

**ADOPTED REGULATION OF THE
COMMITTEE ON TESTING FOR INTOXICATION**

LCB File No. R086-12

Effective June 23, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 484C.630.

A REGULATION relating to testing for intoxication; providing that certain courses required for certification as an operator of an evidential breath-testing device must be approved by the Committee on Testing for Intoxication; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Committee on Testing for Intoxication is required to adopt regulations which establish methods for ascertaining the competence of a person to operate devices for testing a person's breath to determine the concentration of alcohol in the person's breath. (NRS 484C.630) Existing regulations require that a person be certified as an operator of an evidential breath-testing device upon the successful completion of a specified number of hours of certain courses that have been approved for that purpose by the Peace Officers' Standards and Training Commission. (NAC 484C.100, 484C.110) This regulation provides that such courses must also be approved by the Committee on Testing for Intoxication, and removes the specific number of hours required for each such course.

Section 1. NAC 484C.100 is hereby amended to read as follows:

484C.100 1. A person or his or her employer must apply to the Department of Public Safety on a form furnished by the Department for certification of the person as an operator of an evidential breath-testing device.

2. The Director or his or her designee shall certify as an operator of an evidential breath-testing device each applicant who has successfully completed a course ~~consisting of at least 4 hours~~ of instruction on the subject of the operation of devices for testing a person's breath to

determine the concentration of alcohol in the person's breath which has been approved by the Peace Officers' Standards and Training Commission ~~HH~~ *and the Committee*. Such a course must be taught by a certified forensic analyst of alcohol and must include instruction on and a determination of the applicant's proficiency in the operation of the devices for which certification is granted.

3. The Director or his or her designee shall certify as an operator of an additional evidential breath-testing device each applicant who:

- (a) Holds a current certification as an operator of an evidential breath-testing device; and
- (b) Has successfully completed a course consisting of ~~at least 2 hours of~~ instruction on the subject of the operation of the device for testing a person's breath to determine the concentration of alcohol in the person's breath which has been approved by the Peace Officers' Standards and Training Commission ~~HH~~ *and the Committee*. The course must be taught by a certified forensic analyst of alcohol and must include instruction on and a determination of the applicant's proficiency in the operation of the device for which certification is granted.

4. The certificate issued by the Director or his or her designee must specify by manufacturer and model the evidential breath-testing devices which the applicant has been certified to operate.

5. Certification as an operator of an evidential breath-testing device:

- (a) Authorizes the holder of the certificate to operate any evidential breath-testing device which he or she has been certified to operate and any other such device in a series of the model of that specific evidential breath-testing device if the Committee has certified the other device in the series pursuant to NRS 484C.610 and the Committee has not made a finding that the person needs additional training to operate the other device in the series; and
- (b) Is valid for 3 years after the date of the certification.

Sec. 2. NAC 484C.110 is hereby amended to read as follows:

484C.110 The Director or his or her designee shall renew the certificate of any person certified by the Director or designee as an operator of an evidential breath-testing device who:

1. Individually or through the person's employer applies in writing to the Director for such renewal before the person's certificate expires or within 6 months after the person's certificate expires; and

2. Successfully completes a course consisting of ~~at least 2 hours of~~ instruction on the operation of devices for testing a person's breath to determine the concentration of alcohol in his or her breath which has been approved by the Peace Officers' Standards and Training Commission ~~[- Such a course must be taught by a certified forensic analyst of alcohol and must include instruction on and a determination of the applicant's proficiency in the operation of the devices for which renewal of certification will be granted.]~~ *and the Committee.*