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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Commission on Virginia Alcohol Safety Action Program
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC35-60
<b>VAC Chapter title(s)</b>	Virginia's Ignition Interlock Regulation
<b>Action title</b>	Amendments to Virginia's Ignition Interlock Regulation
<b>Date this document prepared</b>	July 1, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commission on the Virginia Alcohol Safety Action Program (VASAP) proposes amendments to 24VAC35-60, Ignition Interlock Program Regulations, to update the statewide ignition interlock program and align regulatory requirements with current statutory authority and operational practices. The proposed regulatory action is intended to enhance public safety strengthen oversight of ignition interlock service providers and facilities, and ensure reliable delivery of ignition interlock services throughout the Commonwealth.

### Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

"Commission" means the Commission on Virginia Alcohol Safety Action Program (VASAP), as established pursuant to § 18.2-273.2 of the Virginia Code, or its designee.

"Department" means the Virginia Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures an offender's blood alcohol concentration; (ii) prevents a motor vehicle ignition from starting if the offender's blood alcohol concentration reaches the fail point; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol concentration during ignitions, attempted ignitions, and rolling retests. The ignition interlock system is synonymous with breath alcohol ignition interlock device as it pertains to these regulations.

"Service provider" means an authorized supplier and installer of the approved ignition interlock devices. In some cases, the service provider may also be a manufacturer of an ignition interlock device.

"State director" means a service provider employee who provides oversight of the service provider's ignition interlock operations in the Commonwealth of Virginia.

"Technician" means a service provider employee who installs, calibrates, or removes interlock devices.

"Virginia Ignition Interlock Certification Letter" means a letter issued by the commission to a service provider technician or state director authorizing the technician or state director to perform ignition interlock services in the Commonwealth of Virginia.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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Per Virginia Code §§ 18.2-270.1 and 18.2-273.9, the Commission shall promulgate such regulations and forms for the installation, maintenance, and certification of ignition interlock systems. This regulatory action is initiated pursuant to the Commission's statutory authority to administer and oversee Virginia's ignition interlock program and to promulgate regulations governing ignition interlock devices and service providers.

The impetus for this action includes the need to modernize existing regulations, align regulatory language with current statutory provisions and Commission practices, address evolving technology and service delivery methods, and ensure continued compliance with public safety objectives associated with court-ordered and administratively required ignition interlock usage.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

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The promulgating agency is the Commission on the Virginia Alcohol Safety Action Program (VASAP), a state legislative agency charged under Virginia Code §§ 18.2-270.1(J), 18.2-273.2, 18.2-273.3, and 18.2-273.9 with administering and regulating Virginia's ignition interlock program, approving ignition interlock devices and service providers, establishing standards governing ignition interlock services, and promulgating regulations and forms for the installation, maintenance, and certification of ignition interlock systems. Additional authority includes § 46.2-391.01 of the Code of Virginia, as well as Chapters 686 and 687 of the 2026 Acts of Assembly (HB862/SB391).

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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The Commission on VASAP, charged with promulgating ignition interlock system regulations pursuant to Virginia Code §§ 18.2-273.9 and 18.2-270.1, has determined that these regulations are essential to establishing a framework that enhances highway safety and protects the health, safety, and welfare of Virginia's citizens. The proposed amendments to 24VAC35-60, Ignition Interlock Program Regulations, modernize and strengthen the statewide ignition interlock program. The proposed regulatory action is intended to enhance public safety, improve program integrity and accountability, strengthen oversight of ignition interlock service providers and facilities, and ensure reliable delivery of ignition interlock services throughout the Commonwealth.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The proposed amendments include both technical and substantive revisions to 24VAC35-60.

Substantive changes under consideration include:

1. Updating and clarifying definitions and terminology throughout the chapter.
2. Revising approval and contracting requirements for ignition interlock manufacturers and service providers, including limitations on subcontracting and shared service facilities.
3. Expanding Commission and Executive Finance Committee authority relating to suspension and revocation of service provider or device certification.
4. Strengthening reporting and records management requirements, including electronic reporting, offender confidentiality protections, and required service provider reporting timelines.
5. Revising technician and state director certification requirements, including examination standards, application requirements, renewal procedures, and grounds for denial, suspension, or revocation of certification.

These amendments are intended to strengthen statewide consistency, improve program performance and accountability, and ensure continued effectiveness of Virginia’s ignition interlock program.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

There are no alternatives as creation of these regulations by the Commission on VASAP is a Virginia Code requirement. The proposed amendments are intended to represent the least burdensome regulatory approach that achieves the Commonwealth’s public safety objectives while maintaining flexibility for service providers and minimizing unnecessary administrative costs.

**Periodic Review and Small Business Impact Review Announcement**

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

This NOIRA is not being used to announce a periodic review or a small business impact review.

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

**INSERT:**

The Commission on VASAP is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Rosario Carrasquillo  
Commission on VASAP  
1111 E. Main St. Suite 801

Richmond, VA 23219  
(804) 786-5895  
(804) 786-6286 (FAX)  
Rosario.carrasquillo@vasap.virginia.gov

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.