

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 10. PERSONNEL**

SUBCHAPTER 3. BREATH-ALCOHOL ANALYSTS

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Chapter 10. Personnel

40:10-3-7. Instructors for breath-alcohol training courses

AUTHORITY:

Board of Tests for Alcohol and Drug Influence; 47 O.S. §759

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET

SECRETARY:

December 23, 2014

COMMENT PERIOD:

January 15, 2015 through February 19, 2015.

PUBLIC HEARING:

February 19, 2015

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 23, 2015

APPROVED BY GOVERNOR'S DECLARATION:

June 8, 2015

FINAL ADOPTION:

June 8, 2015

EFFECTIVE:

September 11, 2015

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

CONTACT PERSON:

Kevin Behrens, State Director of Tests, Board of Tests for Alcohol and Drug Influence,
P.O. Box 36307, Oklahoma City, OK 73136, 405-425-2460, kbehrens@dps.state.ok.us

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES
ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS
250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2015:**

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 10. PERSONNEL**

SUBCHAPTER 3. BREATH-ALCOHOL ANALYSTS

40:10-3-7. Instructors for breath-alcohol training courses

(a) **Policies pertaining to breath-alcohol training instructors.** The following policies apply to instructors for breath-alcohol training courses ~~or programs under the jurisdiction and authority of the Board of Tests for Alcohol and Drug Influence:~~

(1) Only the State Director of Tests for Alcohol and Drug Influence or persons possessing the qualifications set forth herein and holding an appropriate valid and current instructor permit shall conduct instruction and training within the State of Oklahoma in breath-alcohol analysis and related subjects under the jurisdiction and authority of this Board.

(2) Instructor permits shall be issued to qualified persons by authority of the Board of Tests for Alcohol and Drug Influence in such categories or combinations of categories as may, from time to time, be established by the Board.

(3) Instructors shall comply with this Board's rules and the policies, practices, procedures and directives for breath-alcohol analysis training established by authority of this Board, and with the other conditions and requirements set forth herein.

(b) **Qualifications of instructors.** Breath-alcohol training instructors shall possess the following qualifications:

(1) ~~Employee of a recognized Oklahoma law enforcement agency~~ Possession of a valid Breath Alcohol Operator Permit in accordance with OAC 40:10-3-1 or OAC 40:10-3-3.

~~(2) Minimum age of 21 years.~~

~~(3) Good moral character~~

~~(4) Current certification by the Council on Law Enforcement Education and Training as a general instructor, specialized instructor, or adjunct instructor, or eligibility for such CLEET certification.~~

~~(5) Possession of a valid and appropriate Breath Alcohol Analysis Supervisor Permit for all approved evidential breath instruments authorized to use a wet bath simulator for verification, issued by authority of the Board of Tests for Alcohol and Drug Influence.~~

~~(6) (2) Satisfactory completion of a breath-alcohol training an instructor development course or school acceptable to the Board of Tests for Alcohol and Drug Influence, as determined by the State Director of Tests for Alcohol and Drug Influence, or equivalent background as determined by the State Director of Tests for Alcohol and Drug Influence.~~

~~(7) (3) Competence to conduct instruction and training and to administer examinations, in one or more appropriate categories of training in breath-alcohol analysis and closely related subject matter, as determined by the State Director of Tests for Alcohol and Drug Influence or the State Director's designated representative(s).~~

(c) **Instructor permits.** Instructor Permits shall be issued by authority of the Board of Tests for Alcohol and Drug Influence, in the categories established by the Board, to persons who meet the above qualifications and have satisfied the requirements set forth herein.

(1) **Requirements.** Requirements for issuance of Breath-Alcohol Training Instructor Permits are as follows:

(A) Submission of a properly completed application form for the appropriate category or categories of Permits, together with the supporting documentation specified therein.

(B) Participation in such conference(s) or exercise(s) for prospective breath-alcohol training instructors as may be conducted by the State Director of Tests for Alcohol and Drug Influence or the State Director's designated representative(s)

(2) **Period of validity.** Breath-Alcohol Training Instructor Permits shall be valid to a period of three (3) years from the date of issue, and shall be subject to earlier termination or revocation at the discretion of the Board of Tests for Alcohol and Drug Influence. Such permits shall be renewable in accordance with such terms and requirements as are established by ~~authority of the Board~~ the State Director of Tests for Alcohol and Drug Influence.