



## Land Transport (Breath Tests) Notice 2015

Pursuant to section 2 of the Land Transport Act 1998, the Minister of Police gives the following notice.

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### Notice

- 1 Title**  
This notice is the Land Transport (Breath Tests) Notice 2015.

## 2 Commencement

This notice comes into force on 16 February 2015.

## 3 Interpretation

In this notice,—

**Dräger 6510** means a device of a kind that is a Dräger Alcotest 6510, or that is a device—

- (a) having the trade name Dräger, Drager, or Draeger; and
- (b) associated with the number 6510 or with an expression that is or contains the number 6510NZ

**Dräger 7510NZ** means a device of a kind that is a Dräger Alcotest 7510NZ, or that is a device—

- (a) having the trade name Dräger, Drager, or Draeger; and
- (b) associated with the number 7510NZ or with an expression that is or contains the number 7510NZ

**Dräger 9510NZ** means a device of a kind that is a Dräger Alcotest 9510NZ, or that is a device—

- (a) having the trade name Dräger, Drager, or Draeger; and
- (b) associated with the number 9510NZ or with an expression that is or contains the number 9510NZ

**officer**, in respect of a test, means the enforcement officer who is conducting the test.

### *Passive breath testing*

## 4 Approval of passive breath-testing devices

Each of the following kinds of device is approved as a kind of passive breath-testing device:

- (a) a Dräger 6510;
- (b) a Dräger 7510NZ.

### *Breath screening*

## 5 Approval of breath screening devices

Each of the following kinds of device is approved for the purpose of breath screening tests:

- (a) a Dräger 6510;
- (b) a Dräger 7510NZ.

**6 Manner of carrying out breath screening tests by means of Dräger 6510**

Breath screening tests carried out by means of a Dräger 6510 must be carried out in the following manner:

- (a) Step 1: Preliminary action
  - (i) The officer must observe the display panel showing **READY**. If the display panel does not show **READY**, the officer must depress the **OK** button briefly and repeat this Step 1(i).
  - (ii) The officer must, before or after Step 1(i), attach a mouthpiece to the breath inlet port of the device.
- (b) Step 2: Breath screening test
  - (i) The person being tested must when instructed by the officer blow through the mouthpiece at a pressure and for a period to provide a specimen of breath sufficient for analysis.
  - (ii) After the person being tested stops blowing, the officer must observe the display panel of the device.
  - (iii) If the display panel shows **Insufficient Volume**, it means that no specimen of breath sufficient for analysis has been provided. In that case, the officer may depress the **OK** button on the device, and repeat Step 1 and this Step 2, unless the officer believes the person being tested has failed or refused and will continue to fail or refuse to undergo the test without delay.
  - (iv) If the display panel shows **NO ALCOHOL** or **ALCOHOL**, during or after the purported breath screening test, it means the **OK** button has been depressed during the test. In that case, the officer must depress the **OK** button on the device, and repeat Step 1 and this Step 2.
- (c) Step 3: Results of test
  - (i) If the display panel shows **Pass**, the result indicates that the test is negative. As a confirmation, the indicator light will be a steady green for a short time.

- (ii) If the display panel shows **Under 250**, the result indicates that the person's breath contains alcohol but the proportion of alcohol in the person's breath does not exceed 250 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady amber for a short time.
- (iii) If the display panel shows **250+Over**, the result indicates that the proportion of alcohol in the person's breath exceeds 250 micrograms of alcohol per litre of breath but does not exceed 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will flash red and amber alternately for a short time.
- (iv) If the display panel shows **Over 400**, the result indicates that the proportion of alcohol in the person's breath exceeds 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady red for a short time.

**7 Manner of carrying out breath screening tests by means of Dräger 7510NZ**

Breath screening tests carried out by means of a Dräger 7510NZ must be carried out in the following manner:

- (a) Step 1: Preliminary action
  - (i) The officer must select **SCREENING** from the display panel, then depress the **OK** button.
  - (ii) The officer must when prompted to do so by the device attach a mouthpiece to the breath inlet port of the device.
- (b) Step 2: Breath screening test
  - (i) The person being tested must when instructed by the officer blow through the mouthpiece at a pressure and for a period to provide a specimen of breath sufficient for analysis.
  - (ii) After the person being tested stops blowing, the officer must observe the display panel of the device.

- (iii) If the display panel shows **Insufficient Volume**, it means that no specimen of breath sufficient for analysis has been provided. In that case, the officer may depress the **OK** button on the device, and repeat Step 1 and this Step 2, unless the officer believes the person being tested has failed or refused and will continue to fail or refuse to undergo the test without delay.
- (c) Step 3: Results of test
  - (i) If the display panel shows **Pass**, the result indicates that the test is negative. As a confirmation, the indicator light will be a steady green for a short time.
  - (ii) If the display panel shows **Under 250**, the result indicates that the person's breath contains alcohol but the proportion of alcohol in the person's breath does not exceed 250 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady amber for a short time.
  - (iii) If the display panel shows **250+Over**, the result indicates that the proportion of alcohol in the person's breath exceeds 250 micrograms of alcohol per litre of breath but does not exceed 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will flash red and amber alternately for a short time.
  - (iv) If the display panel shows **Over 400**, the result indicates that the proportion of alcohol in the person's breath exceeds 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady red for a short time.

*Evidential breath testing*

**8 Approval of evidential breath-testing devices**

Each of the following kinds of device is approved for the purpose of evidential breath tests:

- (a) a Dräger 7510NZ;
- (b) a Dräger 9510NZ.

**9 Manner of carrying out evidential breath tests by means of Dräger 7510NZ or Dräger 9510NZ**

Evidential breath tests carried out by means of a Dräger 7510NZ or a Dräger 9510NZ must be carried out in the following manner:

- (a) Step 1: Start of testing sequence  
The officer must depress the button for starting the test.
- (b) Step 2: Evidential breath test  
The officer must carry out the testing sequence in accordance with the instructions that appear on the display panel of the device, and—
  - (i) the officer must attach a new mouthpiece to the breath inlet port or tube of the device and instruct the person being tested to blow through the mouthpiece; and
  - (ii) the person being tested must when instructed by the officer blow through the mouthpiece at a pressure and for a period to provide a breath specimen sufficient for analysis; and
  - (iii) Step 2(i) and Step 2(ii) must be repeated, as required, until the testing sequence is completed.
- (c) Step 3: Results of test
  - (i) The result of the Evidential Breath Test (which, under section 77(1) of the Land Transport Act 1998, it is to be conclusively presumed indicates the number of micrograms of alcohol per litre of breath of the person tested) will appear on the display panel of the device.
  - (ii) If the Evidential Breath Test Result is “Incomplete Test”, the test has been unable to be carried out, and Step 2 can be repeated.

**10 Revocation**

The Land Transport (Breath Tests) Notice 2009 (SR 2009/386) is revoked.

Dated at Wellington this 3rd day of February 2015.

Hon Michael Woodhouse,  
Minister of Police.

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### **Explanatory note**

*This note is not part of the notice, but is intended to indicate its general effect.*

This notice, which comes into force on 16 February 2015, is given under the Land Transport Act 1998. It replaces the Land Transport (Breath Tests) Notice 2009. The main changes are that this notice—

- approves a Dräger 7510NZ as a kind of passive breath-testing device:
  - approves a Dräger 7510NZ for the purpose of breath screening tests:
  - prescribes the manner in which a breath screening test by means of a Dräger 7510NZ must be carried out:
  - does not approve an Intoxilyzer 5000, a Seres 679T, or a Seres 679ENZ, as kinds of evidential breath-testing device:
  - approves a Dräger 7510NZ as a kind of evidential breath-testing device:
  - prescribes the manner in which an evidential breath test by means of a Dräger 7510NZ must be carried out.
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Issued under the authority of the Legislation Act 2012.

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This notice is administered by the New Zealand Police.

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