

Chapter 448-15 WAC

ADMINISTRATION OF PRELIMINARY BREATH TESTING

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

448-15-050	PBT operators. [Statutory Authority: RCW 46.61.506. WSR 08-05-029, § 448-15-050, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-050, filed 3/1/99, effective 4/1/99.] Repealed by WSR 16-21-026, filed 10/10/16, effective 11/10/16. Statutory Authority: RCW 46.61.506.
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WAC 448-15-005 Definitions. (1) Certifying agent means persons certified by the state toxicologist, certified technician, or certified instructor as a preliminary breath test instrument (PBT) technician.

(2) Operator means a person certified as an evidential breath test instrument operator as described in chapter 448-16 WAC and trained and authorized to perform the tests for a PBT instrument as outlined in this chapter.

(3) PBT instrument means preliminary breath test instrument.

(4) PBT technician means a person trained and certified as competent and qualified to certify a PBT instrument according to the protocol approved by the state toxicologist.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-005, filed 10/10/16, effective 11/10/16.]

WAC 448-15-010 Approval of devices. The following preliminary breath test (PBT) instruments are approved for use in the state of Washington as breath alcohol screening devices, subject to the requirements outlined in this chapter:

(1) Alco-Sensor III (Intoximeters, St. Louis, MO).

(2) Alco-Sensor FST (Intoximeters, St. Louis, MO).

(3) Any other instruments approved by the National Highway Traffic Safety Administration (NHTSA) will be considered for approval in Washington state on application to the state toxicologist, providing that a suitable program for maintenance, certification and operator training is also established and approved.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-010, filed 10/10/16, effective 11/10/16; WSR 08-05-029, § 448-15-010, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-010, filed 3/1/99, effective 4/1/99.]

WAC 448-15-020 Use of test results. (1) Valid results from the PBT instruments described in WAC 448-15-010 are approved for use to determine that a subject has consumed alcohol and establish probable cause to place a person under arrest for alcohol related offenses or probable cause to support issuance of a search warrant for blood to test for alcohol.

(10/10/16)

(2) This preliminary breath test is voluntary, and participation in it does not constitute compliance with the implied consent statute (RCW 46.20.308).

(3) For purposes of this section, valid results are considered those obtained by an operator following the approved testing protocol described in WAC 448-15-030 while using an approved PBT instrument which has been certified according to the rules described in WAC 448-15-040.

(4) Valid results will show the test subject's breath alcohol concentration. These results may not be used on their own for determining, beyond a reasonable doubt, that a person's breath alcohol concentration exceeds a proscribed level such as anticipated under the 'per se' statutes for intoxication.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-020, filed 10/10/16, effective 11/10/16; WSR 08-05-029, § 448-15-020, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-020, filed 3/1/99, effective 4/1/99.]

WAC 448-15-030 Test protocol. The operator must perform the test according to the policies and procedures approved by the state toxicologist, using the following test protocol:

(1) The operator will advise the subject that this is a voluntary test, and that it is not an alternative to any evidential breath alcohol test.

(2) The operator will determine by observation or inquiry, that the subject has not consumed any alcohol in the fifteen minutes prior to administering the test. If the subject has consumed alcohol during that period, the officer should not administer the screening test for probable cause purposes until fifteen minutes have passed. If the subject responds that they have not consumed any alcohol in the last fifteen minutes, the officer may offer the subject the opportunity to provide a breath sample into the PBT instrument.

(3) Ensure a blank test result is obtained.

(4) Have the subject exhale into the mouthpiece with a full and continuous exhalation.

(5) Observe the results.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-030, filed 10/10/16, effective 11/10/16; WSR 08-05-029, § 448-15-030, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-030, filed 3/1/99, effective 4/1/99.]

WAC 448-15-040 Certification. Any PBT instrument used must have been certified within the previous six months. In order to certify a PBT instrument as accurate, the certifying agent must follow a protocol approved by the state toxicologist.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-040, filed 10/10/16, effective 11/10/16; WSR 08-05-029, § 448-15-040, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-040, filed 3/1/99, effective 4/1/99.]

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WAC 448-15-060 PBT technicians. (1) PBT technicians will be issued a permit after:

(a) Successful completion of the training which must be renewed every three years; or

(b) Being certified as evidential breath test instrument technicians as described in chapter 448-16 WAC.

(2) PBT technicians will perform periodic certification and maintain records on PBT instrument certification.

[Statutory Authority: RCW 46.61.506. WSR 16-21-026, § 448-15-060, filed 10/10/16, effective 11/10/16; WSR 08-05-029, § 448-15-060, filed 2/12/08, effective 3/14/08; WSR 99-06-047, § 448-15-060, filed 3/1/99, effective 4/1/99.]