

**ALASKA DEPARTMENT OF CORRECTIONS
IGNITION INTERLOCK DEVICE
CERTIFICATION APPLICATION**

Initial Application (\$1,000.00): Or Renewal (\$500.00):

1) Date: _____

2) State of Alaska Judicial District for which the device is to be certified:

3) Device manufacturer name and model number:

4) Name, address, and telephone numbers of the Vendor Company that will provide this device in Alaska:

5) Names and Titles of all officers and principals of the Vendor Company (Attach separate sheet if necessary):

6) Name, address, and telephone numbers of laboratory that tested and certified this device:

Note: To complete this application, the following mandatory attachments must be included. The application will not be reviewed unless all attachments are included. The required attachments are:

- 1) A non-refundable application fee of \$1,000.00 for initial certification, or \$500.00 for renewal certification.
- 2) A notarized statement from a testing laboratory documenting that; A) at least two of the ignition interlock device units described in this application were tested and found to meet or exceed the standards set for such devices in Alaska Statute 33.05.020 and Title 22, Chapter 15 of the Alaska Administrative Code, and B) that the model of the device will operate reliably over the range of automobile environments in the State of Alaska Judicial District for which the device is certified.
- 3) A copy of the label that will be displayed on the device, as required by Title 22, Chapter 15.030. (c) of the Alaska Administrative Code.
- 4) A list of authorized installers and their addresses in Alaska who are qualified to install, calibrate, maintain and remove the device described in this application.
- 5) A sworn statement that the manufacturer of the device described in this application agrees to indemnify, hold harmless, and defend the State of Alaska, its officers, agents, and employees for all liability, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property, arising directly or indirectly as a result of any errors, omissions, design defect, or negligent act of the manufacturer or the manufacturer's employees, contractors, licensees, franchises, or authorized installers concerning the manufacturer's device and its installation, calibration, maintenance, and removal.

Mail the completed application and required attachments to:

Alaska Department of Corrections
Attn: Kevin Worley, Director
P.O. Box 112000 Juneau, Alaska 99811-2000

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22 AAC 15.010. Application requirements

(a) A manufacturer wishing to obtain or renew certification of a breath alcohol ignition interlock device under AS 33.05.020 shall submit to the department

(1) a completed application on a form provided or in a format specified by the department;

(2) the fees required by 22 AAC 15.015(a) (1) or (a)(2);

(3) documentation that the manufacturer has met the requirements of AS 33.05.020 and this chapter, including submission of a notarized statement from an appropriate testing laboratory that at least two devices were tested and each was found to meet or exceed the standards and specifications for the devices set by AS 33.05.020 and 22 AAC 15.030;

(4) a list of authorized installers and their addresses in this state who are qualified to install, calibrate, maintain, and remove the device for which certification is requested; and

(5) a sworn statement that the manufacturer agrees to indemnify, hold harmless, and defend the State of Alaska, its officers, agents, and employees for all liability, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property, arising directly or indirectly as a result of any error, omission, design defect, or negligent act of the manufacturer or the manufacturer's employees, contractors, licensees, franchises, or authorized installers concerning the manufacturer's device and its installation, calibration, maintenance, and removal.

(b) The application form, fees, and other materials required by (a) of this section must be on file with the department before the application will be reviewed by the department.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.015. Fees

(a) The following fees are established for the breath alcohol ignition interlock devices program:

(1) application fee for initial certification of a device, \$1,000;

(2) application fee for renewal of certification of a device, \$500.

(b) The fees established in this section are nonrefundable.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.020. Current information

(a) A manufacturer whose device is certified under this chapter shall maintain a current, valid mailing address on file with the department at all times.

(b) The manufacturer shall notify the department with 10 days of any changes to its list of authorized installers provided under 22 AAC 15.010 or 22 AAC 15.035.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.025. Term of certification

The term of a certification of a device under this chapter is one year. The manufacturer may apply for renewal of a certification by complying with the requirements of 22 AAC 15.010 and 22 AAC 15.035.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.030. Standards for certification of devices

(a) For a manufacturer to receive certification of a device under this chapter, the standards in this section must be met.

(b) The device must meet or exceed standards set by the National Highway Traffic Safety Administration's model specifications adopted by reference in this chapter and set out in the Federal Register, Volume 57, Number 67, April 7, 1992, National Highway Traffic Safety Administration's [Docket No. 91-07, Notice No. 2], "Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs)," pp. 11772 - 11787. The device must also be capable of being preset by the manufacturer's authorized installer to prevent ignition when the breath alcohol in the breath sample is above .025 percent concentration. The device must be designed to prevent an adjustment not authorized by the manufacturer's installation or maintenance standards. The manufacturer shall certify the device to operate reliably for the geographic area for which the device is to be used when the device is prewarmed according to the manufacturer's instructions for operation below the stated operating temperature range stated on the label described in (c) of this section.

(c) The device must prominently display a label containing the following information:

(1) the warning set out in AS 33.05.020 (e);

(2) the temperature range within which the device is operable without the need for prewarming or other special steps being taken;

(3) instructions for prewarming the device or otherwise making the device functional in temperatures below the temperature range specified in (2) of this subsection;

(4) the warning that the failure to follow prewarming instructions for the device in extreme cold weather conditions may make the vehicle inoperable and that the vehicle with such a device should not be relied upon as a survival tool in such conditions.

(d) The manufacturer shall have authorized installers in this state who the manufacturer determines are qualified to install, calibrate, maintain, and remove the manufacturer's device in this state according to the standards set out in this chapter.

History: Eff. 11/7/96, Register 140; am 7/25/2010, Register 195

Authority: AS 33.05.020

Editor's note: A copy of the Federal Register described in this section may be obtained from the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, West Building,

Washington, D.C. 20590, or is available for review at the Office of the Lieutenant Governor, Juneau, Alaska.

22 AAC 15.032. Modifications of device

If, during the term of the certification, the manufacturer modifies the device that is certified under this chapter, the manufacturer shall immediately notify the department in writing about the modification and request a determination from the department whether a new certification must be obtained. In making the determination, the department will, in its discretion, require the manufacturer to submit a notarized statement from an appropriate testing laboratory that at least two of the modified devices were tested and each was found to meet or exceed the standards and specifications for the devices set by AS 33.05.020 and 22 AAC 15.030.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.035. Requirements for renewal

(a) For a manufacturer to receive renewal of a certification of a device under this chapter, the standards in 22 AAC 15.030 and (b) of this section must be met.

(b) The department will issue a renewal of a certification only if the department finds that the

(1) device has performed satisfactorily in this state;

(2) manufacturer has provided a list of authorized installers and their addresses in this state who are qualified to install, calibrate, maintain, and remove the device; and

(3) manufacturer has substantially met all requirements under this chapter.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.040. Standards for installation

(a) A device certified under this chapter shall be installed only by the manufacturer's authorized installer in accordance with the manufacturer's instructions. A device installed may not be removed before the date authorized by the court.

(b) An installation record must be maintained and include the

(1) name, address, and telephone number of the persons requesting the installation;

(2) name and address of the registered owner of the motor vehicle;

(3) year, make, model, vehicle identification number, and license plate number of the vehicle in which the device is installed;

(4) manufacturer, model name, and number of the device installed;

(5) name of the manufacturer's authorized installer performing the installation; and

(6) date of the installation.

(c) A copy of the installation records must be made available, upon request, to the department, the court, and the person requesting the installation.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.045. Standards for calibration, maintenance, and monitoring

(a) A device certified under this chapter shall be examined by a manufacturer's authorized installer for correct calibration and evidence of tampering or removal every 90 days, or more often if ordered by the court.

(b) A calibration, maintenance, and monitoring record must be maintained and include

(1) the results of the examination;

(2) the adjustment, if any, that was made in the necessary calibration;

(3) documentation of evidence of any tampering with, or attempts to circumvent or remove, the device;

(4) other information required by a court order; and

(5) the name of the manufacturer's authorized installer performing the examination and maintenance.

(c) A copy of the calibration, maintenance, and monitoring records must be retained by the manufacturer's authorized installer for at least three years and made available, upon request, to the

(1) department;

(2) division of motor vehicles in the Department of Administration;

(3) division of behavioral health in the Department of Health and Social Services;

(4) Department of Public Safety;

(5) prosecuting authority;

(6) law enforcement agency; and

(7) court.

(d) If, upon examination, a manufacturer's authorized installer finds evidence that a device has been tampered with or there has been an attempt to remove the device or circumvent the intended purpose of the device, the authorized installer shall within 72 hours of making the finding report that finding to the

(1) department;

(2) division of motor vehicles in the Department of Administration;

(3) prosecuting authority;

(4) law enforcement agency; and

(5) court.

History: Eff. 11/7/96, Register 140; am 7/25/2010, Register 195

Authority: AS 33.05.020

22 AAC 15.050. Suspension and revocation

(a) The department will, in its discretion, revoke a certification or renewal of a certification, if the department finds

(1) fraud, deceit, misrepresentation, or omission of a significant fact in obtaining certification or renewal of a certification;

(2) that the manufacturer failed to satisfactorily meet the requirements of this chapter, including maintaining a list of authorized installers in this state;

(3) that the device failed to perform satisfactorily and safely in this state; or

(4) that the manufacturer is no longer in business.

(b) Except as provided in (c) of this section, if a revocation is issued under this section, the department will notify the manufacturer of its intent to revoke the certification and give the manufacturer an opportunity to respond.

(c) If the defect presents an immediate risk to the public's health or safety, the department will, in its discretion, immediately suspend the manufacturer's certification or renewal of a certification for a period of up to 10 days. The department will immediately notify the manufacturer, provide an opportunity for the manufacturer to respond, and take steps under (a) and (b) of this section to revoke the certification, if appropriate.

(d) The manufacturer may appeal to the commissioner any adverse decision within 30 days after receipt of the decision. The commissioner will provide the manufacturer an opportunity to provide information relevant to the appeal. The commissioner will issue a written decision within 45 days after receipt of the appeal. A manufacturer may appeal the commissioner's decision to the superior court under court rules for appeals from the decisions of administrative agencies.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.055. Notification of actions

The department will notify the manufacturer in writing of the department's action on an application for certification or revocation proceedings under this chapter. The department will forward a copy of the notification to the administrative director for the Alaska Court System and to the commissioner of the Department of Public Safety.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020

22 AAC 15.900. Definitions

In this chapter, unless the context requires otherwise,

- (1) "authorized installer" means a person authorized by the manufacturer of a device to be properly trained in the installation, calibration, maintenance, and removal of the device;
- (2) "commissioner" means the commissioner of the department;
- (3) "department" means the Department of Corrections;
- (4) "device" means breath alcohol ignition interlock device.

History: Eff. 11/7/96, Register 140

Authority: AS 33.05.020
