

WSR 22-14-099
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL
[Filed July 5, 2022, 11:01 a.m.]

Subject of Possible Rule Making: WAC 448-16-060 Determining agreement of duplicate breath samples.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct an administrative oversight in WAC 448-16-060(2) regarding the method for determining agreement between duplicate breath samples obtained during an evidential breath test.

WAC 448-16-060, in its current form, provides a method of determining agreement between duplicate breath samples by **rounding** the mean of the four results to the fourth decimal place. However, the evidential instrument, known as the Draeger Alcotest 9510, **truncates** to the fourth decimal place. This rule change is necessary to align the WAC language and the method employed by the Draeger Alcotest 9510.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing.

Process for Developing New Rule: Agency review. Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSP will file a Proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website wsp.wa.gov/rules-development.

July 5, 2022
John R. Batiste
Chief