

189A.350 Administrative regulations promulgated by Transportation Cabinet for ignition interlock licenses, devices, and providers -- Certification of devices and device providers -- Provider contract provisions. (Effective July 1, 2020)

- (1) (a) The Transportation Cabinet shall:
 1. Issue ignition interlock license application forms and other forms necessary for the implementation of ignition interlock licenses;
 2. Create a uniform ignition interlock certificate of installation to be provided to a defendant by an ignition interlock provider upon installation of an ignition interlock device;
 3. Create an ignition interlock license. The ignition interlock license may be a regular driver's or operator's license with an ignition interlock restriction printed on the license;
 4. Require a person issued an ignition interlock license to maintain motor vehicle insurance for the duration of his or her ignition interlock license;
 5. Certify ignition interlock devices approved for use in the Commonwealth;
 6. Publish and periodically update on the Transportation Cabinet Web site a list of contact information, including a link to the Web site of each certified ignition interlock device provider, with the entity appearing first on the list changing on a statistically random basis each time a unique visitor visits the list of the approved ignition interlock installers and the approved servicing and monitoring entities;
 7. Monitor the ignition interlock device service locations of providers and create a random or designated selection process to require a provider to provide ignition interlock device services in any area of the Commonwealth which the Transportation Cabinet determines is underserved by providers; and
 8. Except as provided in paragraph (b) of this subsection, promulgate administrative regulations to carry out the provisions of this section.
- (b) The Transportation Cabinet shall not create any ignition interlock license or device violations in administrative regulations. The sole ignition interlock license or device violations are established in this chapter.
- (2) No model of ignition interlock device shall be certified for use in the Commonwealth unless it meets or exceeds standards promulgated by the Transportation Cabinet pursuant to this section.
- (3) In bidding for a contract with the Transportation Cabinet to provide ignition interlock devices and servicing or monitoring or both, the ignition interlock device provider shall take into account that some defendants will not be able to pay the full amount of the fees established pursuant to KRS 189A.340(7)(a).
- (4) Any contract between the cabinet and an ignition interlock device provider shall include the following:
 - (a) A requirement that the provider accept reduced payments as a full

payment for all purposes from persons determined to be at or below two hundred percent (200%) of the federal poverty guidelines by the Transportation Cabinet as provided by KRS 189A.340(7)(c);

- (b) A requirement that no unit of state or local government and no public officer or employee shall be liable for the cost of purchasing or installing the ignition interlock device or associated costs;
- (c) A requirement that the provider agree to a price for the cost of leasing or purchasing an ignition interlock device and any associated servicing or monitoring fees during the duration of the contract. This price shall not be increased but may be reduced during the duration of the contract;
- (d) Requirements and standards for the servicing, inspection, and monitoring of the ignition interlock device;
- (e) Provisions for training for service center technicians and clients;
- (f) A requirement that the provider electronically transmit reports on driving activity within seven (7) days of servicing an ignition interlock device to the Transportation Cabinet, prosecuting attorney, and defendant;
- (g) Requirements for a transition plan for the ignition interlock device provider before the provider leaves the state to ensure that continuous monitoring is achieved and to provide a minimum forty-five (45) day notice to the cabinet of any material change to the design of the ignition interlock device, or any changes to the provider's installation, servicing, or monitoring capabilities;
- (h) A requirement that, before beginning work, the ignition interlock device provider have and maintain insurance as approved by the cabinet, including provider's public liability and property damage insurance, in an amount determined by the cabinet, that covers the cost of defects or problems with product design, materials, workmanship during manufacture, calibration, installation, device removal, or any use thereof;
- (i) A provision requiring that an ignition interlock provider agree to hold harmless and indemnify any unit of state or local government, public officer, or employee from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any action or omission by the ignition interlock provider relating to the installation, service, repair, use, or removal of an ignition interlock device;
- (j) A requirement that a warning label to be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person who tampers with, circumvents, or otherwise misuse the device commits a violation of law under KRS 189A.345;
- (k) A requirement that a provider will remove an ignition interlock device without cost, if the device is found to be defective;
- (l) A requirement that a provider have at least one (1) ignition interlock device service location in each Transportation Cabinet highway district; and
- (m) A requirement that a provider accept assignments to provide ignition interlock device services in areas of the Commonwealth which the

Transportation Cabinet determines are underserved by providers in accordance with subsection (1) of this section.

Effective: July 1, 2020

History: Repealed, reenacted as KRS 189A.350, and amended 2019 Ky. Acts. ch. 103, sec. 17, effective July 1, 2020 -- Created 2015 Ky. Acts ch. 124, sec. 15, effective June 24, 2015.

Formerly codified as 189A.500