

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

**LCB File No. R193-97**

Effective May 26, 1998

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

AUTHORITY: §§1 and 2, NRS 484.3947.

**Section 1.** NAC 484.617 is hereby amended to read as follows:

484.617 1. Upon receipt of a petition from any interested person to make an addition to or a deletion from the list of devices that prevent an intoxicated person from starting a vehicle, the director *or his agent* shall examine the petition on behalf of the committee.

2. The director *or his agent* may:

(a) Place the petition on the agenda for the next regularly scheduled meeting of the committee;

(b) Order that the device be evaluated pursuant to subsection 4; or

(c) Deny the petition.

3. A person who is aggrieved by the denial of a petition may appeal in writing to the committee.

4. If a device is to be evaluated, the director *or his agent* shall arrange for two of the fully equipped devices to be made available to a forensic laboratory designated by him. The designated laboratory must have on its staff at least one certified forensic analyst of alcohol, who shall evaluate the device in accordance with established scientific methods and principles

and determine whether the device, as designed and manufactured, is accurate and reliable to determine the concentration of alcohol in the person's breath.

**Sec. 2.** NAC 484.666 is hereby amended to read as follows:

484.666 1. Each device that prevents an intoxicated person from starting a vehicle must be calibrated, tested and examined by the manufacturer or his agent at least once every 90 days.

2. The calibration must include:

(a) Verification by the manufacturer *or his agent* of the response and accuracy of the device at no less than two levels of alcohol, [using an appropriate certified standard alcohol solution] within the range that corresponds to [percentage by weight] *a concentration* of alcohol in the breath of [0.05] *0.02* to 0.10 [percent, inclusive.] *grams, inclusive, of alcohol per 210 liters of breath.* The accuracy of the device must be within 10 percent of the value of the [certified] standard alcohol solution for each level.

(b) The response of the device to breath samples that do not contain alcohol.

(c) Verification that the device prevents the motor vehicle in which it is installed from starting if [the results of the test of a person's breath indicate that the person has a breath alcohol level of 0.05 percent or more.] *the concentration of alcohol in a person's breath is equal to or greater than 0.02 grams of alcohol per 210 liters of breath.*

3. *Each device must meet the following requirements established by the committee:*

(a) *Ability to sample a minimum volume of expired breath that is required to test a person's breath;*

*(b) Ability to test a minimum concentration of alcohol in the breath that is required to prevent the motor vehicle from starting and a minimum concentration of alcohol in the breath that is required for subsequent tests of the person's breath while the person is driving the motor vehicle;*

*(c) Requirements for calibrating a device before installation;*

*(d) Options for restricting the hours of operation of the vehicle;*

*(e) The frequency with which the device will require a person's breath to be tested while driving the motor vehicle; and*

*(f) The ability of the device to prevent a person who has the device installed in his motor vehicle from starting the vehicle if the person:*

*(1) Fails to submit the device for a mandatory calibration;*

*(2) Tampers with the device; or*

*(3) Receives a result on the test of his breath that is at or above a prohibited level.*

4. If any evidence of tampering with the device is found, the device must not be used.