

4501-45-01

**Definitions.**

- (A) "Days" means calendar day.
- (B) "Department" means the department of public safety.
- (C) "Director" means the director of the department of public safety or a designee.
- (D) "Director of Health" means the director of the department of health or a designee.
- (E) "Disqualifying offense" means a conviction, judicial finding of guilt, or a plea of guilty to a criminal offense listed in 4501-45-05(C)(10) of this chapter. This includes a conviction or plea of guilty to attempt, conspiracy, or complicity related to these offenses.
- (F) "Failed retest" means a retest or rolling retest in which an ignition interlock device has determined that the offender's deep-lung breath sample indicates the presence of alcohol in the offender's breath in a concentration that would have been sufficient to prevent the ignition interlock device from allowing the motor vehicle to be started.
- ~~(E)~~(G) "Ignition interlock device" means a device approved by the director of public safety that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any a person's breath in grams of alcohol per 210 liters attempting to start the motor vehicle by using its ignition system, and that deters-prevents starting the motor vehicle by use of its ignition system unless the person attempting to start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a the preset set point level listed in 4501-45-04(D)(1)(a)(iii) of this chapter.
- ~~(F)~~(H) "Ignition interlock device violation" means that a certified ignition interlock device indicates that it has prevented an offender from starting a motor vehicle because of either of the following:
- (1) The device was tampered with or circumvented;
  - (2) The analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started.
- (I) "Ignition System" includes the starting system of a combustion engine, electric motor, or hybrid power unit.

~~(G)~~(J) "Immobilizing or disabling device" means a device approved by the director of public safety that may be ordered by a court to be used by an offender as a condition of limited driving privileges. "Immobilizing or disabling device" includes an ignition interlock device; and any prototype device that is used according to protocols designed to ensure efficient and effective monitoring of limited driving privileges granted by a court to an offender. This includes an ignition blocking device initiated by time or magnetic or electronic encoding, an activity monitor, or any other device that reasonably ensures compliance with an order granting limited driving privileges.

~~(H)~~(K) "Installer" A natural person or business entity who is approved by the manufacturer to install an ignition interlock device or other immobilizing or disabling device on an offender's vehicle on behalf of the manufacturer.

~~(I)~~(L) "Independent testing laboratory" means a testing laboratory not affiliated with a manufacturer of immobilizing or disabling devices including, but not limited to ignition interlock devices, that is qualified to test such devices or reference samples, and is accredited to the ISO 17025 laboratory management standard listed in paragraph (A) of rule 4501-45-11 of the Administrative Code.

~~(J)~~(M) "Manufacturer" means any natural person, firm, partnership, association, corporation, or other business entity, engaged in the manufacturing or assembling of an immobilizing or disabling device, including an ignition interlock device.

~~(K)~~(N) "Offender" means a person who has been granted limited or unlimited driving privileges by a court of this state subject to the condition that the person operate only a vehicle with a certified ignition interlock device under section 4510.021, 4510.022, or 4510.13 of the Revised Code.

(O) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, any other state or the United States that is substantially equivalent to any section or offense listed in paragraph (C)(10) of rule 4501-45-05 of the Administrative Code.

(P) "Passing sample" means a deep-lung breath sample that an ignition interlock device determines to be at or below twenty-five thousandths per cent breath alcohol concentration with respect to drivers under the age of twenty-one years old.

~~(L)~~(Q) "Prototype device" means an alcohol testing device, not certified by the director, that a court uses in a pilot program to monitor limited driving privileges granted to a person.

~~(M)~~(R) "Purchaser" includes, but is not limited to a natural person, a corporation, a partnership, a limited liability company, an association, or any other entity comprised

of two or more persons having a joint or common interest, that leases, buys, or otherwise uses a licensed manufacturer's ignition interlock device(s) in this state.

~~(N)~~(S) "~~Rolling retest~~" "Retest" or "random retest" is a notification from the ignition interlock device that requires the offender to submit to a breath test after the motor vehicle has been started.

(T) "Set point" means the concentration of breath alcohol to which an ignition interlock device is set to prevent a vehicle from starting.

~~(O)~~(U) "Sales" means all monetary profit a licensed manufacturer of an ignition interlock device earned from, or which is attributed to, the lease, sale, or use of each of its certified device(s) to purchasers in this state during the twelve month period the manufacturer's license was in effect.

Effective:

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Certification

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Date

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