



Senator John Reagan  
Chairman – Joint Legislative Committee on Administrative Rules  
State House Room 107  
107 North Main Street  
Concord, NH 03301

**Comments Regarding Readopt with Amendment Saf-C 6500**

Submitted: 6/14/2022

On behalf of Consumer Safety Technology, LLC d/b/a Intoxalock, we thank you for the opportunity to comment on proposed rules Saf-C 6500. Intoxalock is certified as an ignition interlock provider in 46 states and has been an ignition interlock provider for over 25 years. Intoxalock is currently a certified ignition interlock provider in New Hampshire.

Below you will find Intoxalock's comments on the proposed rules, redlined suggested changes for specific sections (if applicable), and the rationale for the recommended changes.

Should you have questions, or need additional information, please contact Gretchen Vahle at [gvahle@intoxalock.com](mailto:gvahle@intoxalock.com).

Respectfully Submitted,

A handwritten signature in black ink that reads "Gretchen Vahle". The signature is written in a cursive, flowing style.

**Gretchen Vahle**  
Director, State Support, Compliance

**Final Proposed – Fixed Dated 5/26/22 page 6:**

Saf-C 6505.01 Prohibition. No device may be leased, sold, installed, or used as part of the program pursuant to RSA 265-A:6 unless the model or type of the device has been approved by the division in accordance with the following specifications and performance criteria:

(a) All devices shall meet or exceed the following requirements for approval:

...

(4) The device shall have an alcohol set point of ~~.020~~ .025 percent breath alcohol concentration:

(5) The device shall prevent a driver from starting the vehicle when a breath test detects a BrAC of ~~.020~~ .025 or greater:

**COMMENT-** It is important to provide consistency when defining a set point for ignition interlock devices. When a device has a set point, any measure of alcohol by the device at or above that set point will not allow the vehicle to start. Further into the rules at Part Saf-C 6509 Violations 6509.01 (d) and (f) reflect BrAC readings at .025 as violations when a person attempts to start a vehicle with an alcohol concentration greater than .025 or taking a retest with an alcohol concentration greater than .025. These readings should be consistent. The .020 set point references in Saf-C 6505.01 (a) 4 & 5 are contrary to the .025 legislative intent stated in RSA-265-A:37 III-a.

**Final Proposed – Fixed Dated 5/26/22 page 9:**

Saf-C 6507.01 Installation of Enhanced Technology Ignition Interlock Device.

...

(b) At the initial device installation, the user shall ~~be required to pass at least 3 breath tests on a functioning device to demonstrate the user's proficiency in the normal operation of the device.~~ **receive instruction on the use of the device and demonstrate the user's proficiency in the normal operation of the device by starting their vehicle before leaving the service center.** ~~No interlock service provider shall install a device in a vehicle of a user who is unable to pass the breath test.~~

...

(d) The interlock service provider shall provide the user and the division with a certificate of installation that contains, at minimum, the following:

...

(9) Initials of the user, acknowledging the following:

...

(c) ~~Delivered and passed 3 breath samples~~ **Received instruction on the proper use of the device.**

**COMMENT-** It is important to ensure that customers are trained on the proper use of the device; however, installation will have already occurred at this point. In addition, this provision could potentially create a loophole whereby users may “fail” three breath attempts in an effort to avoid utilizing an interlock. Interlocks keep the roads safer. Introduction of this potential loophole facilitates avenues for users to avoid an installation, which negatively impacts public safety. We believe the proposed language would be contrary to the legislative intent stated in RSA 265-A:36 I and RSA 265-A:36 I-a where it clearly states the offender shall be required to install an ignition interlock device. For individuals who

have a medical issue that prevents them from providing a deep lung sample, a medically objective process already exists. We suggest instead that each user be trained of the proper use of the device and there be an acknowledgement at installation that education on the device was provided. In order to drive away from the service center, the individual will be required to start their vehicle with a passing sample.

**Final Proposed – Fixed Dated 5/26/22 page 11:**

Saf-C 6509.02 Ignition Interlock Program Suspension Violations. It shall be a violation for a user subject to an ignition interlock order to engage in the following, which could result in the suspension of the user's operating privileges pursuant to Saf-C 6512.05(b):

...

(b) ~~Showing a consistent pattern of~~ **Two or more confirmed** failures to pass any breath test:

**COMMENT-** There is no standard definition to determine what a "consistent pattern" means. This is a subjective standard and may provide for inequity among users based on the discretion of the reviewer. We suggest that a specific defined number of failures is provided instead. We previously provided our concern on this point to the Department with our submission of comments on 2/28/2022.