

§ 634.34

(1) Recognize signs of alcohol and other drug impairment in persons operating motor vehicles.

(2) Prepare DD Form 1920 (Alcohol Influence Report).

(3) Perform the three field tests of the improved sobriety testing techniques (§ 634.36(b).)

(4) Determine when a person appears intoxicated but is actually physically or mentally ill and requires prompt medical attention.

(5) Understand the operation of breath-testing devices.

(b) Each installation using breath-testing devices will ensure that operators of these devices—

(1) Are chosen for integrity, maturity, and sound judgment.

(2) Meet certification requirements of the State where the installation is located.

(c) Breath-testing devices must be listed on the approved NHTSA conforming products list published in the FEDERAL REGISTER. All tests must be administered by trained personnel as specified in § 634.36 and must adhere to the procedures described in §§ 634.37 and 634.38 relating to voluntary and involuntary testing.

(d) Installations located in States or overseas areas having a formal breath-testing and certification program should ensure operators attend that training.

(e) Installations located in States or overseas areas with no formal training program will train personnel at courses offered by selected civilian institutions or manufacturers of the equipment.

(f) Operators must maintain proficiency through refresher training every 18 months or as required by the State.

§ 634.34 Blood alcohol concentration standards.

(a) Administrative revocation of driving privileges and other enforcement measures will be applied uniformly to offenders driving under the influence of alcohol or drugs. When a person is tested per § 634.8, the results of the test will be evaluated as follows:

(1) If the percentage of alcohol in the person's blood is less than 0.05 percent, presume the person is not under the influence of alcohol.

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(2) If the percentage is 0.05 but less than 0.10, presume the person is impaired. This standard may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

(3) If the percentage is 0.10 or more, or if tests reflect the presence of illegal drugs, the person was driving while intoxicated.

(b) Percentages in paragraph (a) of this section, are percent of weight by volume of alcohol in the blood based on grams of alcohol per 100 milliliters of blood.

(c) The standards in paragraph (a) of this section, may be modified locally to agree with those established by the State or host nation.

(d) These presumptions will be considered with other evidence in determining intoxication.

§ 634.35 Chemical testing policies and procedures.

(a) Validity of chemical testing. Results of chemical testing are valid under this regulation only under the following circumstances:

(1) Blood, urine, or other bodily substances are tested using generally accepted scientific and medical methods and standards.

(2) Breath tests are administered by qualified personnel (§ 634.33(c)).

(3) A non-portable breath-testing device approved by the State or host nation is used. For Army and Marine Corps, the device must also be listed on the NHTSA conforming products list published in the FEDERAL REGISTER. (See § 634.33.)

(4) Procedures established by the State or host nation or as prescribed in paragraph (b) of this section are followed.

(b) Breath-testing device operational procedures. If the State or host nation has not established procedures for use of breath-testing devices, the following procedures will apply:

(1) Portable breath-testing devices will be used—

(i) During the initial traffic stop as a field sobriety testing technique, along with other field sobriety testing techniques, to determine if further testing is needed on a non-portable evidentiary breath-testing device.