

3.28.16 Agenda Supporting Materials for

Item 4, 5, 7

NAC 484C.030 Forensic analyst of alcohol: Renewal of certificate. (NRS 484C.620, 484C.630) The Director or his or her designee shall renew the certificate of any person certified by him or her as a forensic analyst of alcohol who applies in writing to the Director for a renewal before the certificate expires and:

1. Successfully completes a course approved by the Committee, consisting of at least 8 hours of instruction on the subjects taught in the basic course described in paragraph (c) of subsection 2 of **NAC 484C.020** and demonstrates the person's competence in calibrating breath-testing devices and in evaluating others on their competence in operating such devices; or
2. Submits to the Director or designee the following documents:
 - (a) A current resume of the person's education and other qualifications.
 - (b) Verification of attendance at no less than two seminars or training programs related to the influence of alcohol on drivers. The verification must include the dates of attendance, the names of the instructors and speakers, and a general description of the curriculum.
 - (c) Proof of acceptance as an expert in the field of breath alcohol testing in no less than four courts of law. The proof must include the names of the courts, date of acceptance and the names of the cases for which the person was accepted as an expert.
 - (d) Verification of continued activity in the field of breath alcohol testing since the person's previous certification.

(Added to NAC by Com. on Testing for Intoxication, eff. 10-26-83; A 3-11-86; R112-97, 5-26-98)—(Substituted in revision for NAC 484.598)

NAC 484C.130 Duties of operator. (NRS 484C.620, 484C.640) A certified operator of an evidential breathtesting device:

1. In the ordinary course of his or her business and at the time the operator is performing a test of a person's breath, shall use, follow the instructions in and enter the appropriate information on the Checklist for Operators of Breath-Testing Devices which is approved by the Committee for use with the type of device that he or she is operating.
2. Immediately before performing the evidentiary test of the person's breath, shall verify the calibration of the device by testing it using an aqueous solution or gas which is certified to contain a specific concentration of alcohol within the range that corresponds to a concentration of alcohol in the breath from .05 to .20 gram per 210 liters of breath, inclusive.

(Added to NAC by Com. on Testing for Intoxication, eff. 10-26-83; A 3-11-86; 11-23-93; 9-9-94; R112-97, 5-26-98; R137-99, 12-13-99; R032-05, 10-31-2005)—(Substituted in revision for NAC 484.670)

NAC 484C.150 Records of forensic analyst of alcohol who calibrates device. (NRS 484C.620)

1. Each forensic analyst of alcohol who calibrates or repairs evidential breath-testing devices shall keep in the ordinary course of his or her business a chronological record for each device upon which the analyst performs calibrations or repairs.
2. The analyst shall enter into his or her record, at or near the time the analyst calibrates a device:
 - (a) The date and time of the calibration;
 - (b) The analyst's name;
 - (c) The response and accuracy of the device for each test of calibration which is performed; and
 - (d) The nature and extent of any repair which the analyst performs on the device.

(Added to NAC by Com. on Testing for Intoxication, eff. 10-26-83; A by R112-97, 5-26-98)—(Substituted in revision for NAC 484.690)

NAC 484C.080 Records of person who calibrates, maintains or repairs device. (NRS 484C.620)

1. Each person who calibrates, maintains or repairs a preliminary breath-testing device shall enter, at or near the time of the activity, the following information on a form approved by the Committee:
 - (a) Whether the calibration is done monthly or annually;
 - (b) The date and time of the calibration;
 - (c) The name of the person performing the calibration; and
 - (d) The response and accuracy of the device for each test which is performed.
 - (e) The nature and extent of maintenance or repair performed on the device.
2. The form must be retained by the agency.

(Added to NAC by Com. on Testing for Intoxication, eff. 9-26-86; A 7-18-88; 11-23-93; R112-97, 5-26-98)
—(Substituted in revision for NAC 484.624)