

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

LCB File No. R086-12

June 27, 2012

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.

Section 1. NAC 484.640 is hereby amended to read as follows:

484.640 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 ~~[.]~~ *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 ~~[§]~~ *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 ~~[484.3882]~~ *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 484.650 is hereby amended to read as follows:

484.650 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.*