SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.1	DATE: 09/01/93	REVISION DATE: 03/17/95
TITLE: IMPLIED CONSENT - BREATH ALCOHOL DEVICE APPROVAL		PAGE 1 OF 2

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES:
S.C. Code of Laws, Section 56-5-2950
S.C. Code of Laws, Section 50-21-114
S.C. Code of Laws, Section 55-1-100
S.C. Code of Laws, Section 56-1-2130
S.C. Code of Laws, Regulation 73-1
S.C. Code of Laws, Regulation 73-2
S.C. Code of Laws, Regulation 73-3

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will approve breath alcohol devices and training curriculum necessary for the implied consent program.

SPECIFIC PROCEDURES: The Division is responsible for certifying breath alcohol testing devices, test operators, and test procedures through the authority of the implied consent laws (56-5-2950, 50-21-114, 55-1-100, and 56-1-2130) and Regulations 73-1 through 73-3 of the South Carolina Code of Laws, 1976, as amended. The Division has the statutory responsibility of approving evidential breath alcohol testing devices to be used to test subjects who are under arrest for DUI (driving under the influence, 56-5-2930), Felony DUI (felony driving under the influence, 56-5-2945), BUI (boating under the influence, 50-21-112), or FUI (flying under the influence, 55-1-100) of the S.C. Code of Laws, 1976, as amended. The Division also has the statutory responsibility of approving evidential breath alcohol testing devices to be used to test subjects who are stopped and/or detained for CDL (commercial driver's license, 56-1-2120) violations of the S.C. Code of Laws, 1976, as amended.

The Division will consider for approval only evidential breath alcohol testing devices that first have been tested and approved for their accuracy and reliability by the National Highway Traffic and Safety Administration of the United States Department of Transportation. Currently, the only evidential breath alcohol devices approved and supported by the Division are the Model 900 Breathalyzer and the BAC DataMaster. The model designation, BAC DataMaster, includes devices with internal or external keyboards. Other methods and/or devices may be considered for approval only after demonstration to the Implied Consent Department that such methods meet the standards as set by the Division. The supply and support for breath alcohol testing devices shall be provided by the Implied Consent Department.

The Division may accomplish part of its statutory responsibility under the implied consent laws by administratively delegating to the S.C. Criminal Justice Academy the function of training law enforcement officers to conduct breath alcohol tests. The Division will approve the training programs and certify the operators and instructors. Additionally, SLED will certify breath test specialists. A breath test specialist is certified through the Implied Consent Department to certify, inspect, repair, and perform general maintenance on breath testing devices.

BY ORDER OF:

Robert M. Stewart, Chief