

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

# HOUSE BILL 2480

AN ACT

AMENDING SECTIONS 28-1301, 28-1402, 28-1403, 28-1461, 28-1462 AND 28-1468,  
ARIZONA REVISED STATUTES; RELATING TO IGNITION INTERLOCK DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 28-1301, Arizona Revised Statutes, is amended to  
3 read:  
4 28-1301. Definitions  
5 In this chapter, unless the context otherwise requires:  
6 1. "CASE MANAGEMENT SERVICE PROVIDER" MEANS A PERSON THAT IS  
7 LOCATED IN THE UNITED STATES, THAT IS UNDER CONTRACT WITH THE DEPARTMENT  
8 TO CREATE, MAINTAIN AND MANAGE RECORDS OF TRAVEL TIMES AND LOCATIONS FOR A  
9 PERSON WHO IS OPERATING A MOTOR VEHICLE UNDER A RESTRICTED DRIVER LICENSE,  
10 THAT RECEIVES DIGITAL IMAGES AND GLOBAL POSITIONING SYSTEM LOCATION DATA  
11 FROM THE MANUFACTURER AND THAT REPORTS VIOLATIONS OF DRIVING RESTRICTIONS  
12 THAT ARE PLACED ON A PERSON TO THE DEPARTMENT IN AN ELECTRONIC FORMAT AS  
13 PRESCRIBED BY THE DIRECTOR.  
14 ~~1.~~ 2. "Certified ignition interlock device" means an ignition  
15 interlock device that is certified pursuant to article 5 of this chapter.  
16 ~~2.~~ 3. "Circumvent" or "circumvention" means an attempted or  
17 successful bypass of the proper functioning of a certified ignition  
18 interlock device and includes all of the following:  
19 (a) The bump start of a motor vehicle with a certified ignition  
20 interlock device.  
21 (b) The introduction of a false sample other than a deep-lung  
22 breath sample from the person driving the motor vehicle.  
23 (c) The introduction of an intentionally contaminated or a filtered  
24 breath sample.  
25 (d) The intentional disruption or blocking of a digital image  
26 identification device.  
27 (e) The continued operation of the motor vehicle after the  
28 certified ignition interlock device detects breath alcohol exceeding the  
29 presumptive limit prescribed in section 28-1381, subsection G, paragraph 3  
30 or, if the person is under twenty-one years of age, any attempt to operate  
31 the motor vehicle with any spirituous liquor in the person's body.  
32 (f) Operating a motor vehicle without a properly functioning  
33 certified ignition interlock device.  
34 (g) Allowing a person other than the person who is required to  
35 maintain a functioning certified ignition interlock device pursuant to  
36 this chapter to breathe into the certified ignition interlock device for  
37 the purpose of providing a breath alcohol sample to start the motor  
38 vehicle or for the rolling retest.  
39 ~~3.~~ 4. "Commercial motor vehicle" means a motor vehicle or  
40 combination of motor vehicles used to transport passengers or property if  
41 the motor vehicle either:  
42 (a) Has a gross combined weight rating of twenty-six thousand one  
43 or more pounds inclusive of a towed unit with a gross vehicle weight  
44 rating of more than ten thousand pounds.  
45 (b) Has a gross vehicle weight rating of twenty-six thousand one or  
46 more pounds.

1 (c) Is a school bus.

2 (d) Is a bus.

3 (e) Is used in the transportation of materials found to be  
4 hazardous for the purposes of the hazardous materials transportation act  
5 (49 United States Code sections 5101 through 5127) and is required to be  
6 placarded under 49 Code of Federal Regulations section 172.504, as adopted  
7 by the department pursuant to chapter 14 of this title.

8 ~~4.~~ 5. "Education" means a program in which a person participates  
9 in at least sixteen hours of classroom instruction relating to alcohol or  
10 other drugs.

11 ~~5.~~ 6. "Ignition interlock device" means a device that is based on  
12 alcohol specific electrochemical fuel sensor technology that meets the  
13 national highway traffic safety administration specifications, that  
14 connects a breath analyzer to a motor vehicle's ignition system, that is  
15 constantly available to monitor the concentration by weight of alcohol in  
16 the breath of any person attempting to start the motor vehicle by using  
17 its ignition system and that deters starting the motor vehicle by use of  
18 its ignition system unless the person attempting to start the motor  
19 vehicle provides an appropriate breath sample for the device and the  
20 device determines that the concentration by weight of alcohol in the  
21 person's breath is below a preset level.

22 ~~6.~~ 7. "Ignition interlock service provider" means a person who is  
23 an authorized representative of a manufacturer and who is under contract  
24 with the department to install or oversee the installation of ignition  
25 interlock devices by the provider's authorized agents or subcontractors  
26 and to provide services to the public related to ignition interlock  
27 devices.

28 ~~7.~~ 8. "License" means any license, temporary instruction permit or  
29 temporary license issued under the laws of this state or any other state  
30 pertaining to the licensing of persons to operate motor vehicles.

31 ~~8.~~ 9. "Manufacturer" means a person or an organization that is  
32 located in the United States, that is responsible for the design,  
33 construction or production of an ignition interlock device and that is  
34 certified by the department to offer ignition interlock devices for  
35 installation in motor vehicles in this state.

36 ~~9.~~ 10. "Rolling retest" means a breath alcohol test that is  
37 required of a person at random intervals after the motor vehicle is  
38 started and that is in addition to the initial test required to start the  
39 motor vehicle.

40 ~~10.~~ 11. "Screening" means a preliminary interview and assessment  
41 of an offender to determine if the offender requires alcohol or other drug  
42 education or treatment.

43 ~~11.~~ 12. "Tampering" means an overt or conscious attempt to  
44 physically disable or otherwise disconnect the certified ignition  
45 interlock device from its power source that allows the operator to start  
46 the engine without taking and passing the requisite breath test.

1 ~~12.~~ 13. "Technician" means a person who is certified and properly  
2 trained by an ignition interlock service provider to install, inspect,  
3 repair, calibrate, service or remove certified ignition interlock devices.

4 ~~13.~~ 14. "Treatment" means a program consisting of at least twenty  
5 hours of participation in a group setting dealing with alcohol or other  
6 drugs in addition to the sixteen hours of education.

7 Section 2. Section 28-1402, Arizona Revised Statutes, is amended to  
8 read:

9 28-1402. Issuance of special ignition interlock restricted  
10 driver license

11 A. On application pursuant to section 28-1401, subsection A the  
12 department may, and pursuant to section 28-1401, subsection C the  
13 department shall, issue a special ignition interlock restricted driver  
14 license that only allows a person whose class D or class G license has  
15 been suspended pursuant to section 28-1385 or suspended or revoked for a  
16 first refusal pursuant to section 28-1321, a second violation of section  
17 28-1381 or 28-1382 or a first violation of section 28-1383, subsection A,  
18 paragraph 3 to operate a motor vehicle that is equipped with a functioning  
19 certified ignition interlock device and only under the restrictions  
20 described in section 28-144.

21 B. ON APPLICATION PURSUANT TO SECTION 28-1401, SUBSECTION A, IF A  
22 PERSON'S PRIVILEGE TO OPERATE A MOTOR VEHICLE HAS BEEN SUSPENDED DUE TO AN  
23 ALCOHOL-RELATED OFFENSE PURSUANT TO SECTION 28-1385 AND THE PERSON MEETS  
24 THE CRITERIA PRESCRIBED IN SECTION 28-1385, SUBSECTION G, THE DEPARTMENT  
25 SHALL ISSUE A SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE THAT  
26 ALLOWS A PERSON WHOSE CLASS D OR G LICENSE HAS BEEN SUSPENDED FOR NINETY  
27 DAYS PURSUANT TO SECTION 28-1385 TO OPERATE A MOTOR VEHICLE THAT IS  
28 EQUIPPED WITH A FUNCTIONING CERTIFIED IGNITION INTERLOCK DEVICE.

29 ~~B.~~ C. The department may only issue a special ignition interlock  
30 restricted driver license to an applicant who is otherwise qualified by  
31 law.

32 ~~C.~~ D. Except as provided in section 28-1463, if the department  
33 suspends, revokes, cancels or otherwise rescinds a person's special  
34 ignition interlock restricted license or privilege for any reason, the  
35 department shall not issue a new license or reinstate the special ignition  
36 interlock restricted driver license during the prescribed period of  
37 suspension or revocation or while the person is otherwise ineligible to  
38 receive a license.

39 Sec. 3. Section 28-1403, Arizona Revised Statutes, is amended to  
40 read:

41 28-1403. Extension of interlock restricted licenses; hearing;  
42 scope

43 A. A person whose driver license restriction is extended pursuant  
44 to section 28-1461 may submit to the department a written request for a  
45 hearing. The written request must be received by the department within  
46 fifteen days after the date of the order of extension of the restriction.

1 On receipt of a request for a hearing, a hearing shall be held within  
2 thirty days.

3 B. Hearings requested pursuant to this section shall be conducted  
4 in the same manner and under the same conditions as provided in section  
5 28-3306. For the purposes of this section, the scope of the hearing shall  
6 include only the following issues:

7 1. Whether the person was issued a special ignition interlock  
8 restricted driver license PURSUANT TO SECTION 28-1402.

9 2. Whether the person tampered with the certified ignition  
10 interlock device.

11 3. Whether the person attempted to operate the vehicle with an  
12 alcohol concentration exceeding the presumptive limit as prescribed in  
13 section 28-1381, subsection G, paragraph 3, two or more times during the  
14 period of license restriction or limitation.

15 4. If the person is under twenty-one years of age, whether the  
16 person attempted to operate the vehicle with any spirituous liquor in the  
17 person's body during the period of license restriction or limitation.

18 5. Whether the person submitted proof of compliance or calibration  
19 as prescribed in section 28-1461.

20 6. WHETHER THE PERSON OPERATED THE VEHICLE IN VIOLATION OF A  
21 RESTRICTION PLACED ON THE PERSON'S DRIVING PRIVILEGE PURSUANT TO SECTION  
22 28-1402 TWO OR MORE TIMES DURING THE PERIOD OF LICENSE RESTRICTION.

23 Sec. 4. Section 28-1461, Arizona Revised Statutes, is amended to  
24 read:

25 28-1461. Use of certified ignition interlock devices:  
26 reporting

27 A. If a person's driving privilege is limited pursuant to section  
28 28-1381, 28-1382, 28-1383 or 28-3319 or restricted pursuant to section  
29 28-1402:

30 1. The person shall:

31 (a) Pay the costs for installation and maintenance of the certified  
32 ignition interlock device.

33 (b) Provide proof to the department of installation of a  
34 functioning certified ignition interlock device in each motor vehicle  
35 operated by the person.

36 (c) Provide proof of compliance to the department at least once  
37 every ninety days during the period the person is ordered to use an  
38 ignition interlock device.

39 (d) Provide proof of calibration of the certified ignition  
40 interlock device to the department at least once every ninety days during  
41 the period the person is ordered to use an ignition interlock device.

42 (e) PAY THE COST FOR MONITORING THE PERSON'S SPECIAL IGNITION  
43 INTERLOCK RESTRICTED DRIVER LICENSE ISSUED PURSUANT TO SECTION 28-1402.

44 2. The department shall not reinstate the person's driving  
45 privilege or issue a special ignition interlock restricted driver license  
46 until the person has installed a functioning certified ignition interlock

1 device in each motor vehicle operated by the person and has provided proof  
2 of installation to the department.

3 B. While a person maintains a functioning certified ignition  
4 interlock device in a vehicle pursuant to this chapter, the ignition  
5 interlock manufacturer OR THE CASE MANAGEMENT SERVICE PROVIDER shall  
6 electronically provide to the department in real time and in a form  
7 prescribed by the department the following information:

8 1. Any tampering or circumvention.

9 2. Any failure to provide proof of compliance or inspection of the  
10 certified ignition interlock device as prescribed in this section.

11 3. Any attempt to operate the vehicle with an alcohol concentration  
12 exceeding the presumptive limit as prescribed in section 28-1381,  
13 subsection G, paragraph 3 or, if the person is under twenty-one years of  
14 age, any attempt to operate the vehicle with any spirituous liquor in the  
15 person's body.

16 4. Each time that a person fails to properly perform any set of  
17 three consecutive rolling retests that occur during a drive cycle.

18 5. EACH TIME THAT A PERSON OPERATES THE VEHICLE IN VIOLATION OF A  
19 RESTRICTION PLACED ON THE PERSON'S DRIVING PRIVILEGE PURSUANT TO SECTION  
20 28-1402.

21 C. If the person is under eighteen years of age, the ignition  
22 interlock service provider, if requested by the person's parent or legal  
23 guardian, shall provide to the person's parent or legal guardian the  
24 information prescribed in subsection B of this section.

25 D. On request, the ignition interlock manufacturer OR THE CASE  
26 MANAGEMENT SERVICE PROVIDER shall provide the information prescribed in  
27 subsection B of this section to:

28 1. The department of health services authorized provider.

29 2. The probation department that is providing alcohol or other drug  
30 screening, education or treatment to the person.

31 3. The physician, psychologist, physician assistant, registered  
32 nurse practitioner or substance abuse counselor who is evaluating the  
33 person's ability to safely operate a motor vehicle following a revocation  
34 of the person's driving privilege as prescribed in section 28-3315,  
35 subsection D.

36 4. The court.

37 E. The department shall extend an ignition interlock restricted or  
38 limited driver license and the certified ignition interlock device period  
39 for six months if the department has reasonable grounds to believe that  
40 any of the following applies:

41 1. The person tampered with or circumvented the certified ignition  
42 interlock device.

43 2. The person attempted to operate the vehicle with an alcohol  
44 concentration exceeding the presumptive limit as prescribed in section  
45 28-1381, subsection G, paragraph 3, two or more times during the period of  
46 license restriction or limitation.



- 1           1. The procedure for certification of ignition interlock devices.
- 2           2. Provisions to ensure the reliability of the ignition interlock
- 3 device over the range of motor vehicle environments.
- 4           3. Provisions to ensure that the ignition interlock device works
- 5 accurately in an unsupervised environment.
- 6           4. The procedure for decertification of an ignition interlock
- 7 device for cause.
- 8           C. The assistant director shall not certify an ignition interlock
- 9 device unless all of the following are satisfied:
- 10           1. The device requires a deep-lung breath sample or another
- 11 accurate measure of the concentration by weight of alcohol in the breath.
- 12           2. The device is made by a manufacturer that is covered by product
- 13 liability insurance in the amount of one million dollars per event and
- 14 three million dollars in the aggregate.
- 15           3. The manufacturer of the device indemnifies this state against
- 16 any liability that may result from the use of the device.
- 17           4. The device meets or exceeds the 2013 national highway traffic
- 18 safety administration standards, including the ability to wirelessly
- 19 transmit and receive information, take a digital image and include the
- 20 global positioning system location of the device at the time of a
- 21 requested test **AND AT THE TIME THAT THE VEHICLE'S IGNITION IS DISENGAGED.**
- 22           5. The device is repaired or modified only by the manufacturer of
- 23 the device.
- 24           6. All of the device reporting that is required by sections 28-1461
- 25 and 28-1468 originates from the device manufacturer **OR THE CASE MANAGEMENT**
- 26 **SERVICE PROVIDER.**
- 27           D. The assistant director may adopt, in whole or in part, the
- 28 guidelines, rules, regulations, studies or independent laboratory tests
- 29 performed and relied on by other states or agencies or commissions of
- 30 other states in the certification or approval of ignition interlock
- 31 devices.
- 32           E. Each ignition interlock service provider who installs a
- 33 certified ignition interlock device shall submit to the department a bond
- 34 in a form to be approved by the assistant director and in an amount of at
- 35 least two hundred thousand dollars. The bond inures to the benefit of any
- 36 person who is ordered or required to equip a motor vehicle with an
- 37 ignition interlock device pursuant to article 3 of this chapter or section
- 38 28-3319 and who suffers a loss because of either of the following:
- 39           1. Insolvency or discontinuance of business of the ignition
- 40 interlock service provider who installed the device.
- 41           2. Failure of the ignition interlock service provider or agent or
- 42 subcontractor of the ignition interlock service provider to comply with
- 43 any provision of a contract that is required pursuant to section 28-1468
- 44 or any rule adopted pursuant to this section.
- 45           F. The assistant director shall adopt a warning label design to be
- 46 affixed to each certified ignition interlock device on installation. The



1 label shall contain a warning that a person tampering with, circumventing  
2 or otherwise misusing the ignition interlock device is guilty of a class 1  
3 misdemeanor.

4 G. After consultation with the director of the department of public  
5 safety, the assistant director may include information the assistant  
6 director deems necessary in the notice prescribed in section 28-3318  
7 regarding certified ignition interlock devices.

8 H. An ignition interlock service provider shall collect a fee for  
9 each certified ignition interlock device that is installed by the provider  
10 in an amount that is determined by the director. The ignition interlock  
11 service provider shall remit the collected fees to the department on a  
12 monthly basis and in a manner established by the department. The  
13 department shall deposit the fees in the ignition interlock device fund  
14 established by section 28-1469.

15 Sec. 6. Section 28-1468, Arizona Revised Statutes, is amended to  
16 read:

17 28-1468. Ignition interlock service provider application;  
18 denial; appeal; contract requirements;  
19 manufacturer reporting requirements; cease and  
20 desist order

21 A. An application for authorization of an ignition interlock  
22 service provider contract must be submitted to the director by the  
23 manufacturer in writing on a form prescribed and furnished by the  
24 director. The person shall include with the application all documents and  
25 fees prescribed by the director.

26 B. The application shall be verified and must contain:

27 1. The name and residence address of the applicant, the name and  
28 residence address of each partner if the applicant is a partnership or the  
29 name and residence address of each principal officer if the applicant is a  
30 corporation.

31 2. The applicant's principal place of business.

32 3. The location or planned location for each place of business at  
33 or from which the business is to be conducted.

34 4. Any other information the director requires.

35 C. The director may approve an application for authorization of a  
36 contract if the director determines that the requirements of this article  
37 are met.

38 D. The director may deny an application for authorization of a  
39 contract if any person included in the application has:

40 1. Made a misrepresentation or misstatement in the application to  
41 conceal a matter that would cause the application to be denied.

42 2. Been convicted of a class 1, 2, 3 or 4 felony or a crime of  
43 moral turpitude, breach of trust, fraud, theft or dishonesty in any  
44 jurisdiction or any foreign country within ten years before the date of  
45 the application.

1           3. Been convicted of any criminal act, other than a crime described  
2 in paragraph 2 of this subsection, in any jurisdiction or a foreign  
3 country within five years before the date of the application.

4           4. Been involved in any activity that the director determines to be  
5 inappropriate in relation to the authority granted.

6           E. The director may deny an application for authorization of an  
7 ignition interlock service provider contract under this article and, if  
8 denied, shall notify the applicant in writing of the denial within twenty  
9 days after the denial and of the grounds for the denial if the director  
10 determines that any of the following applies:

11           1. The applicant is not eligible for an ignition interlock service  
12 provider contract under this article.

13           2. The application is not made in good faith.

14           3. The application contains a material misrepresentation or  
15 misstatement.

16           4. The applicant has not met the requirements of this chapter.

17           F. An applicant whose application is denied may make a written  
18 request to the department for a hearing on the denial of the application  
19 within fifteen days after the notice of denial. If the applicant does not  
20 request a hearing within ~~thirty~~ FIFTEEN days, the denial is final.

21           G. If the applicant requests a hearing, the director shall provide  
22 written or electronic notice to the applicant to appear at a hearing to  
23 show cause why the denial of the applicant's application should not be  
24 upheld. After consideration of the evidence presented at the hearing, the  
25 director shall issue a written decision and order.

26           H. If the application is denied, the applicant may appeal the  
27 decision pursuant to title 12, chapter 7, article 6.

28           I. If the director authorizes an ignition interlock service  
29 provider's application for a contract, the ignition interlock service  
30 provider's contract with the department must meet or exceed the  
31 requirements in this section, be for a term of at least three years and  
32 include all of the following provisions and requirements:

33           1. Require the ignition interlock service provider to maintain at  
34 least one service center in each county in this state.

35           2. Ignition interlock devices must be effectively and efficiently  
36 installed, calibrated and removed.

37           3. Ignition interlock devices must be serviced, inspected and  
38 monitored.

39           4. The ignition interlock manufacturer ~~OR THE CASE MANAGEMENT~~  
40 ~~SERVICE PROVIDER~~ must electronically transmit reports to the department in  
41 a format that is determined by the department and that includes any of the  
42 following:

43           (a) Driver activity.

44           (b) Bypass approval.

45           (c) Compliance.

46           (d) Client violations.

1 (e) Unique identifying numbers for each device.

2 (f) Unique employee numbers identifying the person who installed or  
3 removed an ignition interlock device.

4 5. A detailed implementation plan that outlines the steps and the  
5 time frames necessary for the ignition interlock service provider to be  
6 fully operational.

7 6. The ignition interlock service provider must collect and remit  
8 all applicable fees and taxes to the appropriate government entity.

9 7. If the ignition interlock service provider is out of compliance,  
10 corrective actions that will be taken, including penalty provisions and  
11 liquidated damages.

12 8. The ignition interlock device must have security protections,  
13 including each device having the capability to record each event and  
14 provide visual evidence of any actual or attempted tampering, alteration,  
15 bypass or circumvention.

16 9. The ignition interlock service provider will process the  
17 transition and ensure that continuous monitoring occurs if an ignition  
18 interlock device client requires transition of services.

19 10. The ignition interlock service provider will self-certify,  
20 complete background checks and train technicians in compliance with the  
21 rules adopted by the department.

22 11. The ignition interlock service provider must ensure that each  
23 service center is adequately staffed and equipped to provide all ignition  
24 interlock device support services. Mobile service operations based at a  
25 service center are ~~permitted~~ ALLOWED, except that a tow truck may not be  
26 used for mobile service. A service center may not provide services for  
27 more than one ignition interlock service provider.

28 12. The ignition interlock service provider must train clients on  
29 how to use the ignition interlock device.

30 13. A transition plan that will ensure continuous monitoring is  
31 achieved if the ignition interlock service provider leaves this state.

32 14. Require the ignition interlock service provider to have and  
33 maintain insurance that is approved by the department.

34 15. A procedure for progressive discipline of an employee, agent or  
35 subcontractor of an ignition interlock service provider who fails to  
36 comply with the requirements of this chapter or of the ignition interlock  
37 service provider contract.

38 16. Require client information and financial records to be  
39 maintained at a commercial business location in this state that is not a  
40 residence and that has posted business hours where the department may  
41 access the records. On termination or expiration of the contract, the  
42 ignition interlock service provider must submit all client information to  
43 the department.

44 17. The ignition interlock service provider may not charge a client  
45 to replace a defective ignition interlock device.

1           18. The ignition interlock device must take a digital image  
2 identifying the client who is providing the breath sample and the digital  
3 image must include the date and time that the breath sample was provided.

4           19. The ignition interlock service provider must comply with all  
5 county and municipal zoning regulations for commercial businesses and  
6 provide a corresponding business license to the department.

7           20. The ignition interlock service provider must clearly post all  
8 client fees for the installation, removal and inspection of the certified  
9 ignition interlock device.

10           21. IF THE PERSON'S DRIVING PRIVILEGE IS RESTRICTED PURSUANT TO  
11 SECTION 28-1402, THE IGNITION INTERLOCK DEVICE MUST REPORT THE GLOBAL  
12 POSITIONING SYSTEM LOCATION OF THE DEVICE EACH TIME THAT THE VEHICLE'S  
13 IGNITION IS SUCCESSFULLY STARTED AND EACH TIME THE VEHICLE'S IGNITION IS  
14 DISENGAGED.

15           J. If the director has reasonable cause to believe that a person  
16 who is a party to an ignition interlock service provider contract pursuant  
17 to this article is violating any provision of this chapter, the director  
18 shall immediately issue and mail a cease and desist order to the person's  
19 last known address.

20           K. On receipt of the cease and desist order, the person shall  
21 immediately cease and desist, or cease and desist as provided in the  
22 contract between the department and the ignition interlock service  
23 provider, from further engaging in any activity that is not authorized  
24 pursuant to this chapter and that is specified in the cease and desist  
25 order.

26           L. On failure of the person to comply with the cease and desist  
27 order, the director may conduct a hearing pursuant to this section.