

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

Additions are shown in italics and deletions are in brackets.

484.617 Device that prevents intoxicated person from starting vehicle: Change in list of approved devices.

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 designee* shall examine the petition of the committee.

2. The director *or his designee* 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 designee* 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.

(Added to NAC by Comm. on Testing for Intoxication, eff. 1-4-91)

484.666 Calibration, testing and examination of device that prevents intoxicated person from vehicle.

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 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 of alcohol in the breath of [0.05] *0.02 to 0.10* percent, inclusive. The accuracy of the device must be within 10 percent of the [value of the certified standard alcohol solution for each level.] *known alcohol levels.*

(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] *0.02* percent or more [.] *is detected.*

3. Each device shall meet the following requirements established by the Committee:

(a) minimum sample volume;

(b) breath alcohol limit for start-up and rolling retest;

(c) consequences for missed calibration, circumvention, and failed tests;

(d) calibration requirements for devices prior to installation;

(e) options for restricted driving periods, and

(f) time allocations for initial start-up and rolling retests.

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

(Added to NAC by Com. on Testing for Intoxication, eff. 1-4-91; A 9-9-94)