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Final Regulation Agency Background Document

Agency name	Commission on Virginia Alcohol Safety Action Program (VASAP)
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC35-60
VAC Chapter title(s)	Ignition Interlock Program Regulations
Action title	Amendments to Virginia's Ignition Interlock Regulations
Date this document prepared	January 21, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Commission on VASAP proposes to amend its ignition interlock regulations. Changes are made to prevent ignition interlock circumvention; ensure the integrity of the ignition interlock program, devices, and vendor personnel; and provide more flexibility to the Commission on VASAP to respond to emergencies.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“ASAP” means one of the 24 local Alcohol Safety Action Programs in the VASAP system located throughout the Commonwealth of Virginia.

“VASAP” means the Commission on Virginia Alcohol Safety Action Program (VASAP).

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

During the 60-day comment period, a request for a public hearing was made by over 25 citizens. A virtual public hearing was conducted where additional comments were received and reviewed. Some minor changes were made to the proposed regulation and approved by the Executive Director for proceeding to the final stage.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

The Commission on VASAP, at its December 13, 2019 meeting, supported the amending of these regulations to improve ignition interlock program processes and procedures in Virginia.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Commission on VASAP is authorized by the Code of Virginia, §18.2-270.2, to “certify ignition interlock systems for use in the Commonwealth and adopt regulations and forms for the installation, maintenance, and certification of such ignition interlock systems.”

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

Ignition interlock devices protect the public from offenders who may attempt to drink and drive subsequent to a DUI conviction while completing substance abuse education, treatment and probation. An ignition interlock is required to be installed in many cases as a condition of receiving a restricted driver's license. The ignition interlock requires drivers operating such equipped vehicles to submit alcohol-free breath samples in order to start and operate their vehicles. The proposed regulatory changes implement best practices to improve the integrity, effectiveness and efficiency of the Virginia ignition interlock program.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

- 1) permits ignition interlock state directors to oversee remote alcohol monitoring programs for Virginia-approved remote alcohol monitoring device manufacturers.
- 2) requires ignition interlock service providers to notify the Commission on VASAP of unfavorable adjudications related to the interlock device and services.
- 3) allows the Commission on VASAP to receive all monthly ignition interlock administrative fees prior to distribution to the local ASAP offices.
- 4) introduces a \$2,500 fee to the vendors for application of a new device certification.
- 5) introduces language regarding the Administrative Process Act for appeals of device or service facility suspensions or revocations.
- 6) removes the "alcohol specific" language for device descriptions since "alcohol" is defined as ethanol in the regulation definition, and the devices detect other forms of alcohol as well.
- 7) adds language permitting VASAP to approve light sources other than the vehicle headlights for the required flashing lights when a rolling retest is failed or skipped.
- 8) consolidates and centralizes existing information regarding triggers for ignition interlock photographs.
- 9) adjusts the timing of initial interlock rolling retests and subsequent random tests.
- 10) prohibits use of a single vehicle that is equipped with an ignition interlock in order to meet the probationary requirements of multiple offenders.
- 11) prevents offenders from transferring from one interlock vendor to another without due cause such as a malfunctioning device or legitimate customer service issue.
- 12) prevents offenders from having an ignition interlock device installed by a second interlock service provider when they have an outstanding balance with another vendor.
- 13) adds additional grounds for which ignition interlock service providers and technicians may be disciplined.

- 14) requires additional photographs of the vehicle’s driver seat area.
- 15) allows temporary codes to persons that would enable them to unlock their ignition interlock devices for a longer period of time than currently permitted when warranted.
- 16) grants the Commission on VASAP the authority to suspend service-related requirements of this regulation in applicable geographical areas when there exists a federal or state disaster or declaration of emergency.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The proposed changes to this regulation will improve transportation safety in the Commonwealth. There are no anticipated disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no applicable federal requirements, or other requirements that exceed applicable federal requirements, in this proposal. The proposed changes in these regulations are consistent for the most part with model ignition interlock specifications recommended by the National Highway Traffic Safety Administration as published in the Federal Register.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

No agency or locality is particularly affected by these proposed regulatory changes.

Ignition interlock vendors will have to pay a \$2,500 fee when introducing a new device in Virginia. This fee will cover testing and certification.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
David Hites	Requests public hearing. Objects to removal of the “alcohol specific” requirement for ignition interlock devices.	Public hearing was conducted as requested. Alcohol is defined as ethanol in this regulation. Since other types of alcohol may be detected by the ignition interlock fuel cell, the term “alcohol specific” is being removed to avoid any presumption that the devices detect ethanol to the exclusion of all other types of alcohol.
Cynthia Hites	Requests public hearing. Objects to removal of the “alcohol specific” requirement for ignition interlock devices.	Public hearing was conducted as requested. Alcohol is defined as ethanol in this regulation. Since other types of alcohol may be detected by the ignition interlock fuel cell, the term “alcohol specific” is being removed to avoid any presumption that the devices detect ethanol to the exclusion of all other types of alcohol.
Josh Craig	Requests public hearing.	Public hearing was conducted as requested.
Michelle Fonville	Requests public hearing.	Public hearing was conducted as requested.
Donald James Edwards	Requests public hearing.	Public hearing was conducted as requested.
Talbert Dunn	Requests public hearing.	Public hearing was conducted as requested.
Lisa M. Bland	Requests public hearing.	Public hearing was conducted as requested.
Joshua Atkins	Shared information about his personal experiences with an ignition interlock. He does not believe ignition interlocks are ethanol specific.	No comment on personal cases. No regulatory action was requested.
Mary Anne B. Dellinger	Requests public hearing.	Public hearing was conducted as requested.
Veronica Hites	Requests public hearing.	Public hearing was conducted as requested.
Rebecca Williams	Shared information about family member’s experience with her ignition interlock. Requests a public hearing.	Public hearing was conducted as requested. No comment on personal cases in this forum.
Mike Hicks	Believes the entire ignition interlock program is ridiculous and that anything will cause a failing reading. Requests public hearing.	Public hearing was conducted as requested.
Chandra Dickie	Believes entire ignition interlock program needs to be redesigned from the ground up. Requests public hearing.	Public hearing was conducted as requested.

Verma Lankford	Requests public hearing.	Public hearing was conducted as requested.
Robert Wigglesworth	Requests public hearing.	Public hearing was conducted as requested.
Gloria Lankford	Requests public hearing.	Public hearing was conducted as requested.
JoAnn Lankford	Requests public hearing.	Public hearing was conducted as requested.
Kari	Requests public hearing.	Public hearing was conducted as requested.
Jennifer Carroll	Requests public hearing. Related personal experiences with ignition interlock.	Public hearing was conducted as requested. No comment on personal case in this forum.
Brandon Ward	Requests public hearing. Believes ignition interlock devices cause false positives.	Public hearing was conducted as requested.
Brian E. Simoneau	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
GPatri	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
Anonymous	Requests public hearing.	Public hearing was conducted as requested.
James Anderson	Support ignition interlock program and believes it saves lives. Concurs with proposed changes to regulations.	Thank you for your comments.
Cynthia Hites	Does not believe VASAP is transparent. Ignition interlocks detect substances other than ethanol. The ignition interlock companies have lied to the state saying that ignition interlocks detect ethanol only when they actually detect other organic compounds whose molecule contains one or more hydroxyl groups attached to a carbon atom. No electrochemical fuel cell can detect only ethanol. Suggests definition of "alcohol" in the regulations be changed or the use of fuel cell ignition interlocks be discontinued. Alcohol can be produced naturally in people's bodies.	VASAP recognizes that ignition interlocks can detect alcohols other than ethanol, but ethanol is the type of alcohol that is ingested by drinking drivers. The term "alcohol specific" is being deleted to remove any suggested claim that ignition interlocks will only detect ethanol.
Erika Eckley	Understands the importance of preventing circumvention of the ignition interlock, but recommends that 24VAC35-60-90(E7) require the photograph of the driver be tied to the time of the breath test and occur a short time after the vehicle starts up rather than at a random	VASAP plans to implement the proposed change to ensure that the person who provided the breath test is the actual driver during the period of time between the initial start up of the vehicle and the rolling retests.

	<p>time. VASAP is already able to determine from the existing photograph taken as part of the process in place that some individuals are attempting to circumvent the protections of the interlock device by having a different person provide a passing breath sample. The department does not explain how adding an additional photograph at unexpected times will add any compliance measures that it is unable to currently utilize. For these reasons, it is requested that the additional photographic requirement not be implemented.</p>	
<p>Anonymous</p>	<p>Feels better knowing that ignition interlocks are in cars. Desires that regulations be strict to protect her family.</p>	<p>Thank you for your comment.</p>
<p>David Hites</p>	<p>Has no problem with the proposed changes for the most part. Supports ASAP portion of the ignition interlock fees going to the state office prior to dissemination to local ASAPs since it will disincentivize ASAPs from making false violation reports to increase revenues. Objects to removal of the language saying ignition interlocks are "alcohol specific" since it will lead to more deception and confusion. Favors a definition of "alcohol" that will include all alcohols, not just ethanol. Doesn't believe that any claim of the ignition interlock having a high specificity for alcohol is valid since model specifications only require specific tests for ethanol and acetone. Proposes that the Dept. of Forensic Science test all Virginia interlocks for methanol and isopropanol since these are two compounds other than ethanol that would most likely trigger a failing test. Believes that Washington state and North Carolina laws require ignition interlocks to be ethanol specific. Believes the ignition interlock industry has been deceptive in making claims that their devices in Virginia are ethanol specific.</p>	<p>VASAP recognizes that ignition interlocks can detect alcohols other than ethanol, but ethanol is the type of alcohol that is ingested by drinking drivers. The term "alcohol specific" is being deleted to remove any suggested claim that ignition interlocks will only detect ethanol.</p>

<p>Anonymous</p>	<p>As a mother of a UVa student, and an employee of an insurance company, she regularly sees photos of the deaths, injuries and property damage caused by driving under the influence crashes. She believes that anything done to protect the public from drunk drivers is good.</p>	<p>Thank you for your comment.</p>
<p>Toby Taylor</p>	<p>Stated that the Coalition of Ignition Interlock Manufacturers collected data from ignition interlock providers showing that since 2020, over 3,000,000 alcohol ignition starts have been prevented and since 2006, over 26,000,000 starts have been prevented. Applauds the Commonwealth's rules and encourages the state to continue to require the technical and scientific specifications that are in place. In response to a previous commenter, he advised that Washington state and North Carolina, like Virginia, require that their devices meet or exceed the technical and scientific specifications and requirements established by the National Highway Traffic Safety Administration for breath alcohol and ignition interlock devices, specifically with respect to accuracy and precision. He supports that the Commonwealth continue to require that ignition interlock devices be tested by an independent ISO 17025 certified lab for compliance with the NHTSA specifications.</p>	<p>Thank you for this information.</p>
<p>Ken Denton</p>	<p>Stated that he worked for the Washington State Patrol and was in charge of the oversight program. Disagreed with a previous commenter's statement that Washington state requires ethanol specific ignition interlock devices. He states that in the Code of Washington the requirement is that the ignition interlock fuel cell measure the amount of alcohol. Fuel cell technology is highly specific for alcohol. There is no perfect technology out there; however, ethanol is the only</p>	<p>Thank you for this information.</p>

	<p>alcohol that is truly ingested. When alcohol from other sources is detected by the ignition interlock, the person can wait a few minutes for it to dissipate before testing again, and the person will not be held accountable for the initial test reading. He believes the VASAP regulations are very thorough.</p>	
Sabrina George	<p>She supports the proposed regulation changes. Her relative had a DUI and the ignition interlock saved his life. She supports any changes that make the regulations stronger.</p>	<p>Thank you for your comment.</p>
Smart Start	<p>Believes the language, requiring that VASAP be notified whenever any final adjudication occurs that is unfavorable to an ignition interlock service provider, is too broad. Litigation related to such things as the supply chain, intellectual property, human resources, restrictive covenants, financial agreements, etc. could be subject to a freedom of information request and disclosure could damage companies from a competitive standpoint.</p>	<p>VASAP does not intend to change this language. Only notification of cases that would have bearing on the integrity of the Virginia ignition interlock program would be relevant. Notification, not an exhaustive response, would be required. Proprietary information can be designated as such and protected from disclosure.</p>
Smart Start	<p>Recommends that the word "judicial" be removed in 24VAC35-60-60(B) with reference to the Administrative Process Act since there appears to be additional types of review opportunities in the Act.</p>	<p>No changes will be made as this language was provided by the Virginia Attorney General's Office.</p>
Smart Start	<p>Recommends minor changes to the wording in 24VAC35-60-70(F)(21) with regard to ignition interlock photographs. Language found elsewhere in the proposed regulation is moved to this section in order to centralize the photo triggers and ensure consistency with the new language proposed elsewhere.</p>	<p>VASAP concurs with these changes.</p>
Smart Start	<p>Recommends that 24VAC35-60-70(I) require rolling retests randomly within 10-15 minutes after the start of the motor vehicle and randomly thereafter. This change is necessary to ensure the rolling retest occurs. As presently proposed, it appears that the only requirement on the first rolling</p>	<p>VASAP concurs with this change.</p>

	retest is that it not occur within 10 minutes after the start of the motor vehicle. This means a rolling retest could be programmed to occur not less than 10 minutes after the start of the motor vehicle nor more than 60 minutes, 120 minutes, or 180 minutes. Without a range, the maximum rolling retest interval is left up to the manufacturer to decide.	
Smart Start	The proposed language in 24VAC35-60-90(B)(11) prohibits offenders from transferring ignition interlock services to another vendor if they owe their current vendor in excess of \$250. It is recommended that this prohibition be in place if the offender has any outstanding debt to the current service provider.	VASAP concurs with this recommendation.
Smart Start	Delete language in 24VAC35-60-90(E)(5-7) and move it to 24VAC35-60-70(F)(21) to centralize the photo triggers and ensure consistency with the new language proposed elsewhere.	VASAP concurs with this suggested change.
Smart Start	Delete language in 24VAC35-60-110(D)(14-16) and move it to 24VAC35-60-70(F)(21) to centralize the photo triggers and ensure consistency with the new language proposed elsewhere.	VASAP agrees with this change.
Smart Start	Recommends that the word "judicial" be removed in 24VAC35-60-130(C)(7) with reference to the Administrative Process Act since there appears to be additional types of review opportunities in the Act.	No changes will be made as this language was provided by the Virginia Attorney General's Office.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
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	number, if applicable			
24VAC35-60-70(F)(21)			The requirements regarding ignition interlock photographs that were present in other sections of the proposed regulation are moved to this section.	This centralizes the photo triggers and ensures consistency with the new language proposed elsewhere.
24VAC35-60-70(I)(1)		The proposed time for a required rolling retest was “not less than within 10-15 minutes.”	The update changes the requirement to read, “randomly within 10-15 minutes.”	This change is necessary to ensure the rolling retest occurs. As presently proposed, it appears that the only requirement on the first rolling retest is that it not occur within 10 minutes after the start of the motor vehicle. This means a rolling retest could be programmed to occur not less than 10 minutes after the start of the motor vehicle nor more than 60 minutes, 120 minutes, or 180 minutes. Without a range, the maximum rolling retest interval is left up to the manufacturer to decide.
24VAC35-60-90(B)(11)		The proposed section stated that “offenders with an outstanding balance in excess of \$250 with any Virginia-approved ignition interlock provider shall not be permitted to install an interlock device with another ignition interlock service provider.”	The updated language states that “offenders with an outstanding balance with any Virginia-approved ignition interlock provider shall not be permitted to install an interlock device with another ignition interlock service provider.”	The amount owed to an ignition interlock vendor no longer has to be in excess of \$250 to prohibit an offender from changing ignition interlock vendors. Offenders may not switch vendors if there is any outstanding balance.
24VAC35-60-90(E)(5-7)		This section included information about ignition interlock photos.	The language is stricken here and incorporated in 2VAC35-60-70(F)(21).	This centralizes the photo triggers and ensures consistency with the new language proposed elsewhere.
24VAC35-60-110(D)(14-16)		This section included information about ignition interlock photos.	The language is stricken here and incorporated in	This centralizes the photo triggers and ensures consistency with the new

		2VAC35-60-70(F)(21).	language proposed elsewhere.
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Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
24VAC35-60-40(C)(5)		Currently, state ignition interlock director must work exclusively with the Virginia interlock program.	New wording permits state ignition interlock directors to also oversee remote alcohol monitoring device programs since these are related duties to the services ignition interlock companies provide, or may provide in the future.
	24VAC35-60-40(C)(9)	Currently, ignition interlock companies are required to contact the Commission on VASAP whenever they are involved in any lawsuits.	New wording requires the Commission to be notified of all final adjudications that are unfavorable to the service provider that relate to the ignition interlock device or delivery of ignition interlock services.
24VAC35-60-50(A)(4)		Currently, a \$10 monthly ignition interlock administrative fee is sent to the Commission on VASAP and a \$10 administrative fee is sent to the local ASAPs. These monies are sent by the ignition interlock service providers each month from a portion of the calibration service fees paid by offenders.	The \$10 administrative fee paid to the Commission on VASAP will be increased to \$20. No administrative fee will be paid directly to the local ASAPs. It will be forwarded from the Commission office.
	24VAC35-60-50(5)	Currently there is no fee required for certification of new ignition interlock devices in Virginia.	A new requirement is established that ignition interlock companies pay a \$2,500 certification fee for new devices introduced in the state. This fee will pay for testing of the device by VASAP.
24VAC35-60-50(C)		Currently, a \$10 monthly ignition interlock administrative fee is sent to the Commission on VASAP and a \$10 administrative fee is sent to the local ASAPs. These monies are sent by the	This paragraph is deleted. No administrative fee will be paid directly to the local ASAPs. It will be forwarded from the Commission office.

		ignition interlock service providers each month from a portion of the calibration service fees paid by offenders.	
24VAC35-60-60(B)		Currently, whenever an ignition interlock device or service facility is suspended or revoked, the manufacturer or service provider may request a hearing with the Commission on VASAP within 15 days.	Current language is deleted and reference to the Administrative Process Act is put in its place.
24VAC35-60-70(F)(3)		Current language refers to ignition interlock devices as being "alcohol specific."	The "alcohol specific" language is removed since ignition interlocks can detect forms of alcohol other than ethanol, and the current definition of alcohol in the regulations refers only to ethanol.
24VAC35-60-70(F)(8)		Currently, the ignition interlock device must be able to activate the vehicle's lights, typically the headlights, whenever a rolling retest is missed or failed.	New language permits other light sources to be used if approved by the Commission on VASAP.
24VAC35-60-70(F)(9)		Currently, an unlock code can be issued to an offender that will enable a vehicle that is in a permanent lockout status to be operated for a maximum of three hours.	Additional wording is included to permit the Commission on VASAP to extend the period of time an unlock code will work. This gives flexibility when vehicles need to be serviced or an emergency situation exists.
	24VAC35-60-70(F)(21)(a-c)	Currently, this section does not include detailed information about what ignition interlock activities trigger a photograph to be taken of the driver.	Language found elsewhere in the regulation with regard to photograph triggers is moved to this section to centralize the information and ensure consistency. Language is added to clarify that the camera is situated to capture images of the vehicle's driver seat.
24VAC35-60-70(G)		Currently, a sticker warning about illegal circumvention is required to be placed on the ignition interlock device.	New language requires the specific location of the sticker to be on the ignition interlock handset so that it is easily visible each time a breath sample is administered.
24VAC35-60-70(I)(1)		Currently, a rolling retest is required within 5 minutes after the start of the motor vehicle with additional rolling retests occurring randomly at least once every 45-60 minutes.	New language will require the rolling retest to occur within 10 to 15 minutes after the start of the motor vehicle with additional rolling retests occurring at least once every 60 minutes. This change is designed to help eliminate circumvention of the interlock.
	24VAC35-60-80(N)	Currently, the regulation is silent about multiple persons using the same ignition interlock to fulfill probationary requirements.	A paragraph is added to prohibit a single ignition interlock device to be used by multiple persons with an interlock requirement.
	24VAC35-60-80(O)	Currently, there is no prohibition for offenders switching ignition	Language is added to prohibit "vendor hopping" without written permission of

		interlock providers without due cause.	the Commission on VASAP. VASAP cannot unreasonably deny a transfer to another vendor if the desire to transfer is due to device malfunction or a legitimate customer service issue. This change prevents offenders from changing service providers when unpaid ignition interlock fees are owed to a vendor.
24VAC35-60-90(B)(11)		Currently, offenders may switch ignition interlock vendors even when they owe an outstanding balance to their present vendor.	Language is added to prohibit the installation of an interlock by a service provider when the offender still owes fees to their current vendor.
24VAC35-60-90(E)(5-7)		Currently, information about ignition interlock photographs is included in this section.	Present language is deleted and incorporated in VAC35-60-70(F)(21)(a-c).
24VAC35-60-110(D)(14-16)		Currently, information about ignition interlock photographs is included in this section.	Present language is deleted and incorporated in VAC35-60-70(F)(21)(a-c).
	24VAC35-60-110(H)	Currently, there is no regulatory requirement that offenders be given a written copy of the ASAP Ignition Interlock Agreement.	New language requires a copy of the ASAP Ignition Interlock Agreement be given to offenders when they install a device in their vehicle, and that they read and sign the agreement.
24VAC35-60-130(A)(4)		Current language makes reference to the Commission on VASAP's right to consider criminal history and driving history when determining whether a service provider technician or state director will be certified to perform services in Virginia.	This language is removed since specific disqualifying factors are addressed in 24VAC35-60-130(C).
24VAC35-60-130(C)		Current content covers reasons an Ignition Interlock Certification Letter may be revoked, suspended or terminated.	Content remains the same. Just minor format edits are made.
	24VAC35-60-130(C)(6)	Currently, there is no disqualification of a service provider technician or state director for making a false statement or omission in an application for a Virginia Ignition Interlock Certification Letter.	New language permits disqualification of a service provider technician or state director for making a false statement or omission in an application for a Virginia Ignition Interlock Certification Letter.
	24VAC35-60-130(C)(7)	Currently, there is no specific language permitting disqualification of a service provider or state director for defrauding a client, service provider, or other persons conducting the licensee's business.	New language is added to permit disqualification of a service provider or state director for defrauding a client, service provider, or other persons conducting the licensee's business. Language is also added to make all appeals of disqualifications subject to the Administrative Process Act. Disqualification is in effect during the period of contestment.

	24VAC35-60-140	There is no current language regarding emergency situations.	A new section is added to give the Commission on VASAP the right to suspend service-related requirements of this chapter in applicable geographical areas when there exists a federal or state disaster or declaration of emergency.
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