

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION**

4400 BROAD RIVER ROAD  
COLUMBIA, SOUTH CAROLINA 29210

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| POLICY #: 8.12.20   | DATE: 09/01/93 | REVISION DATE: |
| TITLE: IMPLIED CONSENT - BAC DATAMASTER SIMULATOR<br>SOLUTION COUNTER |                | PAGE 1 OF 1    |

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

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

**POLICY:** The Division will establish procedures for properly conducting implied consent BAC DataMaster breath alcohol tests.

**SPECIFIC PROCEDURES:** The instrument counts the number of simulator tests and requires a solution change after 100 tests or 31 days, whichever comes first, before any more subject tests can be administered. The solution may also be changed at any time prior to the mandatory change. If a status/error code of "0.10% SIMULATOR FAILED" is encountered during a subject test, this does not indicate that the simulator solution and/or bottle is improper. It is not required or even suggested that the bottle of simulator solution be changed after one or more "0.10% SIMULATOR FAILED" status/error codes during subject tests. However, as stated above, it is permissible to change the solution at any time prior to the mandatory change. This code ("0.10% SIMULATOR FAILED") just indicates that the calibration check did not pass. Often, status/error codes do not require a inspection and/or repair action be undertaken. An inspection and/or repair may be performed by a SLED certified breath testing specialist when this or other status/error code repeatedly occurs.

After 90 simulator tests or 26 days, whichever comes first, the instrument will display, "CHANGE SOLUTION SOON". This message will display at the beginning of the test sequence until a solution change is performed or a mandatory change is dictated. When a mandatory solution change is indicated, the instrument will not leave the "CHANGE SIM. SOLUTION" status until an acceptable solution change has been completed. It is acceptable for the time period between simulator solution changes to exceed 31 days, since the BAC DataMaster will not allow tests after 31 days until the solution is changed.