# ALABAMA LAW ENFORCEMENT AGENCY
# ADMINISTRATIVE CODE

## CHAPTER 760-X-4
## IGNITION INTERLOCK

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### 760-X-4-.01 Inspection And Enforcement.

(1) Pursuant to Code of Ala. 1975, Section 32-5A-191.4, all Department of Forensic Sciences (DFS) approved ignition interlock device providers and any associate service locations within the State of Alabama shall:

(a) notify the Alabama Law Enforcement Agency (ALEA), in writing, within 30 days of DFS approval as an ignition interlock device service center and request an ALEA inspection of its facilities, staff, and records for compliance with Alabama Administrative Code Chapter 370-3-1 (DFS Ignition Interlock Rules), as may be amended; and

(b) pass an annual ALEA inspection of its facilities, staff, and records.

(2) In the event ALEA identifies any violation of Alabama law, rules, or regulations governing ignition interlock devices, ALEA will issue a written "notice of violation" to the ignition interlock device service center, the ignition interlock device provider, and the Manufacturer Representative listing each violation. ALEA will also provide a copy of the notice of violation to DFS.

(3) An ignition interlock device service center and/or an ignition interlock device provider will have thirty (30) calendar days from the issuance date of the notice of violation to correct all violations and communicate, in writing, to ALEA and DFS all corrective actions taken.

(4) If an ignition interlock device service center fails to correct or remedy any violation within thirty (30) calendar days of the issuance date of the notice of violation, ALEA shall notify, in writing, the ignition interlock device service center, the ignition interlock device provider, the Manufacturer Representative, and DFS.

(5) Pursuant to Code of Ala. 1975, Section 32-5A-191.4(i)(5), ignition interlock device service centers shall submit to random audits performed by ALEA. For purposes of inspection or audit, an ignition interlock device service center shall provide ALEA accurate monthly and yearly data regarding the total number of ignition interlock devices sold, leased, installed, serviced, repaired, calibrated, monitored, or removed, and any other data ALEA requests as needed to conduct an inspection or audit. The monthly and yearly data provided must also indicate the total number and types of service provided to indigent defendants.
**Author:** Meridith H. Barnes, Michael W. Robinson, Samantha Naramore, Erin Dunagan
**Statutory Authority:** Code of Ala. 1975, §§32-5A-191, 32-5A-191.4.
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**760-X-4-.02 Indigent Fund Reimbursement.**

(1) Pursuant to Code of Ala. 1975, Section 32-5A-191.4(i)(5)(d), ALEA shall administer the Alabama Ignition Interlock Indigent Fund.

(2) Each request for reimbursement shall include the following:

(a) the name and driver license number of the indigent defendant;

(b) copies of the indigent defendant’s completed affidavit of substantial hardship and the subsequent court order granting indigency status;

(c) proof of ignition interlock device installation demonstrated by a "certificate of installation" or a "lease agreement" as defined in DFS Ignition Interlock Rules, 370-3-1(2); see also Code of Ala. 1975, §32-5A-191.4(i)(2);

(d) the make, year, and model of the designated vehicle in which the ignition interlock device was installed;

(e) an itemized receipt of services performed for the listed indigent defendant;

(f) a copy of the ignition interlock device service center's fee schedule that was in effect at the time the services were performed; and

(g) written certification the ignition interlock device service center complies with the requirements of Code of Ala. 1975, Section 32-5A191.4.

(3) Reimbursement requests for indigent ignition interlock device services shall be reasonable. The rates for indigent defendants may not exceed rates charged for similar services provided to non-indigent persons.

**Author:** Meridith H. Barnes, Michael W. Robinson, Samantha Naramore, Erin Dunagan

**Statutory Authority:** Code of Ala. 1975, §§32-5A-191, 32-5A-191.4.

**History:** **New Rule:** Published February 28, 2020; effective April 13, 2020.