

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 21, 2018 9:40:20 AM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, May 21, 2018 9:01 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: DEPARTMENT PUBLIC SAFETY DPS

First Name: Jonathan

Last Name: Adkins

Title: Executive Director

Organization you are affiliated with: Governors Highway Safety Association

Email:

City: Washington

State: District of Columbia

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The Governors Highway Safety Association (GHSA) is the association of the state and territorial highway safety offices (SHSOs) and a national authority on traffic safety policy. GHSA encourages all states to require ignition interlocks (IIDs) for all offenders and supports rigorous statewide IID programs.

GHSA asks the Texas Sunset Advisory Commission to consider withdrawing its recommendation to eliminate IID vendor regulations. In its staff report for the DPS, the Commission argues that these regulations have “little value” and only a “nominal impact on public safety.”

However, a significant body of research and expert opinion support the regulation of IID vendors as part of a strong state IID program. For instance, the National Highway Traffic Safety Administration’s (NHTSA) “Model Guideline for State Ignition Interlock Programs” (DOT HS 811 859, NHTSA, 2013, <http://www.nhtsa.gov/staticfiles/nti/pdf/811859.pdf>) recommends that states have vendor oversight plans that include “approval, monitoring, de-certification, site inspections and quality assurance, and training” of IID vendors, a system to track vendor program violations, and a system for vendor licensing.” NHTSA’s “Case Studies of Ignition Interlock Programs” (DOT HS 811 584, NHTSA, 2012, <https://www.nhtsa.gov/staticfiles/nti/pdf/811594.pdf>) recommends that states develop “uniform reporting criteria for all vendors” and “stricter vendor oversight procedures, particularly regarding device installations.”

The Traffic Injury Research Foundation’s (TIRF) “Alcohol Interlock Programs: Vendor Oversight” report (2011, http://tirf.ca/wp-content/uploads/2016/08/NHTSA_Tech_Assistance_VendorReport_4_web.pdf) promotes the use of thorough vendor oversight plans that can “streamline program management, clarify agency responsibilities, enhance data collection, improve service delivery, lead to increased participation resulting from client satisfaction, and facilitate a rigorous program evaluation.” A vendor oversight plan can also “protect the lead

program authority from liability in the event of negative, high-visibility events.” TIRF’s report includes many more detailed recommendations for states.

Finally, NHTSA’s “Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States, 2006–2011” (DOT HS 812 145, NHTSA, 2015, <https://www.nhtsa.gov/staticfiles/nti/pdf/812145-EvalStateIgnitionInterlockProg.pdf>) listed among many program obstacles that states encounter a “lack of vendor oversight.”

Several aspects of Texas’ current regulations provide substantive safety and administrative benefits to the state. Rules that outline when and how the vendor can be contacted set ground rules for state-vendor interactions. The requirement that a vendor have a waiting area is to ensure that high-risk customers do not observe the installation and determine how to circumvent IIDs. The assurance of good vendor customer service itself promotes customer compliance and the perception of strong program monitoring.

Even though offenders are responsible for complying with IID orders, as staff points out, there are many tasks that some customers cannot practically complete, such as identifying approved devices, inspecting for tampering, or accurately keeping all necessary records related to devices and customer program involvement. To shift burdens such as these to customers will reduce program participation and compliance.

Finally, the Commission argues that the lack of enforcement activity is a reason to remove the regulations, but the fact that no vendor’s authorization has ever been revoked is also evidence of the success of the regulations for both the state, vendors, and customers.

The evidence points to the need for a strong system of state oversight of IID vendors. If Texas were to reduce its oversight footprint, it may weaken the IID program, destabilize IID vendor service, and increase the risks that IID customers recidivate.

Any Alternative or New Recommendations on This Agency: Not at this time.

My Comment Will Be Made Public: I agree