761—620.4(321J) Ignition interlock device provider reports.

620.4(1) *Access and approval.* An approved ignition interlock provider seeking to access department records to perform the electronic reporting outlined in this rule must apply to the department in a manner approved by the department and in compliance with 761—Chapter 301.

620.4(2) *Electronic reporting.*

a. An approved ignition interlock device provider shall electronically report a notice of violation occurrence and a final compliance report to the department in a manner approved by the department.

b. An approved ignition interlock provider shall retain all data, information and records associated with a notice of violation occurrence and final compliance report for a period of at least five years and make such data available to the department upon request.

620.4(3) *Notice of violation occurrence.* The notice of violation occurrence shall be generated and sent by the ignition interlock device provider to the department no earlier than the same day the occurrence meets the criteria under Iowa Code section 321J.17A(1) and no later than seven business days after the occurrence meets the criteria under Iowa Code section 321J.17A(1).

a. The notice of violation occurrence shall specify the applicable paragraph in Iowa Code section 321J.17A(1)*"a"* through *"d"* to which the occurrence corresponds.

b. For purposes of determining when the periods referenced in Iowa Code section 321J.17A(1)*"a"* and *"b"* begin and end, the following applies:

(1) The 30-day period described in Iowa Code section 321J.17A(1)*"a"* begins on the date the first violation occurs and ends 30 days after the date the first violation occurred. All violations that occur within that 30-day period count toward one occurrence. Any new violation occurring after the end date of the initial 30-day period counts toward an additional occurrence.

(2) The 24-hour period described in Iowa Code section 321J.17A(1)*"b"* begins when the first violation occurs and ends 24 hours after the time the first violation occurred. All violations that occur within that 24-hour period count toward one occurrence. Any new violation occurring after the end of the initial 24-hour period counts toward an additional occurrence.

c. Any violation will count toward an occurrence under both Iowa Code section 321J.17A(1)*"a"* and *"b."*

d. Failing to provide a detectable breath sample in Iowa Code section 321J.17A(4)*"a"*(1) means the failure occurred during a random retest.

e. An event described in Iowa Code section 321J.17A(4)*"b"* is not a violation if the immediate retest is successful and occurs within ten minutes of the first failed test.

f. Upon request, the ignition interlock device provider shall also provide the applicable underlying violation category under Iowa Code section 321J.17A(4)*"a"* and any other identifying information requested by the department for each occurrence.

g. Each notice of violation occurrence requires a separate 60-day time extension to the period of time a person is required to maintain an ignition interlock device pursuant to Iowa Code section 321J.17A(1).

h. Nothing in this subrule prevents a 60-day time extension from being added if the notice of violation occurrence is sent after the time required under this subrule due to the person's failure to have the ignition interlock device reset once it has entered lockout condition.

i. If a violation under Iowa Code section 321J.17A(4)*"a"* occurs solely due to the ignition interlock device suffering a manufacturer's defect, as determined by the ignition interlock device provider, the violation shall not be included in a notice of violation occurrence under this subrule.

620.4(4) *Final device download and compliance report.*

a. Upon receipt of notification from the department that the person's requirement to maintain installation of the ignition interlock device has ended, the ignition interlock device provider shall complete a final download of the ignition interlock device to determine if the person has had any violation occurrences prior to or on the end date reported by the department. If no violation occurrences are detected, the ignition interlock device provider shall generate and send to the department a final compliance report, in the form and manner prescribed by the department, no later than seven business days following the date of the final download of the ignition interlock device. The ignition interlock device provider may uninstall

the ignition interlock device if the final download detects no violation occurrences prior to or on the end date reported by the department.

b. If, during the final download, a violation occurrence is detected that occurred on or prior to the date the person's requirement to maintain installation of an ignition interlock device ends as reported by the department, all of the following apply:

(1) The ignition interlock device provider shall report the violation occurrence to the department in the same manner as any other violation occurrence is reported.

(2) The time extension under Iowa Code section 321J.17A applies and the ignition interlock device cannot be uninstalled until all time extensions have ended.

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