

DEPARTMENT OF STATE
BUREAU OF AUTOMOTIVE REGULATION
BREATH ALCOHOL AND IGNITION INTERLOCK DEVICES

(By authority conferred on the secretary of state by section 625k of Act No. 300 of the Public Acts of 1949, as amended, and section 33 of Act No.306 of the Public Acts of 1969, as amended, being SS257.625k and 24.233 of the Michigan Compiled Laws)

R 257.1001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 300 of the Public Acts of 1949, as amended, being S257.1 et seq. of the Michigan Compiled Laws.

(b) "Administrator" means the secretary of state or an individual designated by the secretary of state to act in his or her place.

(c) "BAIID" means a breath alcohol ignition interlock device.

(d) "Certified BAIID" means a BAIID that has been certified by a department-approved laboratory as meeting or exceeding the requirements of section 625k of the Act.

History: 1998-2000 AACS.

R 257.1002 Address of administrator.

Rule 2. The official address of the administrator is:

Michigan Department of State Bureau of Automotive Regulation Lansing, Michigan 48918

History: 1998-2000 AACS.

R 257.1003 Approval of laboratory; termination of approval.

Rule 3. (1) The administratory may approve a laboratory under section 625k(1) of the act if the laboratory certifies, in writing, that it is capable of properly testing a BAIID to determine if it meets or exceeds the requirements of section 625k of the act and is capable of certifying that the BAIID meets or exceeds the requirements of section 625k of the act.

(2) A previously approved laboratory that is no longer capable of properly testing or certifying a BAIID shall immediately notify the administratory in writing. Upon receipt of notification, the administrator shall immediately terminate the approval of the laboratory.

History: 1998-2000 AACS.

R 257.1004 Approval and disapproval of BAIDDs; list of manufacturers.

Rule 4. (1) A manufacturer of a BAIID that wishes to be placed on the list of manufacturers of approved certifies BAIIDs shall submit a written request, together with all of the information and materials required by the act and rules promulgated to implement the act, to the administrator.

(2) A written request that fails to include all of the information and materials required by the act and these rules is incomplete. The administrator shall return the request to the manufacturer and explain, in writing, why the request is incomplete.

(3) The administrator shall approve or disapprove a BAIID not later than 60 days after receipt of a complete written request.

(4) The administrator shall notify a manufacturer whose BAIID is not approved, in writing, of the determination and the reason or reasons for the determination.

(5) The administrator shall notify a manufacturer whose BAIID is approved, in writing, of the date of approval.

(6) The administrator shall publish a list of all manufacturers of certified BAIIDs that are approved under section 625k of the act. The administrator shall widely disseminate the list and shall republish the list as appropriate.

History: 1998-2000 AACS.

R 257.1005 Removal from list of manufacturers.

Rule 5. (1) The administrator may remove a manufacturer from the list of manufacturers of approved certified BAIIDs for either of the following reasons:

(a) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installers or service providers no longer comply with the requirements of sections 625k or 625l of the act and rules promulgated to implement the act.

(b) The manufacturer or the installers and service providers authorized to install and service the manufacturer's BAIIDs fail to submit reports required by the act or rules promulgated to implement the act in the form prescribed by the department in a timely manner.

(2) Before removing a manufacturer from the list of manufacturers of approved certified BAIIDs, the administrator shall give the manufacturer written notice of the reason or reasons for the proposed removal.

(3) The notice issued under subrule (2) of this rule shall also indicate that the proposed removal will occur 30 days after the date of the notice unless the manufacturer establishes, to the satisfaction of the administrator, either of the following:

(a) The conditions identified in subrule (1)(a) and (b) of this rule do not exist.

(b) The manufacturer, the manufacturer's BAIID, or the manufacturer's installers or service providers will comply with the requirements of section 625k or 625l of the act and rules promulgated to implement the act.

History: 1998-2000 AACS.

R 257.1006 Inspections; noncompliance; removal from lists.

Rule 6. (1) The administrator may conduct inspections of a laboratory, BAIID manufacturer, or BAIID installer or service provider to determine if the laboratory, manufacturer, installer, or provider is in compliance with the act or rules promulgated to implement the act.

(2) If an inspection indicates noncompliance, then the administrator shall give the laboratory, BAIID manufacturer, or BAIID installer or service provider written notice of the noncompliance. In the case of an installer or service provider, the administrator also shall give written notice to the manufacturer of the BAIID that the person installs or services.

(3) Within 30 days of the date of the notice issued under subrule (2) of this rule, the laboratory or manufacturer shall notify the administrator, in writing, of any corrective action taken.

(4) The administrator may remove a manufacturer or laboratory from the list of manufacturers of approved certified BAIIDs or the list of approved laboratories for either of the following reasons:

(a) The manufacturer or laboratory fails to take corrective action or to come into full compliance with the provisions of the act or a rule promulgated under the act.

(b) The manufacturer or laboratory fails to file a written response within 30 days after the date of the notice of noncompliance.

History: 1998-2000 AACS.