**Agency:** Washington State Patrol

**Effective date of rule:***
- Permanent Rules
  - ☒ 31 days after filing.
  - ☐ Other (specify) ____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?***
- ☐ Yes
  - ☒ No
  - ☐ If Yes, explain:

**Purpose:** 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.

**Citation of rules affected by this order:**
- New: 
  - 
- Repealed: 
  - 
- Amended: WAC 448-16-060
- Suspended: 

**Statutory authority for adoption:** RCW 46.61.506

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**
- Adopted under notice filed as WSR 22-17-156 on 8/24/2022 (date).
- Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- **Name:**
- **Address:**
- **Phone:**
- **Fax:**
- **TTY:**
- **Email:**
- **Web site:**
- **Other:**
Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

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<th>Category</th>
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<th>Amended</th>
<th>Repealed</th>
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<td>Federal statute:</td>
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<td>Federal rules or standards:</td>
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The number of sections adopted at the request of a nongovernmental entity:

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The number of sections adopted on the agency’s own initiative:

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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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The number of sections adopted using:

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<td>Other alternative rule making:</td>
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</table>

Date Adopted: 10/3/2022

Name: John R. Batiste
Title: Chief

Signature: [Signature]

Page 2 of 2
WAC 448-16-060 Determining agreement of duplicate breath samples. Pursuant to RCW 46.61.506 the following method is approved for determining whether two breath samples agree to within plus or minus (ten) 10 percent of their mean.

(1) The breath test results will be reported, truncated to three decimal places.

(2) For the DataMaster instruments, the mean of the two breath test results will be calculated and rounded to four decimal places. For the Drager instrument, the mean of all four results will be calculated and (rounded) truncated to four decimal places.

(3) The lower acceptable limit will be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(4) The upper acceptable limit will be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(5) If the individual results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.