

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

LCB File No. R086-12

Notice of Workshop to Solicit Comments on Proposed Regulation

The Committee on Testing for Intoxication, care of The Office of Traffic Safety, 107 Jacobsen Way, Carson City, NV, 89711; phone # 775 684-7477 is proposing the Amendment of regulations pertaining to chapter 484C of Nevada Administrative Code.

A workshop has been set for 10 am, on May 7, 2014, at the following location.

State Library and Archives Board Room
100 North Stewart Street (conference room 100).
Carson City, Nevada, 89711

The proposed amendments seek to amend the raining criteria to become an Evidential Breath Test Device Operator by completing a course of training approved by both the Committee on Testing for Intoxication and Peace Officers' Standards and Training Commission (POST) and removing the specific hours requirement. (NAC 484C.100 and 484C.110)

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

TOPIC OR PROPOSED REGULATION

NAC REGULATION

AUTHORITY: §§1 and 2, NRS 484C.630

NAC 484C.100 and 484C.110

A REGULATION relating to testing for intoxication:
Providing that certain courses require 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.

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 Peach Officers' Standards and Training Committee **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 Peach Officer's Standards and Training Committee **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 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 which has been approved by the Peach Officers' Standards and Training Committee (~~Such a course must be taught by a certified forensic analyst of alcohol and must include instruction and a determination of the applicants proficiency in the operation of the devices for which renewal of certification will be granted.~~) **and the Committee**.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Committee on Testing for Intoxication, John Johansen, Chair, at Office of Traffic Safety, 107 Jacobsen Way, Carson City, NV 89711. Phone 775 684-7477. A reasonable fee for copying may be charged.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Posting Locations for Committee on Testing for Intoxication

Carson City Library
900 North Roop Street
Carson City, NV, 89702

Churchill County Library
553 South Main Street
Fallon, NV, 89406

Clark County District Library
883 Las Vegas Blvd. North
Las Vegas, NV, 89101

Douglas County Library
1625 Library Lane
Minden, NV, 89423

Elko County Library
720 Court Street
Elko, NV, 89801

Esmeralda County Library
Corner of Crook and 4th Streets
Goldfield, NV, 89013

Humboldt County Library
85 East 5th Street
Winnemucca, NV, 89445

Lander County Library
625 South Broad Street
Battle Mountain, NV, 89820

Lincoln County Library
63 Main Street
Pioche, NV, 89043

Lyon County Library
20 Nevin Way
Yerington, NV, 89447

Mineral County Public Library
110 1st Street
Hawthorne, NV, 89415

Pershing County Library
1125 Central Avenue (PO Box 781)
Lovelock, NV, 89419

Storey County Public Library
95 South R Street
Virginia City, NV, 89440

Tonopah Public Library
167 Central Street
Tonopah, NV, 89049

Washoe County Library
301 South Center Street
Reno, NV, 89501

White Pine County Library
950 Camption Street
Ely, NV, 89301

Eureka Branch Library
PO Box 293
Eureka, NV, 89316-0293

Nevada State Library and Archives
100 North Stewart Street
Carson City, NV, 89701-4285

Las Vegas Metro PD Forensic Lab
5605 West Badura Avenue Suite 120B
Las Vegas, NV, 89118

Washoe County SO Forensic Science Div.
911 Parr Blvd.
Reno, NV, 89512

Department of Public Safety
555 Wright Way
Carson City, NV, 89711

Nevada Public Notice Website
<http://notice.nv.gov/>

Nevada Legislature Website
<http://leg.state.nv.us/App/Notice/A/>

Date: April 2, 2014

NEVADA COMMITTEE ON TESTING FOR INTOXICATION

Notice of Public Meeting (NRS 241)

Regarding Proposed Amendments to NAC 484C.100 and 484C.110

NOTICE IS HEREBY GIVEN THAT STARTING AT 10:00 A.M ON May 7, 2014, THE NEVADA COMMITTEE ON TESTING FOR INTOXICATION (“COMMITTEE”) WILL HOLD A WORKSHOP ON A PROPOSED REGULATION AT THE FOLLOWING LOCATION.

State Library and Archives Board Room
100 North Stewart Street (conference room 100).
Carson City, Nevada, 89711

AGENDA

- 1. Call to Order**
- 2. Roll Call of all Attendees**
- 3. Public Comment** – No action may be taken upon a matter raised under this item of the agenda until the mater itself has been specifically included on an agenda as an item upon which action may be taken. The public may request that items be added to a future agenda. Public comments are limited to two minutes unless the Committee elects to extend the comments for purposes of further discussion. Comments will not be restricted based on viewpoint.
- 4. Workshop on Proposed Regulation:** The purpose of the workshop is to solicit comments from interested persons on the proposed changes to NAC 484C.100 and 484C.110, set forth as follows:

TOPIC OR PROPOSED REGULATION

NAC REGULATION

AUTHORITY: §§1 and 2, NRS 484C.630

NAC 484C.100 and 484C.110

A REGULATION relating to testing for intoxication: Providing that certain courses require 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.

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 Committee *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 Peach Officer's Standards and Training Committee *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 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 which has been approved by the Peace

Officers' Standards and Training Committee [~~Such a course must be taught by a certified forensic analyst of alcohol and must include instruction and a determination of the applicants proficiency in the operation of the devices for which renewal of certification will be granted.]~~
and the Committee.

5. Public Comment – No action may be taken upon a matter raised under this item of the agenda until the matter itself has be specifically included on an agenda as an item upon which action may be taken. The public may request that items be added to a future agenda. Public comments are limited to two minutes unless the Committee elects to extend the comments for purposes of further discussion. Comments will not be restricted based on viewpoint.

6. Adjournment

Note: No action will be taken during the Workshop. All information and comments from this workshop will be included in the Public Hearing related to NAC 484C.100 and 484C.110

“The Committee may take action on items marked “Discussion/For Possible Action”. Items may be taken out of the order presented on the agenda at the discretion of the chair. Items may be combined for consideration by the committee at the discretion of the chair. Items may be pulled or removed from the agenda at any time, and discussion relating to items may be delayed at any time. The chair at his discretion may solicit public comment at the time of discussion of any or all agenda items”.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify John Johansen, and the Department of Public Safety, Office of Traffic Safety, 107 Jacobsen Way, Carson City, NV, 89711-0999 or call him at (775) 684-7477, no later than 24 hours prior to the meeting.

Persons wishing to comment upon the proposed action of the Committee on Testing for Intoxication may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to:

Department of Public Safety
Office of Traffic Safety
John R. Johansen, Committee on Testing for Intoxication
107 Jacobsen Way
Carson City, NV, 89711

Written submissions must be received by the Department of Public Safety, Office of Traffic Safety on or before May 5, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Public Safety, Office of Traffic Safety may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be Amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be Amended will be available at the Office of Traffic Safety, 107 Jacobsen Way, Carson City, Nevada, 89711, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by member of the public during business hours. This notice and the text of the proposed regulations are also available in the state of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.Leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This notice of hearing has been posted at the following locations:

Posting Locations for Committee on Testing for Intoxication

Carson City Library
900 North Roop Street
Carson City, NV, 89702

Churchill County Library
553 South Main Street
Fallon, NV, 89406

Clark County District Library
883 Las Vegas Blvd. North
Las Vegas, NV, 89101

Douglas County Library
1625 Library Lane
Minden, NV, 89423

Elko County Library
720 Court Street
Elko, NV, 89801

Esmeralda County Library
Corner of Crook and 4th Streets
Goldfield, NV, 89013

Humboldt County Library
85 East 5th Street
Winnemucca, NV, 89445

Lander County Library
625 South Broad Street
Battle Mountain, NV, 89820

Lincoln County Library
63 Main Street
Pioche, NV, 89043

Lyon County Library
20 Nevin Way
Yerington, NV, 89447

Mineral County Public Library
110 1st Street
Hawthorne, NV, 89415

Pershing County Library
1125 Central Avenue (PO Box 781)
Lovelock, NV, 89419

Storey County Public Library
95 South R Street
Virginia City, NV, 89440

Tonopah Public Library
167 Central Street
Tonopah, NV, 89049

Washoe County Library
301 South Center Street
Reno, NV, 89501

Eureka Branch Library
PO Box 293
Eureka, NV, 89316-0293

Las Vegas Metro PD Forensic Lab
5605 West Badura Avenue Suite 120B
Las Vegas, NV, 89118

Department of Public Safety
555 Wright Way
Carson City, NV, 89711

Nevada Legislature Website
<http://leg.state.nv.us/App/Notice/A/>

White Pine County Library
950 Camption Street
Ely, NV, 89301

Nevada State Library and Archives
100 North Stewart Street
Carson City, NV, 89701-4285

Washoe County SO Forensic Science Div.
911 Parr Blvd.
Reno, NV, 89512

Nevada Public Notice Website
<http://notice.nv.gov/>