Virginia Department of Planning and Budget

Economic Impact Analysis

24 VAC 35-60 Ignition Interlock Program Regulations
Commission on the Virginia Alcohol Safety Action Program
Town Hall Action/Stage: 7067 / 11305 Proposed
September 28, 2026

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 17 (2026). The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation

The Commission on the Virginia Alcohol Safety Action Program (VASAP) proposes to 1) increase the Executive Finance Committee's authority to suspend certification of an ignition interlock device or ignition interlock service facility from a period of up to 30 days to up to 90 days, 2) establish a 30-day limit by which a manufacturer or service provider may request an agency hearing following the notification of a revocation or suspension of a certification, 3) no longer allow service providers to share the same physical ignition interlock service facility, 4) allow the executive director of the Commission to grant a written extension of the 90-day period where newly hired technicians may perform ignition interlock services under the direct supervision of a certified technician for training purposes prior to possessing a certification themselves, and 5) add additional reasons for which the executive director may deny, revoke, suspend, or terminate a certification for a service provider technician or state director. Additionally, the proposal would update the regulatory language and align the regulatory requirements with current statutory authority and operational practices.

[1] See Code § 2.2-4007.04 (A).

Background

According to VASAP staff, Chapters 686 and 687 of the 2026 *Acts of Assembly* recodified the scattered portions of Virginia laws relating to VASAP under Code §18.2-273.1 through §18.2-273.9.[2] Accordingly, this regulatory proposal includes many updates to the regulatory text for consistency with the statutory definitions and renumbered Code sections. The proposal also includes updates to reflect current operational practices that are implemented through the contracts with providers (e.g., records management and electronic reporting requirements; limitations on subcontracting, etc.) but that are not reflected in the current regulatory text. Additionally, the Commission proposes several other changes as discussed below.

Estimated Benefits and Costs

One of the proposed changes would increase the Executive Finance Committee's authority to temporarily suspend a certification of an ignition interlock device or ignition interlock service facility from a period of up to 30 days to up to 90 days. According to VASAP staff, a suspension of up to 30 days may not be long enough for the full Commission to consider an indefinite suspension or revocation of a certification, because the Commission regularly meets only four times a year. Extending the Executive Finance Committee's authority to suspend a certification for up to 90 days is expected to facilitate the full Commission review of the case without interruption in the case of a temporary suspension. Additionally, this change may strengthen compliance due to a longer suspension period and eliminate the possibility of a recently suspended provider or manufacturer being able to resume operations without the full commission having a chance to evaluate the case and reduce safety risks.

At the advice of the Attorney General, another proposed change would establish a 30-day limit by which a manufacturer or service provider may request an agency hearing following the notification of a revocation or suspension of a certification. Currently, the language specifies no such limit. According to VASAP staff, 30 days is sufficient to provide adequate time for requesting an agency hearing.

[2] https://lis.virginia.gov/bill-details/20261/HB862/text/CHAP0686 & https://lis.virginia.gov/bill-details/20261/HB862/text/CHAP0687.

The proposal would also no longer allow service providers to share the same physical ignition interlock service facility. VASAP staff reports that recently a facility shared by two service providers on different days of the week had to be shut down due to concerns with black mold. As a result of the closure, ignition interlock clients in the area have lost access to the services they may have needed. The proposal would no longer allow sharing of the same facility by more than one provider and is expected to minimize the risks from potential disruptions in service due to a problem with a facility.

Currently, the regulation allows newly hired technicians to perform ignition interlock services under the direct supervision of a certified technician for training purposes for up to 90 days prior to obtaining a Virginia Ignition Interlock Certification Letter. The Commission proposes to allow the executive director of the Commission to grant a written extension of the 90-day period when there is a good cause, such as when an unforeseen event happens like a natural disaster, sickness, power outage, etc. This could be beneficial for newly hired technicians and their employers.

The current regulation lists several situations where the executive director may deny, revoke, suspend, or terminate a Virginia Ignition Interlock Certification Letter for a service provider technician or state director. The Commission proposes to add the following:

> Having previously demonstrated conduct, performance deficiencies, or professional misconduct while employed by or affiliated with another employer, contractor, agency, or service provider that reasonably indicates the applicant may be unable or unwilling to perform the duties required by certification in a competent, ethical, or compliant manner. In making such determination, the executive director may consider, but is not limited to considering, documented disciplinary actions, substantiated complaints, termination for cause, repeated performance deficiencies, violations of professional standards, or other credible evidence of conduct that adversely reflects on the applicant's reliability, integrity, or ability to comply with applicable laws, regulations, or program requirements.

VASAP has indicated that there have been issues with technicians who were hired with a prior service provider having poor performance (fired or quit on their own), but there has been no way of denying certification if they came back at a future date and applied for certification with another service provider. Adding this text would enable the executive director to deny certification to applicants who previously displayed misconduct, etc.

The remaining changes are related to aligning the regulatory requirements with current statutory authority and operational practices and are not expected to create any significant economic effects other than improving the clarity of the regulation.

Businesses and Other Entities Affected

According to VASAP staff, there are three approved ignition interlock manufacturers that also operate approximately 100 facilities statewide; and the number of vehicles with an ignition interlock device varies between 8,700 and 9,200 at a given time. No entity appears to be disproportionately affected.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.[3] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[4] As noted above, the proposal would increase a potential temporary suspension of a service provider or manufacturer from maximum of 30 days to 90 days; establish a 30-day limit by which a manufacturer or service provider may request an agency hearing; no longer allow sharing of a facility by multiple providers; and add additional reasons for which the executive director may deny, revoke, suspend, or terminate certification of a service provider technician or state director. Thus, an adverse impact on such affected service providers and manufacturers is indicated.

Small Businesses[5] Affected:[6]

According to VASAP staff, there are three manufacturers that also operate service centers are national companies which do not meet the definition of a small business. Therefore, no impact on small businesses is expected.

[3] See Code § 2.2-4007.04 (D).
[4] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.
[5] Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million."
[6] See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).

Localities[7] Affected[8]

The proposed amendments do not introduce costs for localities, nor do they disproportionately affect any locality.

Projected Impact on Employment

The proposed amendments do not appear to directly affect employment. However, a longer temporary suspension of ignition interlock service provider or device; or directory taking adverse action against technician certification may reduce supply of such services and devices resulting in a transitory negative employment impact.

Effects on the Use and Value of Private Property

No direct effects on the use and value of private property are expected as the service providers do not own but rather rent the facilities. However, not permitting sharing of the facilities may add to demand for such facilities. No impact on real estate development costs is expected.

[7] "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.
[8] Code § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.