

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.

(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.]