

IC 9-30-8

Chapter 8. Ignition Interlock Devices

IC 9-30-8-1

Term of installation; costs

Sec. 1. If a court orders the installation of a certified ignition interlock device on a motor vehicle that a person whose license is restricted owns or expects to operate, the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the cost of installation unless the sentencing court determines that the person is indigent.

As added by P.L.2-1991, SEC.18. Amended by P.L.76-2004, SEC.17; P.L.94-2006, SEC.10; P.L.172-2006, SEC.3; P.L.85-2013, SEC.99; P.L.188-2015, SEC.112.

IC 9-30-8-2

Blood alcohol level rendering vehicle inoperable

Sec. 2. An ignition interlock device shall be set to render a motor vehicle inoperable if the ignition interlock device detects an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (1) one hundred (100) milliliters of the blood of the person; or
 - (2) two hundred ten (210) liters of the breath of the person;
- who offers a breath sample.

As added by P.L.2-1991, SEC.18. Amended by P.L.33-1997, SEC.12; P.L.1-2000, SEC.12.

IC 9-30-8-3

Standards and specifications; approval of ignition interlock devices; reports; evaluations and recommendations

Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
 - (2) Does not impede the safe operation of a vehicle.
 - (3) Provides a minimum opportunity to be bypassed.
 - (4) Shows evidence of tampering if tampering is attempted.
 - (5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.
 - (6) Provides the ability to accurately identify the user.
- (b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) If testing is required to determine whether an ignition interlock device complies with standards set forth by the state department of toxicology, the testing must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

(e) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(f) The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

- (1) the number of ignition interlock devices certified by the state department of toxicology;
- (2) the number of ignition interlock devices currently installed in Indiana; and
- (3) the number of ignition interlock devices rejected by the state department of toxicology.

(g) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(h) The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

As added by P.L.2-1991, SEC.18. Amended by P.L.217-2014, SEC.131; P.L.71-2016, SEC.2.

IC 9-30-8-4

Calibration and maintenance; responsibility

Sec. 4. The calibration and maintenance of an ignition interlock device that is mandated by a court is the responsibility of the manufacturer.

As added by P.L.2-1991, SEC.18.

IC 9-30-8-5

Restricted license; issuance by bureau

Sec. 5. If a court orders a person under IC 9-30-5-16 to operate only a vehicle that is equipped with an ignition interlock device, the bureau shall include that condition when issuing a license.

As added by P.L.2-1991, SEC.18.

IC 9-30-8-6

Reports and data

Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:

- (1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.
- (2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.
- (3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.
- (4) Any violations of restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device, as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology.

As added by P.L.217-2014, SEC.132.

IC 9-30-8-7

Rules; ignition interlock inspection account

Sec. 7. (a) This section applies after June 30, 2017.

(b) The Indiana criminal justice institute shall adopt rules under IC 4-22-2 concerning the following:

- (1) Establishing standards for service centers and inspections.
- (2) Establishing standards for ignition interlock device technicians.
- (3) Installation of ignition interlock devices.
- (4) Requirements for removing an ignition interlock device.
- (5) Fees with respect to service centers and ignition interlock devices that do not exceed the cost of the program. Fees described in this subdivision shall be paid by the service center, by the vendor or provider of an ignition interlock device and used to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers or ignition interlock devices. Funds collected under this subdivision shall be deposited in the ignition interlock inspection account

established under subsection (c).

(6) Review of denial, suspension, or revocation of certification of service centers and ignition interlock device installers and technicians.

(7) Hearing procedures for service centers or installers of ignition interlock devices.

(8) Appeal procedures for service centers or installers of ignition interlock devices.

(c) The ignition interlock inspection account is established within the state general fund to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices. The account shall be administered by the Indiana criminal justice institute. The following provisions apply to the account:

(1) The account consists of:

(A) fees paid by the vendor or provider of an ignition interlock device;

(B) fees paid by the service center; and

(C) appropriations made by the general assembly.

(2) Money in the account may be spent to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices.

(3) The Indiana criminal justice institute shall annually prepare a plan for the expenditure of money in the account.

(4) The expenses of administering the account shall be paid from money in the account.

(5) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(6) Money in the account at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.71-2016, SEC.3.

IC 9-30-8-8

Memorandum of understanding

Sec. 8. The bureau and the Indiana criminal justice institute shall enter into a memorandum of understanding to administer this chapter and IC 9-30-6-8(d).

As added by P.L.71-2016, SEC.4.