

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-136
Hawaii Administrative Rules

October 30, 1984

SUMMARY

Chapter 19-136, Hawaii Administrative Rules,
entitled "Intoxilyzer" is adopted.

NOV 13 3 58 PM '84
DEPT. OF TRANSPORTATION
MOTOR VEHICLE SAFETY

HAWAII ADMINISTRATIVE RULES
TITLE 19
DEPARTMENT OF TRANSPORTATION
SUBTITLE 5
MOTOR VEHICLE SAFETY OFFICE
CHAPTER 136
INTOXILYZER

- §19-136-1 Purpose
- §19-136-2 Definitions
- §19-136-3 Instrument or intoxilyzer utilized
- §19-136-4 Operational procedures
- §19-136-5 Certified operators required
- §19-136-6 Severability
- §19-136-7 Violation
- §19-136-8 Repeal of emergency rules

Historical note. This chapter is based substantially upon emergency rules adopted as chapter 19-136, Hawaii Administrative Rules. [Eff 6/7/84; reenacted 10/4/84; R NOV 15 1984]

§19-136-1 Purpose. The purpose of this chapter is to establish a system for the detection of persons driving under the influence of alcohol and to implement section 286-151, Hawaii Revised Statutes. [Eff NOV 15 84] (Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:
"Director" means the director of transportation or an authorized representative.
"State" means the State of Hawaii.
"State or county agency having jurisdiction" means the state or county department or agency having the responsibility for administering and enforcing standard procedures for testing breath samples established for the instrument or intoxilyzer by its manufacturer.

"Instrument or intoxilyzer" means any device specified in the National Highway Traffic Safety Administration Qualified Products List of Evidential Breath Testers for Alcohol Content under the Federal Standard for Devices to Measure Breath Alcohol (44 Fed. Reg. no. 111, p. 32781, June 7, 1979; also on 47 Fed. Reg. no. 43, p. 9313, March 4, 1982; both amending 39 Fed. Reg. 41399).

"Qualified testing personnel" means any person receiving proper training in the operation of the instrument or intoxilyzer and is certified as a qualified operator of the instrument or intoxilyzer by the chief of police of the county in which the test is to be conducted and is also certified as qualified to conduct the test procedures described in chapter 11-111, Hawaii Administrative Rules, entitled "Testing of Blood, Breath and Other Bodily Substances for Alcohol Concentration". [Eff NOV 15 1984] (Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-3 Instrument or intoxilyzer utilized. The instrument or intoxilyzer to be used in the test of breath samples to determine the alcoholic content of the blood of a person tested shall be the 4011 AS or any other instrument specified in the National Highway Traffic Safety Administration Qualified Products List of Evidential Breath Testers for Alcohol Content under the Federal Standard for Devices to Measure Breath Alcohol (44 Fed. Reg. no. 111, p. 32781, June 4, 1979; also on 47 Fed. Reg. no. 43, p. 9313, March 4, 1982; both amending 39 Fed. Reg. 41399). [Eff NOV 15 1984] (Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-4 Operational procedures. Each state or county agency having jurisdiction over the instrument or intoxilyzer shall follow established operational procedures which have been approved by the state director of health. [Eff NOV 15 1984] (Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-5 Certified operators required. An instrument or intoxilyzer used in the test of breath samples to determine the alcoholic content of the blood of the person tested for the purposes of section 286-151, Hawaii Revised Statutes, shall be operated by qualified testing personnel. [Eff NOV 15 1984] (Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-6 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remaining provisions of this chapter. [Eff NOV 15 1984]
(Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-7 Violation. Any person omitting the required act or committing the prescribed acts or using equipment contrary to the requirements of this chapter shall be in violation of this chapter and subject to chapter 286, Hawaii Revised Statutes. [Eff NOV 15 1984]
(Auth: HRS §286-151) (Imp: HRS §286-151)

§19-136-8 Repeal of emergency rules. The emergency rules adopted as chapter 19-136, Hawaii Administrative Rules, on June 7, 1984, and reenacted on October 4, 1984, are repealed. [Eff NOV 15 1984]
(Auth: HRS §286-151) (Imp: None)

DEPARTMENT OF TRANSPORTATION

I, WAYNE J. YAMASAKI, in my capacity as the Director of Transportation of the State of Hawaii, pursuant to the authority vested in me by law, do hereby adopt Chapter 19-136, Hawaii Administrative Rules, relating to the Intoxilyzer.

This chapter is being adopted following public hearings held on October 3, 1984, notice of which was duly published on September 12, 1984 in the Honolulu Advertiser and Honolulu Star-Bulletin.

Chapter 19-136, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.


WAYNE J. YAMASAKI
Director of Transportation

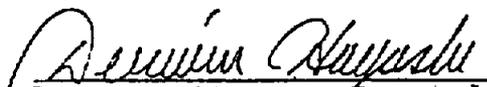
Date: 10/30/84

APPROVED:


GEORGE R. ARIYOSHI
Governor
State of Hawaii

Date: 11-2-84

APPROVED AS TO FORM:


Deputy Attorney General

REC'D. BY

NOV 5 PM 3 47

LI. GOVERNOR'S OFFICE