



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 05, 2022

TIME: 11:01 AM

WSR 22-14-099

Agency: Washington State Patrol

Subject of possible rule making: WAC 448-16-060 Determining agreement of duplicate breath samples

Statutes authorizing the agency to adopt rules on this subject: RCW 46.61.506

Reasons why rules on this subject may be needed and what they might accomplish: To correct an administrative oversight in WAC 448-16-060(2) regarding the method for determining agreement between duplicate breath samples obtained during an evidential breath test.

WAC 448-16-060, in its current form, provides a method of determining agreement between duplicate breath samples by **rounding** the mean of the four results to the fourth decimal place. However, the evidential instrument, known as the Draeger Alcotest 9510, **truncates** to the fourth decimal place. This rule change is necessary to align the WAC language and the method employed by the Draeger Alcotest 9510.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Department of Licensing

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Agency review. WSP welcomes the public to take part in developing the rules. Anyone

interested should contact the staff members identified below. At a later date, the WSP will file a Proposed Rule Making (CR-102) with the Office of the Code Reviser with a notice of proposed rulemaking. A copy of the proposal will be sent to anyone who requests a copy

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Kimberly Mathis, Agency Rules Coordinator

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Phone: 360-596-4017

Fax:

TTY:

Email: wsprules@wsp.wa.gov

Web site: wsp.wa.gov/rules-development

Other:

(If necessary)

Name:

Address:

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Other:

Additional comments:

Date: July 5, 2022	Signature: 
Name: John R. Batiste	
Title: Chief	