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Proposed Regulation Agency Background Document

Agency name	Commission on Virginia Alcohol Safety Action Program
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC35-60
VAC Chapter title(s)	Virginia's Ignition Interlock Regulation
Action title	Amendments to Virginia's Ignition Interlock Regulation
Date this document prepared	August 27, 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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the 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 used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"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."

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.

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 Chapters 686 and 687 of the 2026 Acts of Assembly (HB862/SB391).

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

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, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

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.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Ignition interlock devices protect the public by ensuring that persons convicted of a DUI comply with their license restriction requirement by installing an interlock device.

The Virginia Code permits individuals convicted of a 1st, 2nd or subsequent DUI offense to drive to with the ignition interlock restriction. This provides these individuals with the ability to drive their vehicle with an ignition interlock installed allowing the individual to meet employment and personal appointment needs.

There are no disadvantages noted to the public or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

These are amended regulations which focus on strengthen service provider service, records management, reporting, and certification requirements; therefore, other state agencies, localities, and other entities are not negatively impacted.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	The amended regulations do not impact this area.
<i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	The amended regulations do not impact this area.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The amended regulations do not impact this area.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	The amended regulations do not impact this area.
Benefits the regulatory change is designed to produce.	The amended regulations do not impact this area.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Since the service providers are already compliant with the amended regulations related to records management and cybersecurity, the amended regulations do not impact this area.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Since the service providers are already compliant with the amended regulations related to records management and cybersecurity, the amended regulations do not impact this area.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:	Since the service providers are already compliant with the amended regulations related to records management and cybersecurity, the amended regulations do not impact this area.

a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	
Benefits the regulatory change is designed to produce.	Enhanced service provider data confidentiality and security requirements.

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.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The courts rely on ignition interlock devices to function reliably and for offenders to be monitored properly and have confidence that the privacy of their information is protected. The amendments of these regulations protect the integrity of the program.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Although this is a different stage, the NOIRA was not being used to announce a periodic review or a small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response

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.

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:

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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 this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
24VAC35-60-20		Definitions	Definitions modified the style and to match the new Virginia Code language.
24VAC35-60-30		When ignition interlock devices are required	Match the new Virginia Code language.
24VAC35-60-40		Approval of manufacturers and service providers	Minor style changes and added clarity of approval of manufacturers and service providers.
24VAC35-60-50		Fees	Minor style changes.
24VAC35-60-60		Suspension or revocation of ignition interlock device or service facility certification	Minor style changes and expanded requirements for suspension or revocation ignition interlock device or service facility certification.
24VAC35-60-70		Ignition interlock device specifications	Minor style changes.
24VAC35-60-80		Ignition interlock device installation.	Minor style changes.
24VAC35-60-90		Calibration and monitoring visit	Minor style changes and added clarity of the calibration and

			monitoring of the ignition interlock device.
24VAC35-60-100		Ignition interlock device removal	Minor style changes
24VAC35-60-110		Records and reporting	Minor style changes and expanded requirements of records, reporting and added data security.
24VAC35-60-120		General service provider requirements	Minor style changes
24VAC35-60-130		Service provider technician certification	Minor style changes and expanded requirements of the service provider technician certification.
FORMS		FORMS (24VAC35-60)	Updated revised forms

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage