Reprint

as at 3 February 2010

Transport (Breath Tests) Amendment Notice 2006

(SR 2006/292)

Transport (Breath Tests) Amendment Notice 2006: revoked, on 3 February 2010, pursuant to clause 9 of the Land Transport (Breath Tests) Notice 2009 (SR 2009/386).

Pursuant to sections 2 and 218 of the Land Transport Act 1998, the Minister of Police gives the following notice.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This notice is administered by the New Zealand Police.

1 Title

This notice is the Transport (Breath Tests) Amendment Notice 2006.

2 Commencement

This notice comes into force on 1 October 2006.

3 Principal notice amended

This notice amends the Transport (Breath Tests) Notice (No 2) 1989.

4 Interpretation

Clause 2 is amended by inserting the following definition in its appropriate alphabetical order:

"**Dräger 6510** means a Dräger Alcotest 6510; and includes any device having the trade name **Dräger**, **Drager**, or **Draeger**, and associated with the number 6510 or the expression **6510NZ**".

5 Approval of passive breath-testing device

Clause 2A is revoked and the following clause substituted:

"**2A Approval of passive breath-testing devices**

The following devices are approved as kinds of passive breath-testing devices:

"(a) Alcotech AR 1005:

"(b) Dräger 6510."

6 Approval of breath screening devices

Clause 3 is amended by adding the following paragraph:

"(e) Dräger 6510."

7 New clause 6B inserted

The following clause is inserted after clause 6A:

"**6B Manner of carrying out breath screening tests by means of Dräger 6510**

Breath screening tests carried out by means of a Dräger 6510 device must be carried out in the following manner:

"(a) *step 1* (preliminary action)—

"(i) the enforcement officer must observe the display panel showing **READY**. If the display panel does not show **READY**, the officer must depress the **OK** button briefly and repeat this step 1(i):

"(ii) the enforcement officer must, before or after step 1(i), attach a mouthpiece to the breath inlet port of the device:

"(b) *step 2* (breath screening test)—

"(i) the person being tested must 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:

"(ii) after the person being tested stops blowing, the enforcement officer must observe the display panel of the device:

"(iii) if the display panel shows **Insufficient Volume**, it means that no specimen of breath sufficient for analysis has been provided. In that case, the enforcement officer may depress the **OK** button on the device, and repeat step 1(i) and this step 2, unless the officer believes the person being tested has failed or refused and will continue to fail or refuse to undergo the test without delay:

"(iv) if the display panel shows **NO ALCOHOL** or **ALCOHOL**, during or after the purported breath screening test, it means the **OK** button has been depressed during the test. In that case the enforcement officer must depress the **OK** button on the device, and repeat step 1(i) and this step 2:

"(c) *step 3* (results of test)—

"(i) if the display panel shows **PASS**, the result indicates that the test is negative. As a confirmation, the indicator light will be a steady green for a short time (approximately 20 seconds or such shorter time as the officer may permit):

"(ii) if the display panel shows **FAIL YTH**, the result indicates that the proportion of alcohol in the person's breath exceeds 150 micrograms of alcohol per litre of breath. As a confirmation, the indica-

tor light will be a steady amber or red for a short time (approximately 20 seconds or such shorter time as the officer may permit):

"(iii) if the display panel shows **FAIL GEN**, the result indicates that the proportion of alcohol in the person's breath exceeds 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady red for a short time (approximately 20 seconds or such shorter time as the officer may permit)."

Dated at Wellington this 25th day of September 2006.

Annette King,

Minister of Police.

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1 General
2 About this eprint
3 List of amendments incorporated in this eprint (most recent first)

Notes

1 General

This is an eprint of the Transport (Breath Tests) Amendment Notice 2006. It incorporates all the amendments to the notice as at 3 February 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please *see* "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Land Transport (Breath Tests) Notice 2009 (SR 2009/386): clause 9