

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, May 23, 2018 1:29:10 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, May 23, 2018 11:41 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: Laura

Last Name: Bailey

Title: President

Organization you are affiliated with: Association of Ignition Interlock Program Administrators

Email:

City: Oklahoma City

State: Oklahoma

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

We are writing in response to the Sunset Advisory Commission Staff Report ("Report") suggesting the State of Texas discontinue regulating "ignition interlock device vendors". The Report makes several assertions that are not consistent with the realities facing the residents of Texas in relation to this issue. Specifically, the Report suggests:

- Separate laws better protect consumers: This contention appears to be based upon the misunderstanding of the function of DPS' annual testing of the approved Breath Alcohol Ignition Interlock Devices (BAIID). However, this conclusion mischaracterizes the nature and extent of BAIID testing and approval by Texas DPS. Specifically, DPS tests an exemplar of each approved device. DPS does not test each device installed on a vehicle. This function is performed by ignition interlock device installers on a regular basis. Indeed, this testing is what ensures the continued accuracy of the device while it is installed in the offender's vehicle, thereby protecting not only the consumer (offender) but also the traveling public of Texas' roadways.
- Regulation adds little value: The report asserts that the one page inspection sheet fails to add value because it focuses on business features such as the existence of a waiting room. However, the Report fails to recognize that the existence of a waiting room in an ignition interlock device installer is an important safeguard. Specifically, the waiting room requirement prevents the offender from witnessing the installation of the device to reduce the chance of tampering or unauthorized removal. For this reason the waiting room requirement is a common feature in ignition interlock rules in other states. Likewise, assuring ignition interlock device installers are installing approved devices is an important public safety feature of the rules. Moreover, the fact that the inspection checklist is one page is no indication that the regular inspections of ignition interlock device vendors is unimportant. Quite to the contrary, the Association believes regular inspections to be an important public safety feature.

- No meaningful enforcement activity: The Report asserts that there is no meaningful enforcement activity. The evidence for this is said to be that no revocations have occurred. It is clear that simply because no enforcement activity has occurred does not render the enforcement meaningless. Likewise, the fact that no ignition interlock device installers have been disciplined also supports the value of the regular inspections.

The Association would be happy to assist the Commission or answer any questions related to ignition interlock best practices. I urge the Commission to carefully consider the implications to public safety when reviewing the recommendation in the Report. Thank you for your consideration of this matter.

Any Alternative or New Recommendations on This Agency: Abandon the recommendation to eliminate regulation of ignition interlock device installers.

My Comment Will Be Made Public: I agree