

**Proposed Amendments to GBI Rule 92-3
September 2012**

Synopsis

The amendments proposed to GBI Rule 92-3 will authorize the Intoxilyzer 9000 manufactured by CMI, Inc as an approved instrument for breath alcohol tests conducted in the State of Georgia on or after January 1, 2013. The proposed amendments also introduce December 31, 2015 as an end date for authorization of the Intoxilyzer 5000 manufactured by CMI, Inc as an approved instrument for breath alcohol tests. The proposed amendments introduce the requirement for a transition training course for existing breath alcohol analysis permit holders and that breath alcohol testing shall be conducted using an approved instrument as defined in section 92-3-.06(5) of this rule as amended.

Proposed changes to GBI Rule 92-3, Implied Consent

Rule Section	Existing Content	Proposed Content
92-3-.04 (7)	Not applicable – new content	(7) Existing permit holders may obtain a permit to operate instruments approved pursuant to this rule by the Division of Forensic Sciences for the chemical analysis of a person’s breath by successfully completing a transition course in breath alcohol analysis under the auspices of the Division of Forensic Sciences.

Rule Section	Existing Content	Proposed Content
92-3-.06 (5)	<p>(5) Breath tests other than the original alcohol-screening test shall be conducted on an Intoxilyzer Model 5000 manufactured by CMI, Inc. The Director of the Division of Forensic Sciences will approve the design of any other type of breath alcohol analyzer used in the State, not specifically approved under this rule.</p>	<p>(5) Breath tests other than the original alcohol-screening test shall be conducted on a breath alcohol analyzer approved by the Director of the Division of Forensic Sciences or his or her designee. Any other type of breath alcohol analyzer not specifically listed in this paragraph must be approved by the Director of the Division of Forensic Sciences or designee prior to its use in the State.</p> <p>(a) The Intoxilyzer Model 5000 manufactured by CMI, Inc. is an approved instrument for breath alcohol tests conducted on or before December 31, 2015;</p> <p>(b) The Intoxilyzer Model 9000 manufactured by CMI, Inc. is an approved instrument for breath alcohol tests conducted on or after January 1, 2013;</p>
92-3-.06 (12)(a)(1)	<p>(12)(a)The methods approved by the Division of Forensic Sciences for conducting an evidential breath alcohol analysis shall consist of the following:</p> <p>(1) the analysis shall be conducted on an Intoxilyzer Model 5000 manufactured by CMI, Inc., except as otherwise provided in Rule 92-3-.06 (5);</p>	<p>(12)(a) The methods approved by the Division of Forensic Sciences for conducting an evidential breath alcohol analysis shall consist of the following:</p> <p>(1) the analysis shall be conducted on an approved instrument as defined in 92-3-.06 (5).</p>