

Initial Statement of Reasons  
Title 13, Division 1, Chapter 1

Article 2.55. California Ignition Interlock Device Program

Vehicle Code section 23573 requires the department, upon receipt of a court's abstract of conviction of Vehicle Code section 14601.2, 14601.4 or 14601.5, subsequent to prior convictions of various Vehicle Code sections related to driving a vehicle under the influence of alcohol, to notify the convicted person of their requirement to have an ignition interlock device installed in their vehicle.

Vehicle Code section 23575.3 requires specified driving under the influence offenders to install an ignition interlock device on all vehicles they operate for a period of time ranging from 12 to 48 months. Additionally, Vehicle Code sections 13353.6 and 13353.75 extends the opportunity for offenders who are administratively suspended following an arrest for driving under the influence to obtain an ignition interlock device restriction.

Lastly, Vehicle Code section 13386 grants the department the authority to oversee the ignition interlock device program.

Prior to authorizing the use of an ignition interlock device in California, the department is required to certify that each ignition interlock device operates in a manner for which it was certified and requires the manufacturer to ensure that the functionality of the device cannot be changed or altered from the certified criteria. Article 2.55 in Title 13 establishes the process by which an ignition interlock device manufacturer can apply to the department to have its device certified for use.

§ 125.02. Certification of Ignition Interlock Devices.

The purpose of Section 125.02 is to identify the requirements when an ignition interlock device manufacturer is applying to the department for certification. The first sentence of Section 125.02 contains a non-substantive amendment to remove an unnecessary comma.

Subsection (b) is amended to make clear that an applicant shall submit their application documents electronically. This amendment is necessary to make manufacturers aware of the required service method they are required to use when submitting the ignition interlock device certification application and supplemental documentation. This amendment makes clear that manufacturers are required to submit applications through the department's online portal. The online portal will allow for a streamlined submission and approval process as the department will receive all the required documentation in the quickest manner possible which will allow the department to review and approve the device quicker. Manufacturers have been requesting an online submission process and the department anticipates no manufacturer will submit an application for certification through the mail.

Subsection (b)(1) is updated to amend the revision date of the Application for Certification of Ignition Interlock Device, form DL 9, from 4/2000 to 6/2022.

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The form DL 9 requires the manufacturer to provide its name and an indication of whether the manufacturer is owned by an individual, a partnership, or a corporation, telephone number, and street address. The DL 9 requires an indication of the business name of the marketed device, and the name or model number of the device for which the manufacturer is seeking certification. The DL 9 requires disclosure of the ownership information including the names, addresses and title of the owners, and certifications that are to be completed based on whether the ownership structure is an individual, a partnership, or a corporation. The form is amended to include the email addresses of the owners. This information will assist the department in making contact with the owners, if needed.

The previous version of the form required a corporation to affix the corporate seal on the DL 9. This provision is no longer necessary as the department has determined it is no longer of value and also could be prohibitive to applicants who are submitting their application documentation electronically.

Subsection (b)(12) is repealed for lack of necessity. The manufacturer stamp requirement was adopted in 2001 as a means by which the department could verify that a manufacturer's stamp on file is consistent with the manufacturer's stamp contained on the application form. The department has determined this requirement is of no value and is no longer necessary. Removing the stamp and imprint requirement will also support the department's modernization efforts. Requiring the manufacturer to provide their stamp or imprint prohibits the department from accepting the form DL 9 electronically, which in turn prevents the department from accepting a completed application electronically. Because the seal/stamp holds little value, it would create efficiency for the department and its stakeholders when completing, submitting, and approving ignition interlock device applications.

**DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE  
SECTIONS 11346.2(b)(3) THROUGH (b)(S)**

Studies, Reports or Documents - Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response - Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Businesses - Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business - Gov. Code Sec. 11346.2(b)(5)

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- This regulation will not have an adverse economic impact on businesses. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically.

**ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

Cost or Savings to Any State Agency

- None

Other Non-Discretionary Cost or Savings to Local Agencies

- None

Costs or Savings in Federal Funding to the State

- None

Cost Impact on Representative Private Persons or Businesses

- None. There is no cost related to the proposed regulation. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically. The revised process does not impose a cost on private persons, nor does the revision impact businesses.

Effect on Housing Costs

- None

Local Agency/School District Mandates

- The proposed regulatory action will not impose any costs on local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Small Business Impact

- This proposed action will not impact small businesses. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically.

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

- The department has made the initial determination that this action will not have a significant statewide adverse economic impact directly affecting businesses nor will it impact the ability of California businesses to compete with businesses in other states.

## **ECONOMIC IMPACT ANALYSIS**

(Government Code Section 11346.3(b))

The department has made the following determination related to this proposed regulatory action:

### Creation or Elimination of Jobs Within the State of California

- This action will not create or eliminate jobs within California. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically. The change is not so great that it would impact jobs.

### Creation or Elimination of Businesses Within the State of California

- This action will not create or eliminate businesses within California. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically.

### Expansion of Businesses Currently Doing Business Within the State of California

- This action will not expand businesses currently doing business in California. This proposed action will create a process by which an ignition interlock device manufacturer can submit their certification application to the department electronically.

### Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

- This action will benefit the health, welfare, and safety of California residents by creating an efficient process by which a manufacturer can have an ignition interlock device certified for use in California. This proposed action is unlikely to benefit worker safety or the state's environment.