



THE TRANSPORT (BREATH TESTS) NOTICE 1976

PURSUANT to section 58A of the Transport Act 1962 (as inserted by section 5 of the Transport Amendment Act 1970), the Minister of Transport hereby gives the following notice.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Transport (Breath Tests) Notice 1976.

(2) This notice shall come into force on the day after the date of its notification in the *Gazette*.

2. Interpretation—In this notice, the term “Draeger Alcotest ® 80” includes Draeger Normalair Alcotest © 80 and Draeger Safety Alcotest ® 80.

3. Approval of device—Draeger Alcotest ® 80 is hereby approved as a breath-testing device for the purposes of the said section 58A of the Transport Act 1962.

4. Method of conducting breath tests—Breath tests conducted by means of the said device shall be conducted in the following manner:

- (a) *Step 1*: The sealed tips of both ends of the tube shall be broken off;
- (b) *Step 2*: The green end of the tube shall be inserted into the collar of the empty measuring bag, so that the arrow marked on the tube points towards the bag;
- (c) *Step 3*: The white end of the tube shall be pushed firmly into the mouthpiece;
- (d) *Step 4*: The subject being tested shall blow through the mouthpiece and the tube until the bag is fully inflated. As far as possible, this should be done with one single breath in 10 to 20 seconds;
- (e) *Step 5*: The constable or traffic officer conducting the test shall within 5 minutes examine the tube by daylight or any artificial light other than mercury or sodium-vapour street-lighting:

Provided that it shall be a sufficient compliance with this requirement if the constable or traffic officer examines the tube in the light of a torch or of any motor-vehicle headlight or internal light, whether or not the adjacent street-lighting is mercury or sodium vapour:

- (f) *Step 6*: If the yellow crystals are stained a green colour and this green stain extends from the end of the crystals closest to the arrow marked on the tube to and beyond the yellow ring marked around the middle of the portion of the tube containing the crystals, the test shall be taken to indicate that the proportion of alcohol in the subject’s blood exceeds 80 milligrammes of alcohol per 100 millilitres of blood.

5. Revocation—The Transport (Breath Tests) Notice 1971* is hereby revoked.

Dated at Wellington this 25th day of May 1976.

COLIN McLACHLAN,
Minister of Transport.

*S.R. 1971/92

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice replaces the Transport (Breath Tests) Notice 1971. The only change is the addition of a definition of the name of the device approved for the purposes of section 58A of the Transport Act 1962.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 27 May 1976.
This notice is administered in the Ministry of Transport.