall lockout for an additional sixty (60) minutes.
- P. The ignition interlock device shall give visual and audible signals for a period of two (2) to five (5) minutes before a retest must be taken.
- Q. Failure to take a retest shall cause the device to enter the time lapse fail mode and shall cause the interlock to disable the ignition when the vehicle is turned off.
- R. If the result of the retest is higher than the fail point, the device shall enter the time lapse fail mode which shall be reported to the MS DPS by the service provider.
- S. If the operator fails to take a retest, the device shall enter the time lapse fail mode.
- T. The ignition interlock device shall provide one minute restart grace period once the test has been passed.

- U. The ignition interlock device must be capable of thwarting attempts at evasion or circumvention with the use of bogus or filtered breath.
- V. Alveolar breath sample. The device shall have a demonstrable feature designed to assure that the breath sample that is measured is essentially alveolar.
- W. Specificity. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to positive results.
- X. The IID shall have the following operational features
 - (1) The device shall be designed to permit a free restart of a motor vehicle's ignition within two minutes after the ignition has been shut off, without requiring a further alcohol analysis. The free restart function shall be checked during each routine inspection.
 - (2) The device shall also automatically purge alcohol before allowing subsequent analyses. In addition to the operational features of these regulations, the MS DPS may impose additional requirements, as needed, depending upon design and functional changes in device technology.
 - (3) The device shall have a data storage system of sufficient capacity to facilitate the recording and maintaining of all daily driving activities for the period of time elapsed from one maintenance and calibration check to the next.
- Y. Anti-circumvention. The device shall be designed so that anti-circumvention features will be difficult to bypass.
 - (1) Anti-circumvention provisions shall include, but not be limited to, prevention or preservation of evidence of cheating by attempting to use bogus or filtered breath samples or bypassing the breath sampling requirements of the device electronically.
 - (2) The device may use special seals or other methods that record attempts to bypass anti-circumvention provisions.
 - (3) The device shall be checked for evidence of tampering at least once every other month or more frequently if the need arises.
- A. When evidence of tampering is discovered, the appropriate judiciary authority shall be notified in writing and these records shall be made available upon request to MS DPS.
- Z. A warning label containing the following language shall be affixed to each device:
"Any individual tampering, circumventing, or misusing this device shall be

subject to prosecution and/or civil liability."

- AA. Manufacturers shall provide to the MS DPS with each device submitted for approval, a precise set of specifications which describe the features of the device concerned in the evaluation of its performance. A set of detailed operating instructions shall be supplied with each device.
- BB. The manufacturer shall provide a signed statement that the manufacturer shall indemnify and hold harmless the State of Mississippi, the MS DPS and its officers, employees, and agents from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the manufacturer or their representative relating to the installation, service, repair, use and/or removal of an IID.
- CC. The ignition interlock device shall record any attempt to start the vehicle without first taking the breath test, such as the use of an electrical bypass.
- DD. The ignition interlock device shall warn the driver of upcoming service appointments for three days prior to the appointment. Should the participant fail to appear, the device shall lock out on the third day after the scheduled appointment and the vehicle shall not be operable until the service provider has reset the device.
- EE. The internal memory of the device shall have a minimum of five hundred (500) events and shall enter a service reminder if the memory reaches ninety percent (90%) of capacity.
- FF. The IID alcohol detection sensor shall be based upon an electro-chemical fuel cell technology.

1743.200

Task 2. Program Costs

The costs for leasing, monitoring, servicing, installation, and removing shall be determined by the MS DPS and will be the responsibility of the program participant. The service provider must demonstrate an ability to provide an ignition interlock program at reasonable cost to the participant and no cost to the state.

- A. Established costs of the program shall be based upon common costs for service requirements and shall not vary according to the vehicle being serviced.
- B. The participant shall be responsible for transferring an ignition interlock device from one vehicle to another, if necessary.

- C. The service provider shall assume all costs of repairing or replacing a defective device that has been installed.
- D. The service provider shall be allowed to charge a reasonable fee for service calls that relate to operation error or vehicle problems. The fee must be approved by the MS DPS and shall include an hourly rate and mileage charge.

1743.300

Task 3. Installation Standards

The service provider must demonstrate the ability to install and remove devices according to the following guidelines:

- A. A service provider must inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle that are and will be affected by the ignition interlock device are in acceptable condition and no device shall be installed until the vehicle is capable of such installation.
- B. Installations shall be made in a professional manner in accordance with acceptable industry standards. All electrical connections made to the vehicle shall be permanent such as soldering.
- C. Each installation shall include all of the tamper resistant features required by the service provider and the MS DPS which include, but which are not limited to the following:
 - (1) An unique and identifiable covering, seal, epoxy or resin at all exposed electrical connections for the device.
 - (2) Connections to the vehicle which shall be under the dash or in an inconspicuous area of the vehicle.
 - (3) An unique and easily identifiable tamper seal, epoxy, or resin at all openings (except the breath and exhaust openings) of the hand-held unit, control and support units.
- D. Installations shall be performed in locations approved by the MS DPS and conducted by individuals trained by the service provider.
- E. Upon installation, the service provider shall convey to the MS DPS the following:
 - (1) The name, address and telephone number of the participant.

- (2) The owner, make, model, year, vehicle identification number and registration information on any vehicle in which a device was installed.
 - (3) The service provider shall convey to the MS DPS the company and policy number of the vehicle's insurance coverage.
 - (4) The serial number of the device installed.
 - (5) The length of the installation period, dates of monitoring checks, and payment schedule.
- F. Manufacturers of approved devices shall develop written instructions for the installation and removal of ignition interlock devices which service providers shall follow.
 - G. Removal of the devices must be done in such a manner as to return the vehicle to normal operating condition.

1743.400

Task 4. Service and Monitoring Guidelines

The service provider must demonstrate an ability to provide effective and efficient service to the motor vehicles and convey the necessary information from the ignition interlock device to the MS DPS in according to the following guidelines:

- A. Servicing, inspection and monitoring of each device shall occur within thirty (30) days after the initial installation and every thirty days thereafter.
- B. The service provider shall maintain records on every participant including results of every monitoring check
- C. Within three (3) calendar days of a monitoring check, the service provider shall have conveyed to the MS DPS all the data concerning:
 - (1) Name of the participant.
 - (2) Number of miles driven during the monitored period.
 - (3) Charges for the monitoring visit.
 - (4) Date of the next scheduled monitoring visit.
 - (5) Any type of repair work undertaken on the device and the probable cause for the repair.

- (6) Any areas of discussion or concern raised by the participant relating to the operation and/or use of the ignition interlock device or the participant's status in the program.
- D. Within one (1) business day of performing the monitoring check, the service provider shall report to the MS DPS any evidence of:
 - (1) Altering, tampering with, bypassing, or removal of the device,
 - (2) Any failure to abide by the terms and conditions of the program, including failure to appear for the monitoring visit.
 - (3) Three (3) or more lockouts or other violations which include high BrAC, BrAC failures, retest failures, power interruptions, etc..
 - (4) Any indications of non-compliance such as failure to take a random or timed retest.
 - (5) Any data indicating the participant attempted to start the vehicle while under the influence.
 - E. The service provider will be responsible for purchasing computer hardware that will be compatible with the established computer systems of the MS DPS so that participant information can be conveyed from the local service centers to the state agency via the Internet or modem.
 - F. The service provider shall be available to answer all questions and handle any mechanical problems relating to the device in the vehicle or repair or replace an inoperable or malfunctioning ignition interlock device during normal business hours.
 - G. The service provider shall provide a twenty-four (24) toll-free phone number to all participants for emergencies.
 - H. All service inquiries shall be responded to within twenty-four (24) hours of the initial contact. Within forty-eight (48) hours of initial contact, repair or replacement of the ignition interlock device shall be completed. Furthermore, any changes or alterations to the device shall be reported to the MS DPS within forty-eight (48) hours of its occurrence.
 - I. The service provider shall have the authority to permit an emergency by-pass of a device based on the provider's discretion. However, the service provider must report and explain to MS DPS any and all by-pass approvals.

1743.500

Task 5. User Orientation and Support

The service provider must demonstrate the ability to provide efficient and effective service to the participants of the program according to the following guidelines:

- A. An orientation to the ignition interlock device shall be developed by the service provider for program participants and any family members or friends who will operate the vehicle.
- B. The service provider shall train participants and their family members or friends who will drive the vehicle on the use of the ignition interlock device as well as written instructions of how to clean and care for the ignition interlock device.
- C. A reference and problem solving guide shall be developed and given to participants at the time of installation. The guide shall include information on the location of service centers, servicing procedures, emergency procedures and how the device detects non-compliance. In addition, the guide should include the type of vehicle malfunctions or repairs that might affect the ignition interlock device and what to do when such repairs are necessary and how the ignition interlock device is affected by high altitudes.

1743.600

Task 6. Facility and Personnel Requirements

A successful vendor must demonstrate the ability to establish service centers and employ personnel according to the following guidelines:

- A. Locations for service centers shall be approved by the MS DPS. All service centers shall be operational at the time of start-up for the program with any further expansion to be determined by the MS DPS.
- B. Adequate security measure shall be taken to ensure that unauthorized personnel cannot gain access to secured materials.
- C. Service centers shall be constructed in such a manner that the participant or any other unauthorized personnel cannot witness the installation and servicing of the ignition interlock device.
- D. The days and hours of service centers shall be approved by the MS DPS. Days and hours of operation can be flexible to meet the needs of participants.

- E. Personnel who work for the service provider shall be subject to having both a criminal record check and a driver's license record check by the MS DPS.
- F. Personnel shall be trained by the service provider to install, remove and access data.

1743.700

Task 7. Evaluations, Reports and Information Dissemination

The service provider will be responsible for providing information requested by the MS DPS regarding the program's participants, complaints or concerns, technical problems encountered or any other information that is available. In addition, the service provider has the responsibility of disseminating information about its device to the public.

- A. On a quarterly basis, a summary of all complaints received and corrective actions taken by the service provider shall be conveyed to the MS DPS. The reports shall be categorized by:
 - (1) Customer error or operation.
 - (2) Faulty automotive equipment other than the device.
 - (3) Apparent misuse or attempts to circumvent the device causing damage.
 - (4) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.
- B. The service provider shall inform the MS DPS of any modifications or adjustments to the ignition interlock device undertaken by the manufacturer.
- C. The service provider shall provide to the MS DPS proof of installation and the results of servicing.
- D. The service provider shall provide public information to interested applicants concerning the device and costs of the program.

1743.800

Task 8. Product Liability

The manufacturer, service provider, or installer shall indemnify and hold harmless the State of Mississippi, MS DPS, its employees and agents, from any and all claims, demands, actions and

costs whatsoever that may arise out of an act or omission by the manufacturer or its employees or agents, including the service provider, in the performance of the agreement.

- A. The manufacturer, service provider, or installer shall maintain comprehensive general liability insurance in the amount of at least \$1,000,000.00 per occurrence with a \$3,000,000.00 aggregate total. Liability shall cover defects or problems in or with product design and materials, workmanship during manufacture, calibration, installation and removal and use thereof. Such policies shall be designed to provide the MS DPS with forty-five days prior written notice of cancellation, material change, or intent to lapse.
- B. The service provider shall retain the ability to make claims on lessees who have stolen or damaged any device, the occurrence of any emergency bypass, violations resets, fail safe lockouts, service lockouts, time lapse failures, power interruption and circumvention attempts.

1744.000

Deliverables

The following documents are required as deliverables for this program:

- A. Certification of ignition interlock device from an independent laboratory proving that the device operates in accordance with the National Highway Traffic Safety Administration standards.
- B. Reports describing the operations of ignition interlock programs currently serviced by the proposed provider.
- C. Quarterly technical and participant response reports.

1750.000-1799.999 BIOLOGICAL ALCOHOL AND DRUG TESTING

1750.000

The Mississippi Crime Laboratory performs Biological Alcohol and Drug Testing pursuant to Miss. Code §63-11-8 and §63-11-19 using the methods described in the Toxicology Section Standard Operating Procedures. These methods are currently on file with the Implied Consent Section of the Mississippi Crime Laboratory.

APPENDIX A

APPENDIX B