Kandace Yearsley – 3/6/2015

Uniform Interstate Family Support Act

The 2008 amendments to the Uniform Interstate Family Support Act (UIFSA) represent a collaborative effort among the Uniform Law Commission ("ULC"), federal and state child support officials, and representatives of national child support organizations. They standardize rules for the enforcement and modification of family support orders -- both domestic and international. UIFSA 2008 builds upon important 2001 amendments to UIFSA.

WHY SHOULD A STATE ENACT THE 2008 UIFSA AMENDMENTS?

- **One Controlling Order**
  The cornerstone of UIFSA is that it ensures there is one order between the parties that controls the amount of current support. That critical goal only works as long as every state has the same version of UIFSA with the same limitations on modification. The 2001 and 2008 amendments to UIFSA add three bases for modification jurisdiction: (1) Parties can consent to have the issuing state modify the order, even though no party continues to reside there. This amendment will particularly benefit residents of bordering states, who may have an order from one jurisdiction but now live in another. (2) A U.S. tribunal retains jurisdiction to modify its own order -- even if no one lives in that state -- if one party resides in another U.S. state and the other party resides outside the United States. This 2008 provision means that a U.S. resident continues to have a U.S. forum to hear the modification request. (3) A U.S. tribunal can modify a foreign order from a non-Convention country if the other country cannot or will not modify its order under its laws. This provision also ensures that, if needed, there is U.S. forum for a U.S. resident.

- **Improved Evidentiary Provisions**
  The 2001 amendments provide that a tribunal cannot require the physical presence of an individual nonresident party (the petitioner or the respondent). This change increases a party's access to the court or administrative agency. The amendments require a tribunal to permit a nonresident party or witness to testify by telephone, audiovisual means, or other electronic means at a location designated by the tribunal. This change is beneficial in several ways: (1) it ensures that a nonresident can participate in a hearing without the expense of travel; (2) it will therefore likely reduce the number of default orders; and (3) it ensures that the tribunal has access to more complete and current information than can be conveyed in paper pleadings. The 2001 amendments also recognize technological advances by referring to a "record," which includes information stored in an electronic medium.

- **Duration of Support**
  The amendments make clear that if a noncustodial parent has fulfilled the support duty under the controlling order, a tribunal in another state with a longer duration cannot impose a further support obligation through an establishment proceeding.

- **Redirection of Payments**
  One of UIFSA's goals is get support payments to a relocated custodial parent as quickly

as possible while ensuring that there is an accurate accounting record. When everyone has left the state that issued the controlling order, the 2001 amendments to UIFSA allow a support enforcement agency to request a redirection of payments to the support enforcement agency in the state in which the obligee is now receiving child support services.

- **Direct Income Withholding**
  The 2008 amendments change direct income withholding so that a U.S employer is no longer required to honor an income withholding order directly sent to the employer from a foreign country. This change will benefit U.S. employers because their payroll offices will no longer have to make legal decisions about the validity of a foreign order.

- **Funding**
  The 2014 federal law requires a state to enact the 2008 UIFSA amendments by the end of its 2015 legislative session as a condition for continued receipt of federal funds supporting the state child support program.

- **International Cases**
  The 2014 Preventing Sex Trafficking and Strengthening Families Act serves as the federal implementing legislation for the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The 2008 amendments to UIFSA implement the Convention at the state level. The United States cannot become a party to the Convention until all states have enacted UIFSA 2008. The Convention and implementing UIFSA 2008 amendments greatly improve child support services when one parent lives outside of the United States:
  - Many foreign countries will not process foreign child support requests in the absence of a treaty obligation. More countries have already ratified the Convention than have entered into bi-lateral agreements with the U.S. Simply put, more U.S. families will receive child support once the U.S. becomes a party to the Convention.
  - A country can only ratify the Convention upon submission of laws and procedures indicating its ability to comply with these Convention requirements.
  - Enactment of the 2008 UIFSA amendments will ensure that U.S. residents receive free legal services when they seek enforcement of a child support order through the Central Authority in any Convention country.
  - The current U.S. bi-lateral arrangements do not contain the important details that the U.S. helped negotiate into the Convention, such as administrative cooperation, procedures for recognition and enforcement of orders, and timeframes for taking specific actions.
  - The 2008 amendments allow a state legislature to decide how it wants to handle international cases. A state can choose between two alternatives: (1) the state must, upon request, provide services to any petitioner, regardless of where the petitioner resides; or (2) the state must, upon request, provide services to a petitioner requesting services through a Central Authority [which means a Convention country or a country with which the U.S. has a bi-lateral agreement] and may, upon request, provide services to petitioners residing in other foreign nations. UIFSA 2008 gives states flexibility that does not currently exist under UIFSA.

RS 23418 – Relating to the Uniform Interstate Family Support Act

Mr. (Madame) Chairman, members of the committee

Good afternoon, my name is Kandee Yearsley I am the Child Support Bureau Chief with the Department of Health and Welfare, Division of Welfare. I am here to present RS 23418 relating to the Uniform Interstate Family Support Act.

Before I get started, I would like to acknowledge the Idaho delegation to the Uniform Law Commission, which is the organization that drafted these amendments.

On September 18, 2014, Congress passed the Preventing Sex Trafficking and Strengthening Families Act which includes the requirement for all states to enact the 2008 Amendments to the Uniform Interstate Family Support Act, also known as UIFSA, during their 2015 legislative session.

These amendments incorporate provisions of the 2007 Hague Convention on International Recovery of Child Support and Family Maintenance, and improve the enforcement of American child support orders abroad. In addition, the amendments include some minor technical corrections and changes to reflect advancements in technology that can be utilized to increase access to the courts.

UIFSA 2008 constitutes a limited, rather than comprehensive, revision of the act. It adds a definition of record to allow for electronic transmission of testimony, and allows telephonic or other electronic testimony to non-resident parties. Other changes include replacing "under oath" with "under penalty of perjury" for documents and affidavits, and allowing the child support enforcement program to redirect payment of orders when no party lives in the order issuing state.

With regard to international casework, it is designed to integrate the Convention into state law and not significantly amend UIFSA 2001, which is the current version of UIFSA in Idaho. It integrates the requirements of the Convention into current text by adding foreign country, which in prior versions of UIFSA, foreign countries were equated with states.

Finally, sections 46-59 of the amendment constitute a stand-alone procedure to direct a "tribunal of this state" on the dos and don'ts unique to the Convention support orders containing issues only applicable under the convention.

The requirement that all 50 states enact UIFSA2008 in a verbatim manner is required for the United States to participate and obtain the benefits of the Hague Convention. Currently 32 countries have ratified.

This amendment is required for continued receipt of federal funds supporting the child support program which is a required Program in order to qualify for the TANF block grant.

This amendment is designed to help children residing in Idaho to receive the financial support due from parents, wherever those parents may reside.

I ask you to send RS 23418 to print and I stand for questions.

NATIONAL SAFETY COUNCIL
COMMITTEE ON ALCOHOL AND OTHER DRUGS

RECOMMENDATIONS OF THE SUBCOMMITTEE ON ALCOHOL TECHNOLOGY, PHARMACOLOGY, AND TOXICOLOGY

ACCEPTABLE PRACTICES FOR EVIDENTIAL BREATH ALCOHOL TESTING

A. Forensic breath alcohol test programs differ between jurisdictions for a variety of sound and important reasons. Programs differ with regard to instrumentation, protocols, personnel training and responsibility, documentation, etc. Programs also differ because of jurisdictional variations in statutory language, case law, administrative rules, political concerns, program funding, penalties associated with convictions, etc.

B. The significant weight assigned to breath alcohol results, along with the serious consequences arising from conviction on an impaired driving offense require evidential breath alcohol testing programs to implement appropriate quality assurance measures. [1-7]

C. The purpose of this subcommittee's recommendations is to outline the basic elements necessary for establishing quality assurance and fitness-for-purpose in evidential breath alcohol measurements.

   1. These recommendations apply to both fixed location and roadside evidential breath alcohol testing.
   2. Roadside evidential breath alcohol testing may require additional consideration for factors such as:
      a. testing for radio frequency interference, [7, 8a, 9]
      b. use and type of control standards, [1, 2, 7, 8b, 8c, 10-17]
      c. operating environment, [8d]
      d. instrument mounting,
      e. adequate electrical power supply.

D. The following recommendations are considered necessary for establishing reliable evidential breath alcohol test performance and enabling meaningful measurement interpretation.

   1. Instruments should be operated, and tests administered by, trained and qualified breath alcohol test instrument operators. [1, 2, 7, 8e, 8f, 9]
   2. Instruments should be approved by an appropriate agency and, if used in the United States, also appear on the National Highway Traffic Safety Administration's Conforming Products List. [8f, 8g, 8h, 9]
   3. Testing protocols should employ a minimum pre-exhalation mouth alcohol deprivation period of 15 minutes. [1, 2, 7, 8b, 8i, 9, 10, 18, 19]

The use of the term "alcohol" in this document refers to "ethanol" unless otherwise noted.

4. Breath alcohol measurements should be conducted on at least duplicate independently exhaled end-expiratory breath samples; the breath sample results should agree within the applicable established and documented criteria. [1, 2, 7, 8l, 9, 18]
5. At least one control analysis should be performed as a part of each subject test sequence as an assessment of within-run accuracy and/or verification of calibration. [1, 2, 7, 8b, 9]
    a. Controls should consist of either wet bath simulator ethanol vapor or dry gas ethanol standard.
    b. Predetermined and documented acceptable control results should be established.
    c. Control results found to be unacceptable during a test sequence should require the performance of a complete new test sequence or result in disabling the breath alcohol test instrument until it is inspected by appropriately trained personnel.
6. An ambient air blank/analysis should be performed before and after each breath and control sample analytical measurement. [1, 7, 8b, 8d, 9]
7. Any non-compliance or non-conformity with established and documented evidential test sequence protocol criteria should require the performance of a complete new evidential test sequence.
8. Printouts of all completed tests should show the results of all breath samples, ambient air analyses/blanks and control analyses performed during a subject test sequence. [2, 7, 9]
    a. Jurisdictions may choose to report a reduced or statistically adjusted result in addition to the actual analytical results. [7]
    b. The date of analysis, instrument serial number and all measurement times should appear on the printout. [1, 7]
    c. Any error messages generated during the test sequence should appear on the printout.
    d. If a test is invalid, the reason for the invalidity should appear on the printout.
9. Periodic calibration, verification of calibration and/or certification of instruments must be performed in conformance with the documented and approved protocol recognized by the applicable jurisdiction. [1, 2, 9]
10. Periodic recertification of breath test instrument operators should be done in compliance with documented and established training criteria recognized by the applicable jurisdiction at least every five years. [2, 8j, 8k]

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WAC 448-16-070

Review, approval, and authorization of protocols or procedures and methods by the state toxicologist.

The state toxicologist will review, approve, and authorize such protocols of procedures and methods (of the toxicologist's own promulgation or submitted by outside agencies or individuals for consideration) required in the administration of the breath test program. These protocols will be updated as necessary to maintain the quality of the breath test program.

[Statutory Authority: RCW 46.61.506. WSR 10-24-066, § 448-16-070, filed 11/30/10, effective 12/31/10; WSR 04-19-144, § 448-16-070, filed 9/22/04, effective 10/23/04.]

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November 21, 2014

Captain Clark Rollins
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83642

Re: Rules Governing Alcohol Testing
MKA File No. 1690.01

Dear Captain Rollins:

Enclosed please find the original *Hearing Officer's Report* prepared by Michael Kane. Also enclosed we return herewith your documents received from Mr. Elkins that we borrowed for reference.

If you should have any questions regarding the enclosed, please do not hesitate to contact this office. Thank you.

Yours very truly,

TRACEY L. PRESLER
Assistant to Michael J. Kane

:tlp
Enclosures

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STATE OF IDAHO, IDAHO STATE POLICE

In Re:	Docket No. 11-0301-1401 IDAPA 11.03.01
RULES GOVERNING ALCOHOL TESTING	**HEARING OFFICER'S REPORT**

I was appointed as a Hearing Officer by the Idaho State Police (ISP) to conduct a public hearing regarding the adoption of the Temporary and Proposed Rule Governing Alcohol Testing, IDAPA 11.03.01. A public hearing was noticed for 1:00 p.m. on November 13, 2014, at the Idaho State Capitol Building. The hearing was conducted beginning at 1:00 p.m.

With respect to IDAPA 11.03.01, Rules Governing Alcohol Testing, the temporary and proposed rule is to add portions of what heretofore have been described as "standard operating procedures" (SOP) pertaining to alcohol testing into rules of ISP. Specifically, the following procedures were added to ISP's administrative rules: breath alcohol instrument training requirements for operators and specialists; breath alcohol instrument performance verification and calibration requirements and rules; breath alcohol testing requirements and procedures;

alcohol laboratory approval and operational standards; minor in possession / minor in consumption (MIP/MIC) testing methods; and passive testing procedures.

The public hearing was scheduled pursuant to the Idaho statutes pertaining to the adoption of proposed rules. The hearing was recorded by the Idaho State Police.

Jeremy Johnston, a certified toxicologist employed by ISP, and Jared Olson, an impaired driving expert employed by the Idaho Prosecuting Attorney's Association, testified in support of the temporary and proposed rule. Mr. Olson prepared a written presentation and included numerous authorities pertaining to the issues before the Hearing Officer.

Thomas McCabe, an attorney in private practice, testified in opposition to those portions of the temporary and proposed rule wherein the word "should" had been substituted for the words "must" or "shall" in previous publications of the standard operating procedures.

Brian Elkins, an attorney in private practice, did not testify but submitted written comments with attached documents.

Other than the written comments provided by Mr. Olson and Mr. Elkins, no other comments were presented either in favor of, or in opposition to, the temporary and proposed rule at the public hearing or in conformance with the opportunity to present written comments as described at the hearing and in the notice of hearing.

Based upon the information reviewed by this Hearing Officer, ISP has complied with the statutory and administrative rules pertaining to the preparation, publication, notification and the opportunity for public input and participation for the temporary and proposed rule.

RECOMMENDATION

No specific opposition was had as to subsections 010 and 013, pertaining respectively to a series of definitions and requirements for laboratory alcohol analysis.

As noted above, the primary thrust of the testimony and writings in opposition to the temporary and proposed rule pertain to subsection 014, pertaining the requirements for performing breath alcohol testing. Specifically, the suggestion of the opponents was to replace the word "should" found in subsections 014.03, 014.05 and 014.09 with the word "shall."

The Idaho appellate courts have thrice expressed the opinion that the word "should" does not state a mandatory condition. See *Lawton v. City of Pocatello*, 126 Idaho 454, 886 P.2d 330 (1994); *Wheeler v. Idaho Transportation Dept.*, 148 Idaho 378, 223 P.3d 761 (2009); *Neighbors for a Healthy Gold Fork v. Valley County*, 145 Idaho 121, 176 P.3d 126 (2007). Of the three cases, *Wheeler* is most pertinent as it dealt with ISP's SOPs pertaining to changing an Intoxilyzer 5000's calibration solution. The SOP, like the temporary and proposed rule pertaining to performance verification (IDAPA 11.03.01014.05), stated that "[t]he 0.08 solution should be changed approximately every 100 calibration checks or every month whichever comes first." The court held that the word "should" is properly interpreted as an advisory term or strong recommendation. The court went on to review the remainder of the SOP, and determined that because the word "shall" was used elsewhere in the SOP, the court found that it was "not persuaded that the ISP meant for such a distinction to be meaningless and illusory." 148 Idaho at 386. Hence, because the word "should" was used, a calibration solution change occurring after 117 calibration checks did not render the blood alcohol content test inadmissible *per se*. Rather, the court held that this opened the door for the driver to attack the evidentiary test results through

expert testimony or other information proving that the violation rendered the result unreliable. The court noted this was best accomplished on a case by case basis.

Based upon the *Wheeler* case, it is clear that both the SOP and the current temporary and proposed rule sets an approximate range for replacement of the performance verification standard wet bath. Although the outside limit to this range is not stated, the court has made it clear that this will be determined on a case by case basis. The approximate range is set in order to avoid a *per se* suppression of a breath test when, at least in theory, such a *per se* suppression would not be scientifically reasonable.

As to the word "should" found in the temporary and proposed rule at IDAPA 11.03.01014.09, dealing with MIP/MIC, it is clear from the context and from the email discussions at ISP that the goal is to determine whether an underage individual has been ingesting alcohol in any quantity. The primary use of the Intoxilyzer 5000 in adult driving under the influence cases is to determine blood alcohol content. That goal is not relevant in determining whether or not an underage person has been drinking any alcoholic beverages at all. Hence, the requirements for driving under the influence cases are not imposed in MIP/MIC cases. Hence, the word "should" rather than "shall" found in various places within subsection 014.09, will not lead to a *per se* suppression of the test, nor should it. Obviously, if an individual wishes to present scientific information to challenge the results of the test, he may still do so. Moreover, even though the word "should" was attacked by Mr. McCabe and Mr. Elkins, they did not speak to its use in the MIP/MIC setting.

For these reasons, I recommend adoption of the temporary and proposed rule as it applies to IDAPA 11.03.01.010; .013; 014.01; 014.02; 014.04; 014.05; 014.06; 014.08; and 014.09. [1]

[1] IDAPA 11.03.01.014.07 is a rule adopted in 2011 and is therefore not subject to the temporary and proposed rule.

This leaves IDAPA 11.03.01014.03, pertaining to administration of breath tests. The comments of the criminal defense attorneys who testified primarily go to this subsection.

The word "should" appears thirteen (13) times in subsection 014.03. The word in some instances is used in the purely recommendatory sense, and in others has been substituted for what heretofore had been absolutely required. Because of the differences in context, these will be discussed separately.

Subsections 014.03.b and 014.03.c deal with the fifteen (15) minute observation period prior to administration of the breath test. The fifteen minute period has long been considered an Idaho standard, and up to now there has been little question that if the fifteen minute period was not honored, the breath test result would be suppressed. In reviewing the content of subsection 014.03, it does not appear that ISP intends that the fifteen minute test be abandoned. For example, subsection 014.03.d, pertaining to mouth alcohol indicated by the testing instruments, speaks in terms of "another fifteen (15) minute observation period." Similarly, if an individual refuses to deliver a second breath sample, the first breath sample will be considered only when the fifteen minute observation period is observed. (Subsection 014.03.e). Because no operator would know in advance if an individual was going to refuse a second breath sample, it would seem axiomatic that the fifteen minute test would have to occur in every case for the BAC result to be considered legally effective.

Because it does not appear that ISP intends to abandon the fifteen minute test, and the "should" in subsection 014.03.c could be interpreted as discretionary, it is recommended that the word "should" be changed. However, there are other uses of the word "should" that appear to be intended to be recommendatory. For these reasons, it is recommended subsections 014.03.b; 014.03.c; and 014.03.d read as follows:

of measurement or linearity standards. They need not be placed in a rule. In an appropriate case, expert testimony may be used to challenge the reliability of the BAC testing on these issues. Therefore, it is not recommended that the rules contain additional requirements regarding uncertainty of measurement or linearity.

CONCLUSION

It is recommended that ISP adopt the Temporary and Proposed Rule Governing Alcohol Testing, IDAPA 11.03.01, with the addition of the changes as described above.

RESPECTFULLY SUBMITTED this 21st day of November, 2014.

Michael Kane

MICHAEL J. KANE
Hearing Officer

July 2014—Nauert Decision (Judge John R. Stegner—First Judicial District)

- "The SOPs and manuals are not rules, they cannot be given the force and effect of law
- The SOPs are, at most, internal guidelines or standards
- Internal guidelines do not have the force and effect of law, they govern internal management
- Internal guidelines cannot affect private rights or procedures available to the public
- As a result, internal guidelines are also incapable of affecting the Rules of Evidence
- If the ISP were required to follow rule making procedures, the SOPs and manuals would at least be subject to outside scrutiny"

June 2014—Hern Decision (Judge Jeff M. Brudie—Second Judicial District)

- SOPs are valid, they are not rules, nor are they required to be rules
- They are standards or guidelines lawfully established pursuant to a validly promulgated rule
- Procedural standards for law enforcement to follow
- Insure test results are accurate and eliminate the need for expert testimony
- Do not need to be promulgated in accordance with the Administrative Procedures Act

July 8th 2014—ISPFS notified of Nauert Decision

July -August 2014—

- ISPFS reviewed Nauert Decision with DAG and Admin Rules
- ISPFS decided to embark on rule making process
- Adapting SOP into administrative rule

September 2nd 2014—Temporary rule becomes effective

October 1st 2014—Administrative Rules Bulletin published and public comment begins

October 8th 2014—25 requests for public hearing requirement met (33 received total)

- Dodd Law Firm (2)
- Amendola Doty & Brumley Law Firm
- Attorney Brian Elkins
- Attorney Paul Riggins
- Attorney Paul Vogel
- Nevin, Benjamin, McKay, and Bartlett Law Firm (10)
- Attorney Michael Kraynick
- Kootenai County Public Defender (25)

November 13th 2014—Public comment period ends

November 13th 2014—Public Hearing WW55 Idaho State Capitol (also audio broadcast)

November 26th 2014—ISPFS response to all recommendations of hearing examiner

December 15th 2014—Temporary Rule changes from public comment and hearing

Gamette, Matthew

From: Gamette, Matthew
Sent: Wednesday, November 26, 2014 12:27 PM
To: Rollins, Clark
Cc: Johnston, Jeremy; Cutler, Rachel; Baker, Teresa; Wills, Kedrick; Powell, Ralph
Subject: IDAPA Changes

Importance: High

We have reviewed through the documentation from the public hearing and also the recommendations made by Mr. Kane. We feel this was a valuable exercise and addition to our internal review process, and appreciate his comments and recommendations. We consulted with the technical and legal experts and are proposing a few changes to the proposed rule. I will get with Teresa Baker this afternoon and ensure that the edits get communicated with the Admin rules folks.

- First, we are adding two definitions and deleting one. We felt the "Waiting Period/Monitoring Period/Deprivation Period/Observation Period" should be split into several definitions. We have now defined "Monitoring period" and "Deprivation period." The entire rule was reviewed for instances of these terms and many throughout the document were updated to be consistent with the new definitions. These definitions will be further explained below. The recommendations for change from the hearing examiner were in section 11.03.01014.03.
- 014.03a—No recommendations by the hearing examiner and no changes made.
- 014.03b--We took the recommendation of Mr. Kane to remove the second sentence. It is a statement that will stay in the SOP to help the operators understand that any objects left in the mouth during the entire monitoring period will not impact the test due to the dissipation of the alcohol content, but we felt it does not add anything to leave it in IDAPA. Some examples were moved to the first sentence and the term observation period was updated to reflect the new definition of monitoring period. We left the "should" in this sentence because these items will have no impact on the evidentiary test and the hearing officer agreed this is an appropriate use of the word in this context.
- 014.03c—With the terms "deprivation period" and "monitoring period" defined in IDAPA, this paragraph was simplified. The intent is two-fold. First, the scientific literature and undocumented experimentation at ISP shows that a 15 minute deprivation period (not allowing alcohol intake) is more than enough time to dissipate any mouth alcohol. Requiring a 15 minute minimum deprivation period has the effect of making this criteria a "shall," but the evidence still shows that mouth alcohol will not be a contributing factor in the testing much earlier in the deprivation period. Second, the definition of monitoring period incorporates the deprivation period and also an observation period. The subject should be observed and burping-belching-vomiting-regurgitation should be documented by the observer. However, there are other ways the observation could be accomplished including asking the subject if they burped-belched-vomited-regurgitated during the monitoring period. If no new alcohol is consumed, suspected mouth alcohol can be detected through the instrumentation readings. We believe the new wording incorporates the intent of the hearing examiner.
- 014.03d—The use of "shall" in this context essentially made the additional test mandatory. We resolved the problematic wording suggested by the hearing examiner by adding the word "if" instead of "before" because that makes it so the monitoring period is required if the test is performed, but does not require that the test be performed. There were many circumstances discussed where another test would not be feasible or possible. Later in the paragraph the hearing examiner also was correct that the word "officer" should be "operator."
- 014.03e—The hearing examiner recommends the two instances of "should" in this paragraph remain. We agree. However, the intent of this paragraph is for the operator to switch mouthpieces between test subjects, not between test sequences issued to the same individual. Alcohol attributable to moisture in a mouthpiece would dissipate quickly and is not additive to the next blow. In fact, the moisture would have the effect of absorbing alcohol from the next blow and would have the effect of lowering the test result. Therefore, this is strictly a hygienic recommendation to switch tubes between subjects and this was clarified in the paragraph wording.
- 014.03f—No recommendations by the hearing examiner and no changes made.
- 014.03g—The hearing examiner recommended "shall where possible" instead of "should." We considered this wording and decided to implement "shall when possible." We felt this wording gives the operator the ability to explain the circumstances behind the lack of a third test being administered.
- 014.03h—No recommendations by the hearing examiner and no changes made.
- 014.03i—No recommendations by the hearing examiner and no changes made.

Border States

Utah Administrative Code

http://www.rules.utah.gov/publicat/code/r714/r714-500.htm

Washington Administrative Code

http://app.leg.wa.gov/WAC/default.aspx?cite=448-16

Oregon Administrative Code

http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_257/257_030.html

Montana Administrative Code

http://www.mtrules.org/gateway/ruleno.asp?RN=23.4.216

Nevada Administrative Code

http://www.leg.state.nv.us/nac/NAC-484C.html

Wyoming

Administrative rules & regulations: The WCTP's scientific methods for chemical analysis can be accessed through the Wyoming Secretary of State's Office. The most recent rules went into effect on December 13, 2013 annd abrogated the January 2004 rules and regulations. The curret version of the WCTP's rules and regulations for conducting chemical analysis can be found at the following website: http://soswy.state.wy.us/Rules/default.aspx

Other States

Alabama Administrative Code

http://alabamaadministrativecode.state.al.us/docs/forsc/370-1-1.pdf

Alaska Administrative Code

See Attached

Arizona Administrative Code

https://www.azsos.gov/public_services/Title_13/13-10.pdf

Arkansas Administrative Code (doesn't appear to be in administrative code?)

http://www.healthy.arkansas.gov/aboutADH/RulesRegs/AlcoholTesting.pdf

California Administrative Code

http://www.drugdetection.net/pdf%20documents/title%2017%20california%20code%20of%20regulations%20jan%202006.pdf

Colorado Administrative Code

See Attached

Connecticut Administrative Code

See Attached

Delaware Administrative Code

Florida Administrative Code –

https://www.flrules.org/gateway/ruleNo.asp?id=11D-8.008

Georgia Administrative Code

Hawaii Administrative Code

Illinois Administrative Code

Indiana Administrative Code

Iowa Administrative Code

Kansas Administrative Code

Kentucky Administrative Code

Louisiana Administrative Code

Maine Administrative Code

Maryland Administrative Code

Massachusetts Administrative Code

Michigan Administrative Code

Minnesota Administrative Rules –

https://www.revisor.leg.state.mn.us/rules/?id=7502&view=chapter&keyword_type=&keyword=in&redirect=0

Mississippi Administrative Code

Missouri Administrative Code

Nebraska Administrative Code

New Hampshire Administrative Code

New Jersey Administrative Code

New Mexico Administrative Code

New York Administrative Code

North Carolina Administrative Code

North Dakota Administrative Code

Ohio Administrative Code

http://codes.ohio.gov/oac/3701-53

Oklahoma Administrative Code

http://www.ok.gov/bot/Breath_Testing/

Pennsylvania Administrative Code –

http://www.pacode.com/secure/data/067/chapter77/chap77toc.html

Rhode Island Administrative Code

http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/7089.pdf

South Carolina Administrative Code

South Dakota Administrative Code

Tennessee Administrative Code

Texas Administrative Code

http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=1&ch=19&rl=1

Vermont Administrative Code

Virginia Administrative Code

http://leg1.state.va.us/000/reg/TOC06040.HTM#C0020

West Virginia Administrative Code

Wisconsin Administrative Code

http://docs.legis.wisconsin.gov/code/admin_code/trans/311

Washington D.C. Administrative Code

See Attached