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Hello Leann,

Please see below for comment on the proposed rule changes. Some of these might be duplicate from our provider (Hi-Tech), but I wanted to be certain we received clarification as the manufacturer.

Title	Regulation Text	Comments
18.20.11.10	J. affix a label to each device warning against tampering, circumvention, or misuse of the device.	Please Clarify meaning of device (Handset only, CB, Cam)?
18.20.11.10	(4) provide the driver with a bureau-issued comment and concern form regarding the device or the service the driver receives from the service center operator. The form may be obtained by contacting the bureau at 1-800-541-7952 or accessing the website at <a href="https://www.dot.nm.gov">https://www.dot.nm.gov</a> .	When and how often does this form need to be supplied?
18.20.11.11	(a) the driver is scheduled for a service visit; (b) the device detects evidence of circumvention or tampering; (c) the driver has failed an initial test six times within a period of three hours; and (d) the driver has failed initial tests or random retests ten (10) times within a period of 30 days or as ordered by the appropriate authorities.	Clarify- "as ordered by the appropriate authorities"
18.20.11.11	(a) at installation, the camera shall take a reference picture of the person, and keep on file (b) a clear picture shall be taken for each event, including initial start, all rolling tests and whenever a violation is recorded; (c) each picture shall be a wide-angle view of the cabin of the vehicle, including the passenger side, to ensure the camera can clearly capture the entire face of the person and any passengers; and (d) the camera shall produce a digital image, identifiable verification, or photograph of the person in all lighting conditions.	We need a better understanding of "any passengers". Rear seat occupants will be obstructed from the view.
18.20.11.15	(6) the applicant has been convicted of: (a) a crime involving moral turpitude that relates to the qualifications, functions and duties required to functions and duties perform the work for which the license is issued; or (b) a crime involving moral turpitude that does not relate to the qualifications, required to perform the work for which the license is issued, if the bureau determines after investigation that the applicant has been sufficiently rehabilitated to warrant the public trust; (c) any alcohol or drug-related offense within the past five (5) years;	Clarify Alcohol or drug related charge. Will items like Drinking in Public, Minor in Possession or Marijuana (Now Legal) be grounds for refusal or revocation?
18.20.11.17	H. impose the same fee on all drivers for installing, servicing, leasing, and removing ignition interlock devices, except for drivers who have received a determination of indigency under 18.20.11.30 NMAC. The bureau shall reimburse the service center operator for all indigent drivers in accordance with Subsection E of 18.20.11.30 NMAC, but in no event shall the bureau be responsible for any portion of the leasing fee for any driver who knowingly and deliberately tampers or interferes with the proper and intended operation of an ignition interlock device, terminates a service contract before its expiration date, fails to have a device serviced, or whose vehicle cannot support the proper and intended operation of the interlock device. The service center operator shall reimburse the bureau for any overpayments obtained from the bureau in violation of this section;	Please provide further clarification, this language would prohibit promotions, rate changes, tiered pricing programs, etc...

18.20.11.17	K. provide the driver with a bureau-issued comment and concern form about the device or the service that the driver receives from the service center operator;	When and how often should this form be supplied? Will the state be sending forms to the service centers?
18.20.11.23	(5) inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle affected by an ignition interlock device are in acceptable condition and not install a device unless and until the vehicle is in acceptable condition;	State needs to further define acceptable condition.
18.20.11.23	(3) obtain a copy of the vehicle registration prior to installation of an ignition interlock device, which shall be kept in the file;	This provision is very restrictive especially for drivers with Brand new vehicles. Please clarify if the state will accept new vehicle sales contracts.
18.20.11.26	(1) records on every driver, including indigent clients, driver license number, vehicle registration and insurance. Must also include document from appropriate authorities, date of installation, signature of the installer, dates and the results of every service visit and a copy of the agreement with the driver;	Clarify with State: Are we allowed to install on vehicles that do not have valid insurance? No other mention in NMAC of this being a requirement.
18.20.11.7	VV. vehicle switch means the process in which the ignition interlock service center removes and transfers an interlock device from one motor vehicle to another with the bureau's approval.	This implies that transfers require approval from the state, need clarification. What is the process obtain approval?
18.20.11.27	B. A certified service center operator shall notify the appropriate authorities and may petition the bureau, the sentencing court, parole board or assigned probation officer for authorization to remove an ignition interlock device if: (1) the vehicle in which the device is installed is sold, stolen, damaged beyond repair, repossessed, permanently moved out of the service center operator's territory, not able to support the proper and intended operation of the interlock device or is impounded and not to be returned to the owner; (2) the driver is incarcerated for 90 days or more, becomes disabled or dies; or (3) the driver fails or refuses to pay fees for so long that the device will not function until it is serviced. [18.20.11.22 NMAC - Rp, 18 NMAC 20.11.10, 1-1-03; Rp, 18.20.11.22 NMAC, xx/xx/2023; Rn, 18.20.11.27 NMAC, xx/xx/2023]	Please describe the process for notification and define whom the appropriate authorities would include.

Best regards,

Christopher Tracey  
Director, US Field Operations

**PLEASE NOTE: As of Monday, Sept. 19, 2022, all @draegerusinterlock.com email addresses are updated to @roadguardinterlock.com. Please update your records to reflect my new email address, shown below.**

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