

**NAC 484C.020 Forensic analyst of alcohol: Certification.** ([NRS 484C.620](#), [484C.630](#))

1. A person must apply to the Director or his or her designee on a form furnished by the Department of Public Safety for certification as a forensic analyst of alcohol.
2. The Director or his or her designee shall certify as a forensic analyst of alcohol each applicant who:
  - (a) Possesses a baccalaureate degree in a natural, physical or forensic science;
  - (b) Has completed a minimum of:
    - (1) Twenty-four semester hours in the study of chemistry at an accredited college or university; or
    - (2) Eighteen semester hours in the study of chemistry at an accredited college or university and 1 year of full-time experience which has been approved by the Committee and is related to the forensic analysis of alcohol;
  - (c) Has successfully completed a ~~course which has been approved by the Committee and consisted~~ program of instruction of at least 24 hours of instruction on the physiology and effects of alcohol on humans, on the design, calibration and operation of the kind of breath-testing devices that the applicant will be calibrating or teaching others to operate; and
  - (d) Demonstrates ~~his or her~~ their competence in calibrating breath-testing devices and in evaluating others on their competence in operating those devices.
3. Certification as a forensic analyst of alcohol is valid for 2 years after the date of certification.

**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 continuing education 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.~~

(dc) Verification of continued activity in the field of breath alcohol testing since the person's previous certification.

(d) Recertification as a forensic analyst of alcohol is valid for 2 years after the date of recertification.

#### PRELIMINARY BREATH-TESTING DEVICES

##### **NAC 484C.060 Required training of operator. ([NRS 484C.630](#))**

1. Before operating a preliminary breath-testing device, the operator of a preliminary breath-testing device must satisfactorily complete a course on the operation of the instrument.

2. The instructor of the course must be a forensic analyst of alcohol, a manufacturer's representative or a person approved by a forensic analyst of alcohol.

~~3.—The course must meet the manufacturer's requirements for instruction in the proper operation of the preliminary breath testing device and be approved by the Committee.~~

#### EVIDENTIAL BREATH-TESTING DEVICES

##### **NAC 484C.100 Certification as operator. ([NRS 484C.630](#))**

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 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 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 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.

**NAC 484C.110 Renewal of certificate as operator.** ([NRS 484C.630](#)) 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 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 and~~ the Committee.

**NAC 484C.130 Duties of operator.** ([NRS 484C.620](#), [484C.640](#)) A certified operator of an evidential breath-testing 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, and 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. ~~The operator shall provide a documentary affirmation that he or she followed the instructions.~~

~~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.~~

~~— NAC 484C.140 — Records of law enforcement agency using device; entries into record. (NRS 484C.620)~~

~~— 1. Each law enforcement agency which uses an evidential breath testing device shall keep in the ordinary course of its business a chronological record for each device.~~

~~— 2. The operator or forensic analyst of alcohol shall enter into the record, at or near the time of his or her activity, for the:~~

~~— (a) Test of a person's breath on the device:~~

~~— (1) The name of the person tested;~~

~~— (2) The date and time of the test;~~

~~— (3) The name of the operator of the device;~~

~~— (4) The result of the test to verify the calibration of the device; and~~

~~— (5) The result of the test of the person's breath.~~

~~— (b) Calibration of the device:~~

~~— (1) The date and time of the calibration;~~

~~— (2) The name of the forensic analyst of alcohol who performs the calibration;~~

~~and~~

~~— (3) The response and accuracy of the device for each test which is performed.~~

~~— (c) Maintenance or repair of the device:~~

~~— (1) The date and time of the maintenance or repair;~~

~~— (2) The name of the person performing the maintenance or repair; and~~

~~— (3) The nature and extent of the maintenance or repair.~~