



**THE TRANSPORT (BREATH TESTS) NOTICE (NO. 2) 1989,
AMENDMENT NO. 5**

—

PURSUANT to section 57A of the Transport Act 1962, the Minister of Transport hereby gives the following notice.

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NOTICE

1. Title and commencement—(1) This notice may be cited as the Transport (Breath Tests) Notice (No. 2) 1989, Amendment No. 5, and shall be read together with and deemed part of the Transport (Breath Tests) Notice (No. 2) 1989* (hereinafter referred to as the principal notice).

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

2. Approval of breath screening devices—The principal notice is hereby amended by revoking clause 3, and substituting the following clause:

“3. The following devices are hereby approved as kinds of breath screening devices for the purposes of breath screening tests:

- “(a) Dräger Alcotest:
- “(b) Alcoyser:
- “(c) Lion Alcolmeter:
- “(d) Alcotech AR 1005.”

3. Manner of carrying out breath screening tests by means of Alcotech AR 1005—The principal notice is hereby amended by inserting, after clause 6, the following clause:

“6A. Breath screening tests carried out by means of an Alcotech AR 1005 device shall be carried out in the following manner:

“(a) *Step 1 (preliminary action)*: The enforcement officer shall attach a mouthpiece to the breath inlet port of the device:

“(b) *Step 2 (breath screening test)*:

“(i) The enforcement officer shall depress the second button from the display panel and shall observe the display which must show ‘SCREENING READY’ before the breath screening test can proceed. The enforcement officer may press the button nearest the display panel at any time to illuminate the display:

*S.R. 1989/389

Amendment No. 1: S.R. 1992/174

Amendment No. 2: S.R. 1995/51

Amendment No. 3: S.R. 1995/376

Amendment No. 4: S.R. 1994/224

“(ii) The person being tested shall blow through the mouthpiece at a pressure and for a period to provide a specimen of breath sufficient for analysis, when instructed by the enforcement officer. If the device automatically turns off at any time before this step 2 (ii) is completed then the enforcement officer may recommence the test at step 2 (i) unless the enforcement officer believes the person being tested has failed or refused and will continue to fail or refuse to undergo forthwith the test:

“(iii) When the person being tested stops blowing, the enforcement officer shall observe the display panel of the device:

“(iv) If the display panel shows ‘BLOW AGAIN’, it means that no specimen of breath sufficient for analysis has been provided. In that case steps 2 (ii), 2 (iii), and this step 2 (iv) may be repeated unless the enforcement officer believes that the person being tested has failed or refused and will continue to fail or refuse to undergo forthwith the test:

“(c) *Step 3 (results of test):*

“(i) If the display panel shows ‘PASS’, the result shall be taken to indicate that the test is negative:

“(ii) If the display panel shows ‘FAIL YOUTH’, the result shall be taken to indicate that the proportion of alcohol in the person’s breath exceeds 150 micrograms of alcohol per litre of breath:

“(iii) If the display panel shows ‘FAIL GENERAL’, the result shall be taken to indicate that the proportion of alcohol in the person’s breath exceeds 400 micrograms of alcohol per litre of breath.”

Dated at Wellington this 4th day of September 1995.

M. WILLIAMSON,
Minister of Transport.

EXPLANATORY NOTE

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

This notice, which comes into force on the day after the date of its notification in the *Gazette*, amends the Transport (Breath Tests) Notice (No. 2) 1989. The notice approves the Alcotech AR 1005 as a kind of breath screening device, and sets out the procedure for the use of that machine for breath screening. The Alcotech AR 1005 is already approved as a kind of passive breath-testing device.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 7 September 1995.

This notice is administered in the Ministry of Transport.