Mississippi Department of Public Safety
Crime Laboratory / Highway Safety Patrol
Implied Consent
Evidential Breath Alcohol Testing Training

Evidential Breath Alcohol Testing Training
Subject Index

	Page #
Foreword	3
Introduction	5
Glossary	6
Reference	8
Alcohol	9
Instrument Theory	16
A] Instrument Components	19
B] Data Entry	20
C] Breath Sample Requirements	20
D] Dry Gas Ethanol Standard	21
Implied Consent Policies and Procedures	22
MS Code, 1972 Annotated	29
Instrument Operation and Printed Results	50

Foreword

The MS Crime Laboratory (MCL), pursuant to MS Code 63-11-5 and 63-11-19 Implied Consent is authorized to approve satisfactory training of person's, required to certify the location of evidential breath alcohol instruments, the certification of the calibration of those instruments, and training of those persons conducting evidential breath alcohol testing in the state of Mississippi.

This manual is for the instruction, training and certification of those person's whose duties are described above. This training will also include verbal instructions and demonstration by qualified MS DPS personnel and/or designated agents.

It is MCL's intention that use of this manual will provide an environment for learning, educating, training and referencing by MS DPS personnel and/or designated agents.

This material does not supercede current state statue or implied consent policies and procedures. This material will be updated and modified when necessary or required.

Training Objectives

- Understanding of the terminology and functions of the breath analyzing instrument
- Perform a breath test procedure
- Identify forms pertaining to evidentiary breath test analysis and properly distribute those forms

Permits (Eligibility under MS. Code 63-11-19)

- MHP
- Sheriff or His Deputies
- City Policeman
- Officer of a State-Supported Institution of Higher Learning-Campus Police
- Pearl River Valley Supply District Security Officer (Ross Barnett Reservoir Policeman)
- National Park Ranger
- Military Policeman Stationed on U.S. Military Base within this State.
- Conversation Officer with Dept. of Wildlife, Fisheries and Parks.
- A Marine Law Enforcement Employed by the Department of Marine Resources.

Not Required to Have Minimum Standards Number for Breath Permit

- Park Ranger
- Choctaw Indians
- Military Officers
- Sheriffs
- Elected Police Chiefs
- Note: Dept of Corrections Officers are not issued breath alcohol permits

Requirements to Receive Permit

- *Minimum standards number
- Submit application
- Attend Intoxilyzer 8000 Class
- Answer 80% on written exam
- Complete breath test with the Intoxilyzer 8000

Introduction

Evidential Breath Alcohol Testing Training

Research data since 1904 have shown that moderate to heavy drinkers are incapable of safely operating machinery, specifically motor vehicles. A cause and effect relationship exists between consumption of alcohol and the probability of a vehicle crash:

- Approximately 50% of all motor vehicle crashes in which death occurs are attributed to alcohol being a causative factor.
- In the United States, alcohol related crashes result in approximately 16,000 deaths, one million injuries and $45 billion in costs every year.

Most of the substances consumed by humans can be classified either as a food, a drug, or a poison. Ethanol can be considered all three.

- It's a *food* because the body uses it to produce energy.
- It's a *drug* because of its *depressant* effect upon the central nervous system.
- It's a *poison* because even small amounts damage and irritate tissue. Larger doses can cause coma and death.

GLOSSARY

Alcohol Ethyl alcohol and may include isopropyl alcohol and methyl alcohol.

BrAC Breath Alcohol Concentration, measured as grams of alcohol per 210 liters of breath.

Breath Alcohol Reference Standard Solution A water-alcohol solution compounded for use in a simulator which, when equilibrated with air, yields a predictable alcohol concentration.

Calibration Check The verification of evidentiary breath alcohol instruments accuracy using a certified dry gas standard and obtaining a result within ±.005 of the expected value.

Certifier of Calibration A person who has received specialized training in the operation and the calibration check of evidentiary breath alcohol instruments and is certified to perform calibration checks.

CMI, Inc. Company at 316 East Ninth Street, Owensboro, Kentucky 42303, that manufactures the Intoxilyzer 8000 evidential breath alcohol test instrument.

Dry Gas Ethanol Standard A cylinder containing a known concentration of ethanol used to check the calibration of the Intoxilyzer 8000.

Evidentiary Breath Alcohol Instrument An instrument used for making a chemical analysis of breath and giving a resultant alcohol concentration for evidential purposes. Such instrument is listed in section 1700.200 in this chapter.

Guth Laboratories, Inc. Company at 590 North Street Harrisburg, PA 17111, that manufactures breath alcohol reference standard solutions and 34C Simulator.

Implied Consent Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of Mississippi Code 1972, Annotated, to a chemical test or tests of his breath for the purpose of determining alcohol concentration.

Intoxilyzer 8000 An automated, microprocessor controlled instrument utilizing infrared spectrophotometry used for evidentiary breath alcohol analysis.

Lot An entire batch of breath alcohol reference standard solution or dry gas ethanol standard.

Mouth Alcohol Residual alcohol in the mouth which typically dissipates in less than ten minutes.

NCIC The National Crime Information Center.

N.I.S.T. National Institute of Standards and Technology.

NO 0.020 AGREEMENT Operational message printed when consecutive subject tests differ by more than 0.020.

Observation Period A period during which the person being tested has been observed to determine that he has not ingested alcohol or other fluids, regurgitated, vomited, eaten, smoked, or placed anything into his mouth in the 20 minutes immediately prior to the collection of a breath sample.

Recirculation A method where the simulator is attached to the Intoxilyzer so that during calibration or calibration checks the vapor of the breath alcohol reference standard solution is circulated from the simulator through the Intoxilyzer and back to the simulator in a closed loop.

Radio Frequency Interference (RFI Detect) The alcohol instrument detects interfering radio frequency and stops the testing procedure if RFI is detected.

Simulator A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture that simulates breath.

References

Beaty, R., & Cowan, M. Eds. Texas Breath Alcohol Testing Program: Operator Manual. 2001.

CMI, inc. 316 East Ninth Street Owensboro, Ky. 42303.

Garriott, James C. Ed. Medicolegal Aspects of Alcohol. Third Edition. 1996. Lawyers & Judges Publishing Company, Inc. Tucson, AZ.

Kalin, Jack R. and Ezell, Anna L. Eds. Forensic Ethanol Analysis and Interpretation. FTCB, April 1997, rev. May 1998.

Alcohol

Alcohol

Alcohols are organic compounds comprised of the atoms carbon, hydrogen and oxygen. There are different types of alcohols. The three most common are methanol, ethanol, and isopropanol. Alcohols are volatile compounds with low boiling points. Alcohols are miscible (infinitely soluble) in water. The different chemical structures of the alcohols play a role in how they are metabolized and their degree of toxicity.

Methanol – Referred to as methyl alcohol, "wood alcohol" - Consumption of small amounts can have life threatening implications. This toxicity is due to the chemicals formed when methanol is chemically changed, or metabolized by the body.

Ethanol - Referred to as ethyl alcohol, grain alcohol, spirits or simply, alcohol. The alcohol we drink is "grain" alcohol or ethanol. Throughout this manual, the terms, *alcoho*l, *ethyl alcohol* and *ethanol* will be used interchangeably. Regardless of the term used, ethanol is a drug that affects human behavior and performance.

All alcohols are toxic. The body changes ethyl alcohol into acetaldehyde and then immediately to acetic acid, which in turn, is metabolized and eliminated as carbon dioxide and water.

At room temperature, ethyl alcohol, a clear and colorless liquid having a slight odor, is miscible (Meaning that the alcohol and water will mix in all proportions). Ethanol is used as a solvent, an antiseptic or as an additive in certain fuels. Alcohol is also found in some medications and mouthwashes. Regardless of the source, whiskey or cold medication, the effects of alcohol on the human body are the same.

Isopropanol – Referred to as isopropyl alcohol – known as "rubbing alcohol". Consumption of small amounts can have life threatening implications. This toxicity is due to the chemicals formed when isopropanol is chemically changed, or metabolized by the body.

Production of Alcohol

The ethanol that is produced for human consumption is produced by a natural fermentation process. This process starts with a combination of grain, malted barley and yeast. This "mash" is placed in a vat where the malted barley releases an enzyme. This enzyme converts the starch in the grain to sugar and the yeast consumes the sugar. Ethanol is produced as a waste or by-product. This process continues until the sugar is depleted or the ethanol concentration reaches about 15% where the yeast becomes inactive. Fermentation, then is a process of yeast consuming sugar or starch and excreting ethanol.

Beer – Produced by a fermentation process to a maximum alcohol concentration of approximately 15%, beer usually contains from 4% to 6% ethanol by volume. Most beers have less than about 5% alcohol by volume. This manual describes one

"drink" as equaling one (1) twelve (12) ounce serving of beer.

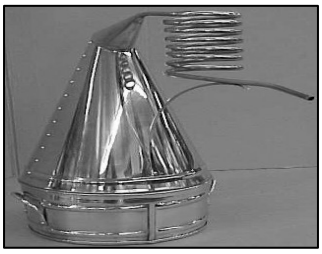
Beer – 12 fl oz. x 0.05 = 0.60 fl oz ethanol

Wine - Produced by a fermentation process to a maximum alcohol concentration of approximately 12-15%. Wines typically have about 12-15% ethanol by volume. This manual describes one "drink" as equaling five-six (5-6) ounces serving of wine.

Wine – 5 fl oz. x .12 = 0.60 fl oz. ethanol

Spirits – An alcohol mixture produced by the fermentation must be distilled to manufacture a beverage with higher alcohol content. Distillation is the controlled vaporization and collection of ethyl alcohol to produce a concentration higher than the content of the original fermentation. Depending on the fermented mixture used, the aging process and the type of flavorings added, different types of alcoholic beverages are produced. For example, brandy is distilled from wine; gin is made from grain and flavored with the juniper berry.

Usually distilled spirits contain 40-50% ethanol by volume; however, the alcohol content varies with the drink dosage. This manual describes one "drink" as equaling one (1) and a quarter (¼) ounces of 80 proof distilled spirits.



Spirits – 1.25 oz. 80 proof Spirit x 0.40 = 0.50 fl oz. ethanol

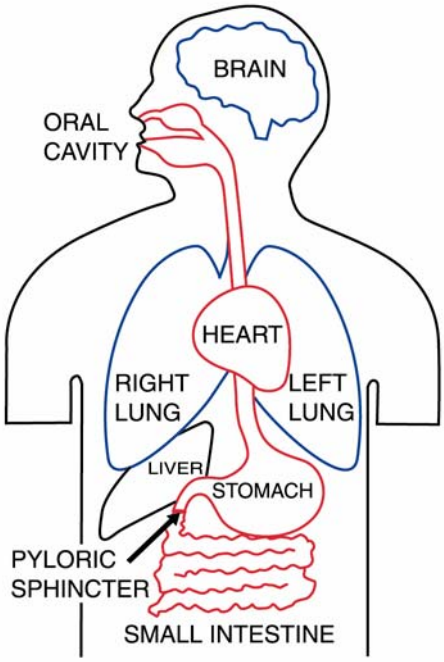
Proof System – In the United States, the ethanol concentration of distilled beverages is defined by the proof system. The proof system came from the past practice of gunpowder being soaked in a distilled spirit and then being burned. The more the mixture *burned*, the higher the proof. Proof is twice the percentage of the alcohol content by volume. For example: Brand "X" whiskey is 101 proof = alcohol content of 50.5% by volume. Conversely, a beverage whose alcohol content by volume is 40% would be 80 proof.

Proof = 2X% Alcohol by Volume

Actions of Ethanol on the Body

Ethanol is a central nervous system depressant (CNS) with actions similar to narcotic drugs like morphine and heroin. The CNS, composed of the brain and the spinal cord, is the site where alcohol exerts its effects. CNS is responsible for transmitting nerve impulses to the various muscles and organs of the body. Both ethanol and narcotic drugs have similar properties such as euphoria, CNS depression, addiction, physical tolerance and respiratory depression. They differ in their ability to produce analgesic effects. Ethanol is not a good "pain killer". Analgesic effects can be achieved with milligram doses and less with some narcotics, while analgesic effects with ethanol require gram quantities. Comparatively, ethanol is not very potent.

Generally, the desired effect (reduced inhibitions, increased self-confidence and euphoria) of ethanol requires higher and higher doses which, in turn, affect all parts of the body. The concentration of ethanol in the blood is directly proportional to the effect on the brain and the CNS = diminished undesirable effects. Judgment is altered as individuals under the influence take risks they would not take while not under the influence. Motor skills (judgment, logic, reasoning, attention, vision, perception, tracking, information processing) needed to safely operate a motor vehicle are directly affected by ethanol. The most serious toxic effect would be the depression of the respiration system which could lead to death.



Ethanol can enter the body by injection, inhalation or ingestion. Injection of ethyl alcohol can be extremely dangerous; however, inhalation of ethanol vapor does not lead to any significant accumulation of alcohol in the body – the most common route of human entry is ingestion or drinking of an alcoholic beverage. Ethyl alcohol is readily absorbed into the various tissues and organs of the body by the process of simple diffusion across mucous membranes. Ethanol is absorbed, not digested.

The absorption of ethanol begins immediately following the introduction of the alcoholic beverage into the digestive system. It is readily absorbed through all mucosal surfaces including the oral cavity and gastrointestinal tract.

Immediately after a sip of an alcoholic beverage, the breath would indicate high alcohol content. If analyzed, this breath sample would not be an accurate reflection of the alcohol concentration in the person's body. This is referred to as residual alcohol or mouth alcohol.

Residual alcohol diminishes rapidly and is gone within a few minutes. Proper testing procedures combined with current evidential breath alcohol testing devices eliminate residual alcohol from the test result. Ethanol in the mouth, or residual alcohol is gone within 15 minutes. Alcohol, once entering the body is absorbed, distributed and then eliminated.

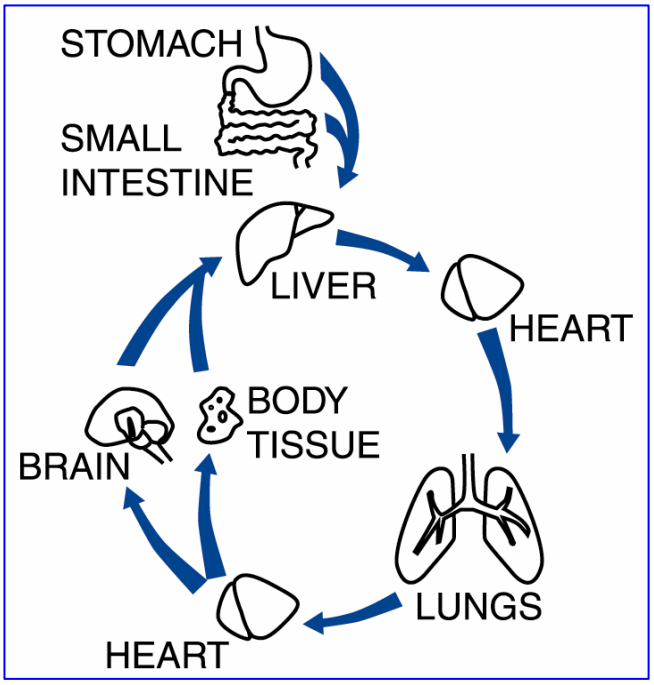
Alcohol Absorption

Mouth - After passing through the mouth, ethanol travels to the stomach. The absorption process of the alcohol by the body begins once it enters the stomach.

Stomach (Absorption) – Alcohol, once entering the body is absorbed, distributed and then eliminated. A portion of the ethyl alcohol can be absorbed into the body from the stomach. The length of time the ethanol remains in the stomach before being passed on to the remainder of the gastrointestinal tract can vary due to several factors. The most significant factor is the amount of food in the stomach.

The pyloric sphincter controls the passage of material from the stomach to the small intestine. On a full stomach, the pyloric sphincter remains closed longer. Ethanol remains in the stomach for a longer period of time, thus delaying its absorption. Slowing the alcohol absorption decreases the peak alcohol concentration, prolongs the time to reach peak concentration and reduces the impact of that alcohol on the person.

The type of food ingested may affect the absorption rate of alcohol; however, the amount of food is the most significant factor. Even on a full stomach, the peak alcohol level is usually reached within 30 to 40 minutes after the last drink.



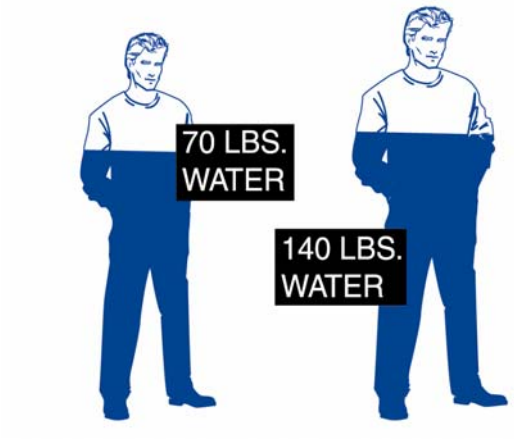
Intestines – (Absorption) - From the stomach, ethanol enters the small intestine where it is rapidly absorbed into the body. Moreover, the small intestine is where most of the alcohol is absorbed into the body. Ethanol is rather unique in that it is not digested or broken down into smaller parts, but rather is absorbed unchanged through the process of simple diffusion.

Alcohol Distribution

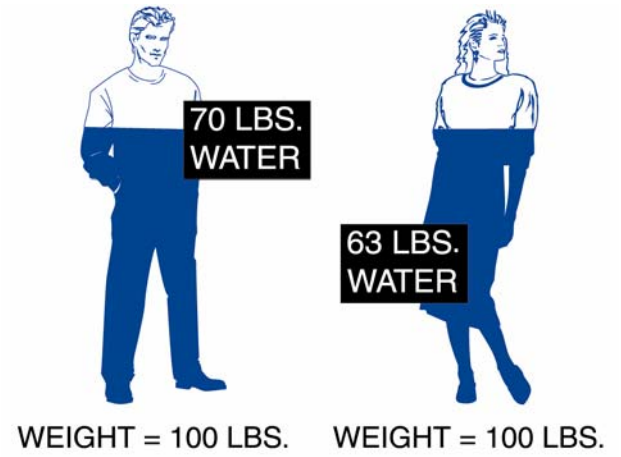
Liver – (Distribution) - After the body absorbs the ethanol, it is distributed throughout the body traveling through the liver and distributed to various body tissues and organs – brain, heart, lungs. Alcohol, once entering the body is absorbed, distributed and then eliminated.

The amount of ethanol in organs and tissues depends on the water content of the tissues or organs. Since ethanol is miscible (Meaning that the alcohol and water will mix in all proportions) with water, it will rapidly diffuse from an area of high alcohol concentration to an area of low concentration.

Body Type and Total Body Water – (Distribution) – The total amount of water in the body affects the distribution of the ethanol. The amount of body water varies and is based upon the weight or mass of the individual. Assuming the same body type, a 200 pound man must consume more ethanol than a 100 pound man to reach the same alcohol concentration. This is because the 200 pound man has more body water to dilute the alcohol.



The amount of fat tissue also affects the total amount of body water. Since fat tissue has very little water, it does not absorb ethyl alcohol. A 200 pound obese person will have less body water to dilute the alcohol than would a 200 pound lean person.



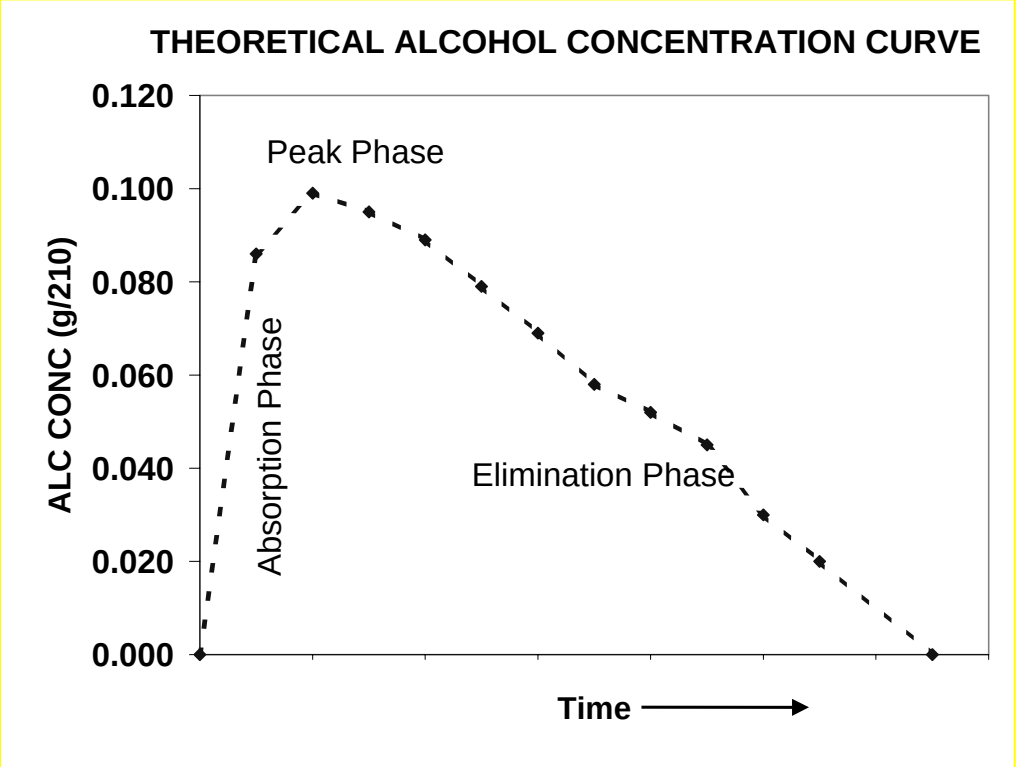
Gender – (Distribution) – Total body water content varies between men and women with women having less body water than men. The same ethanol intake in terms of body weight results in a higher alcohol concentration in women than in men. For example, a 100 pound man would have to consume more alcohol than a 100 pound woman to achieve the same concentration as the man has more water in his body with which to dilute the ethanol.

Alcohol, once entering the body is absorbed, distributed and then eliminated. Ethanol is removed from the body through metabolism, excretion and evaporation. The majority of ethanol is metabolized by the liver. There is also evidence to indicate that a small amount of alcohol is eliminated in the gastrointestinal tract, particularly the stomach. As ethanol passes through the liver a portion is metabolized. The liver is responsible for metabolizing almost all of the ethyl alcohol that enters the body.

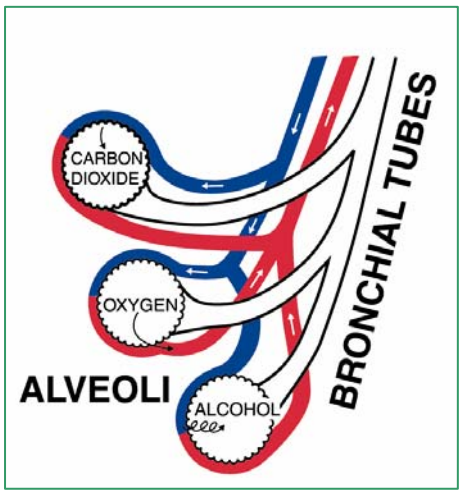
Alcohol Elimination

An individual's rate of metabolism is fairly constant; however, elimination rates can vary from person to person. The range of reported elimination rates varies from approximately 0.012-0.030 g/210 L per hour. The higher rates usually occur in alcohol abusers or alcohol dependent persons.

Currently, there is no way to change the rate of ethanol elimination from the body. Hot coffee, a cold shower or vigorous exercise cannot alter the rate of elimination. Elimination of ethanol, or sobering up can only occur through time – time to allow the



body sufficient time to metabolize and excrete the consumed alcohol.



Since ethyl alcohol is miscible with water, a small portion of the ethanol is excreted unchanged in urine, sweat and breath. Excretion of ethanol in the breath is the basis of the breath alcohol test. The exchange of oxygen and carbon dioxide occurs in the small tissue sacs of the lungs called the alveoli. When alcohol is present in the body, a portion of that alcohol will be eliminated in the breath because the ethanol can readily pass through the thin alveolar membrane and be exhaled in the breath.

The concentration of the alcohol in the alveolar breath is proportional to the amount of ethanol in the body. A pure alveolar sample is impossible to collect; therefore, an essentially alveolar breath sample is collected and analyzed. The essentially alveolar sample will contain a lower alcohol concentration than a pure alveolar sample. Consequently, an essentially alveolar breath sample will benefit the individual taking the breath alcohol test.

A combination of absorption, distribution and elimination of ethanol creates the alcohol concentration curve. Elimination begins immediately after the introduction of alcohol during the absorption phase. However, when the rate of absorption exceeds the rate of elimination, the amount of alcohol in the body will increase. After the drinking stops, at some point the amount of alcohol absorbed will equal the amount being eliminated –

which results in the peak alcohol concentration. During the elimination phase, the amount of alcohol absorbed, if any, is less than the amount eliminated. Thus, the alcohol concentration in the body will gradually decrease over time. The shape of the alcohol concentration curve will vary according to all the factors that affect absorption, distribution and elimination of ethanol.

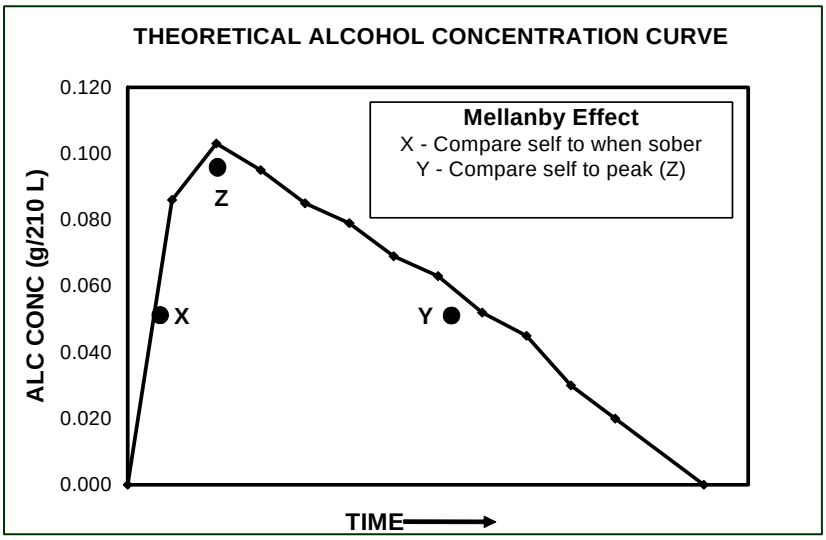
ALCOHOL TOLERANCE

Tolerance is usually defined as the effect that results from the chronic use of a drug when a larger dose becomes necessary to achieve the desired effect. However, in discussing alcohol tolerance it is sometimes more convenient to reverse this definition and consider tolerance as the absence of expected changes in behavior or impairment in performance of a specific task. There are two general types of tolerance: natural tolerance and learned tolerance.

Natural Tolerance Natural tolerance consists of three areas: inborn tolerance, physical tolerance, and stress tolerance.

- Certain individuals demonstrate a natural inborn (genetic) tolerance to low alcohol concentrations. This type of tolerance is most prominent in very low alcohol concentrations.
- Another form of natural tolerance is physical tolerance. The effect of a given alcohol concentration will always be greater in persons who are ill as compared to the same persons when healthy. These individuals' normal physical and mental faculties are already affected due to their sickness, and this adds to the effects of the alcohol.
- Another form of natural tolerance is stress tolerance. In high stress or anxiety situations adrenaline is released in the human body to stimulate the body's response to the source of stress. In intoxicated individuals, this can result in those persons appearing less intoxicated than they really are. Stress tolerance is only a temporary effect lasting for a few minutes.

Learned Tolerance Learned tolerance consists of three areas: behavioral tolerance, acquired tolerance, and acute tolerance.



- Behavioral tolerance is a result of the influence of the social setting and the social customs associated with alcohol consumption in a particular situation. An individual will behave differently in different social settings even though the alcohol concentration in that person is the same on both occasions. Mood or sense of well being also influences a person's behavior at a particular alcohol concentration. A person who is depressed and unhappy is usually more depressed and unhappy following the consumption of alcohol. This effect is usually best observed at low levels of alcohol concentration, because higher levels may alter the person's perception of reality.

- Another type of learned tolerance is acquired tolerance. Acquired tolerance results from the chronic use of alcohol. These individuals are indeed impaired in judgment, reaction, and coordination, but have learned through experience to disguise their out-ward appearance of intoxication. A novice drinker (one who has little or no experience with alcohol) will demonstrate greater outward effects than those expected at a given alcohol concentration. This is due to the absence of an acquired tolerance.

- The last type of learned tolerance is acute tolerance, or sometimes called the Mellanby Effect. Acute tolerance is the result of a person comparing his present condition with his past condition. In the absorption phase of the alcohol curve (position X), the individual compares their perceived state with that of being alcohol free. Their perception has been altered so that the effects of the alcohol are overestimated. Later during the elimination phase (position Y) the same person compares their present perceived state with his peak alcohol concentration (position Z) and the effects of the alcohol are underestimated. In both instances the alcohol concentrations were equal and the person equally impaired. Since the individual perceives themselves as less intoxicated during the elimination phase, this person is a greater risk when operating a motor vehicle. The person has lost the ability to accurately judge their performance.

ALCOHOL AND OTHER DRUGS

When ethyl alcohol is consumed in combination with other chemical agents, illicit, prescribed, or over-the-counter, the symptoms of alcohol intoxication may be altered. This may explain the situation where an individual appears very intoxicated, but the alcohol test results are low.

Combining ethanol with other drugs can produce two types of effects: additive or synergistic. When one dose of a drug is combined with one dose of ethanol and the effect is equal to no more than the sum of the effects of the two drugs, the effect is said to be additive. A synergistic situation occurs when a drug is combined with ethanol and the end result is greater than the sum of the individual effects.
There is no known drug that can lessen the effects of ethanol on a person's driving performance.

IMPAIRMENT WITHOUT ETHANOL

Ethyl alcohol is not the only agent that can produce the effects already described. Certain illnesses, diseases, or other drugs are able to produce symptoms similar to ethanol intoxication. Untreated diabetics or trauma victims may exhibit symptoms similar to ethanol intoxication.
Acetone, like ethanol, can cause impairment and may be mistaken for alcohol intoxication. Acetone can be present in an individual due to a prolonged fast, a low carbohydrate diet, or untreated diabetes. Modern evidential breath alcohol testing instruments can distinguish between acetone and ethyl alcohol, eliminating the possibility of acetone affecting the alcohol result.

Instrument Theory

Infrared Spectrometry

Light is a form of energy known as electromagnetic radiation. The intensity or energy of the light is divided into ranges according to their energy levels – the shorter the light wavelengths, the higher the frequencies or energy. The electromagnetic spectrum is separated by groups of light categorized by the "heat" that is generated. Within this spectrum there are gamma rays, x-rays, ultraviolet light, visible light, infrared light, microwave and radio waves. The only range of electromagnetic radiation that can be seen by the human eye is visible.

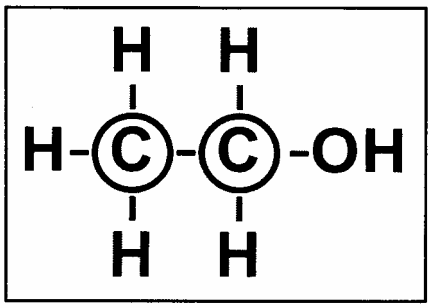
Theory of Breath Alcohol

The basis of infrared breath analysis is the absorption of infrared energy by alcohol molecules in a breath specimen. A common application of electromagnetic energy is the microwave. The principal employed with the microwave is similar to the absorption of the alcohol molecule by infrared light in the Intoxilyzer 8000. The fundamental principal/theory is: All things will absorb electromagnetic radiation in a unique and consistent manner.

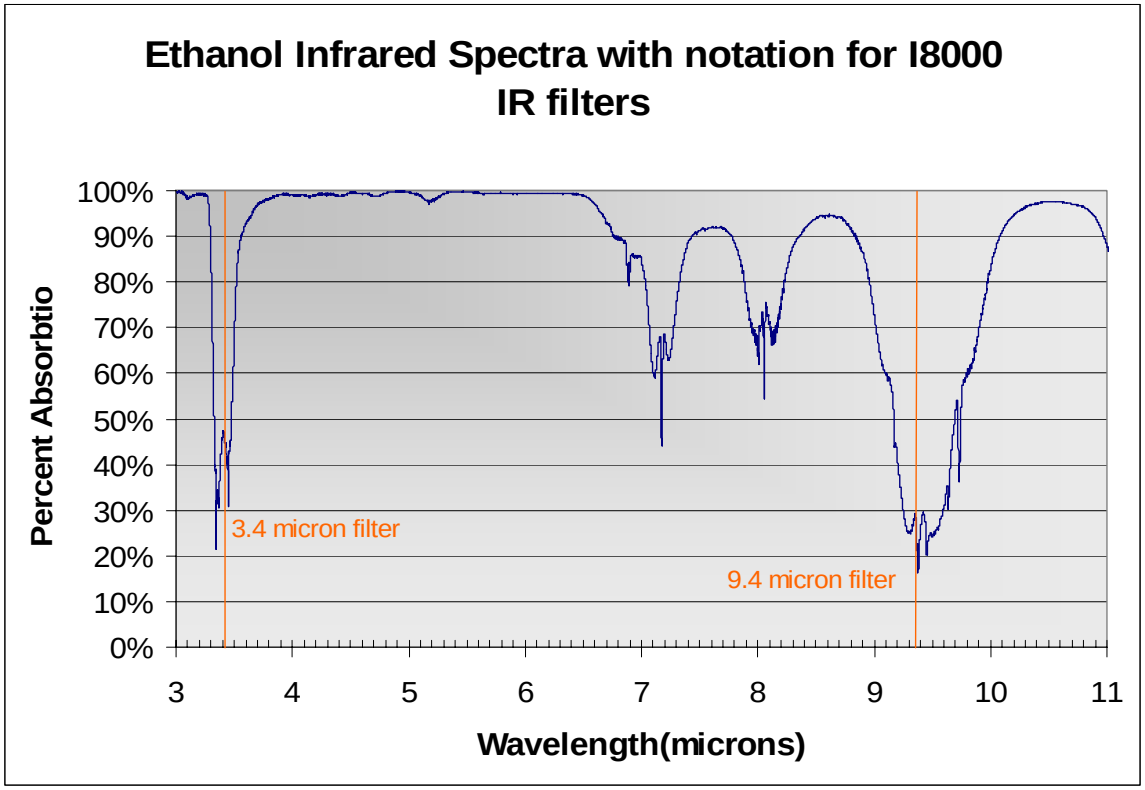
Food in a microwave oven is cooked/heated because it absorbs the microwave energy while the dish fails to absorb the energy at that wavelength. Substances absorb certain infrared energy in a unique and consistent manner because of its molecular structure. All substances consist of molecules. The molecules, made of certain atoms which are arranged in a certain order, are held together with bonds in a particular position and type. This structure establishes the substances sensitivity to electromagnetic energy.

Since no two substances have the same molecular structure, it is possible to analyze or detect the presence of a substance based on the absorption capacity at various wavelengths of the infrared spectrum. This is done by using an instrument known as an infrared spectrophotometer or IR spec. The basis of infrared breath analysis is the absorption of infrared energy by alcohol molecules in a breath specimen.

Ethanol Molecule



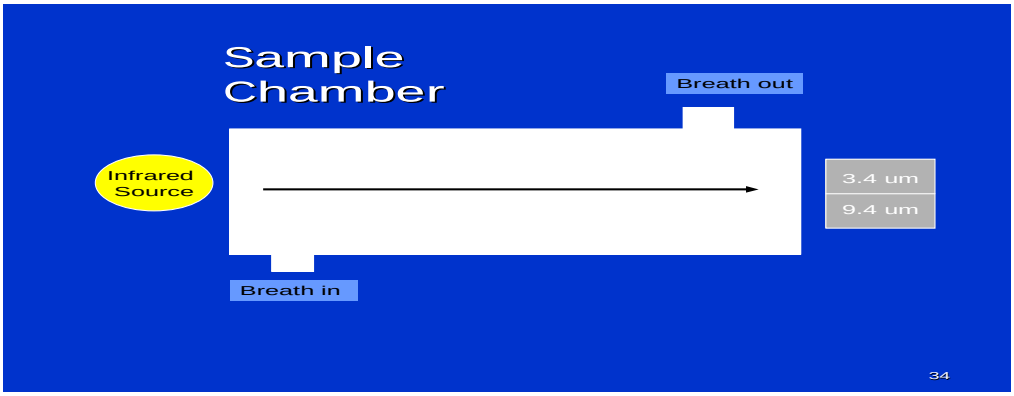
The ethanol molecule is composed of carbon, hydrogen and oxygen atoms that are held together by chemical bonds. These chemical bonds will absorb infrared energy in a specific manner. The specific wavelengths absorbed and the absorption pattern are unique to a given molecule – like a fingerprint of ethanol. The amount of infrared energy absorbed is proportional to the amount of ethanol present in a breath sample.



Ethanol Specificity – Intoxilyzer

The Intoxilyzer 8000 uses dual wavelength detectors of infrared energy to analyze for ethanol. Other substances, such as acetone, absorb infrared energy at some of the same wavelengths as ethanol; however, the absorption patterns of the two molecules are different. When the Intoxilyzer 8000 detects these differing absorption patterns, it will invalidate the test due to the presence of an interfering substance and print “Interferent Detect”.

Determination of Alcohol Concentration
The Intoxilyzer 8000 uses a law of chemistry and physics known as the Lambert-Beer Law to determine the alcohol concentration in a breath sample. This law states that the amount of energy absorbed by a particular substance is proportional to the number of absorbing molecules in the sample. The amount of infrared energy absorbed in a breath sample is proportional to the amount of alcohol present in a breath sample introduced into the instrument sample chamber. The Intoxilyzer reports the measured alcohol concentration in grams of alcohol per 210 liters of breath.



INSTRUMENT COMPONENTS

An **IR source** at one end of the **sample chamber** emits a broad spectrum of electromagnetic energy including infrared. Two detectors are located at the opposite end of the **sample chamber**. The detector housing has IR filters that allow only certain wavelengths of infrared energy to pass through to the **detectors**. The **detectors** convert the infrared energy into electrical energy. The instrument establishes a zero reference point by measuring the amount of infrared energy striking the **detectors** when the **sample chamber** is filled with room air. If the instrument detects a contaminant in the room air, it will invalidate the test and print **Ambient Fail.**

When alcohol is introduced into the **sample chamber**, by either the test subject or the reference sample device, the amount of infrared energy reaching the **detectors** will decrease. The decrease in the infrared energy striking the **detectors** is proportional to the increase in the alcohol concentration in the **sample chamber**. The breath alcohol concentration is determined by the difference between the zero reference point and the breath sample measurement.

A breath test is initiated by pushing the START TEST BUTTON. If the instrument is in the STANDBY MODE press the START TEST BUTTON. When the instrument displays READY MODE press the START TEST BUTTON to initiate a breath test. The instrument will automatically conduct a systems diagnostics. The **display** will prompt the operator to swipe / scan his ID card or press enter. After the operator has completed the data entry, the instrument will begin the breath test sequence.

If an improper environmental testing condition, an improper instrument testing condition, or an operational mistake is detected at any point during the test sequence, the Intoxilyzer 8000 will

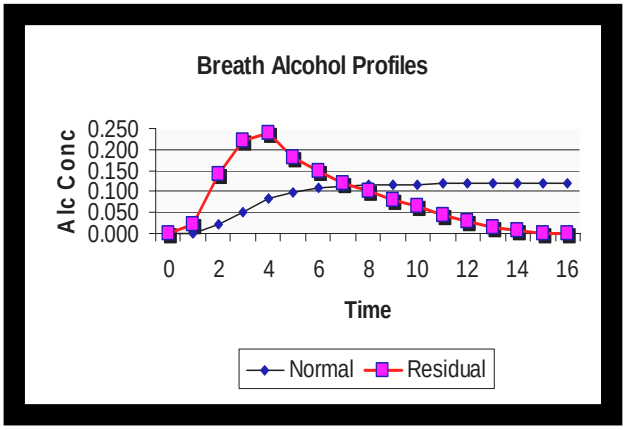
stop the breath test sequence. The reason for the sequence not being completed will be displayed and printed; no results will be printed.

DATA ENTRY

The Intoxilyzer 8000 is equipped with a key-board, magnetic card reader and 2-D Bar code scanner. Operator and test subject information can be entered into the instrument using any of these options.

BREATH SAMPLE REQUIREMENTS

To satisfy the requirement that the breath sample be essentially alveolar, the Intoxilyzer 8000 has four requirements for each breath sample. First, the subject must blow with **sufficient flow** to sound the tone in the instrument. Second, this flow must be maintained continuously for a **minimum time**. Third, there must be a **minimum volume**. Fourth the **slope detector**, which monitors the rate of change in the alcohol concentration of the breath sample, must be satisfied.



Dry Gas Ethanol Standard

The dry gas ethanol standard is a 105 liter non-refillable steel cylinder containing a known ethanol concentration used to check the calibration of the breath alcohol instrument. These dry gas standards are certified by the manufacture with N.I.S.T. traceable ethanol standards. The Intoxilyzer 8000 analyzes a dry gas ethanol standard sample at the beginning and the end of each breath test sequence. The instrument delivers the dry gas ethanol standard to the sample chamber.

If the concentration of the ethanol standard does not come within the expected range the instrument will not allow a test to be completed.

There is an external pressure gauge on the regulator that allows for visual inspection of the tank pressure. A full cylinder will have between 1000 and 1100 psi. The pressure can also be checked through the keyboard by authorized personnel and checked and monitored remotely by the Implied Consent office.

The dry gas cylinders should not be stored in extreme heat or extreme cold. (0ºC to 47ºC) (32ºF to 116ºF). Empty dry gas cylinders may be disposed of in the trash.

1702.100

GLOSSARY

Alcohol Ethyl alcohol and may include isopropyl alcohol and methyl alcohol.

BrAC Breath Alcohol Concentration, measured as grams of alcohol per 210 liters of breath.

Breath Alcohol Reference Standard Solution A water-alcohol solution compounded for use in a simulator which, when equilibrated with air, yields a predictable alcohol concentration.

Calibration Check The verification of evidentiary breath alcohol instruments accuracy using a certified dry gas standard and obtaining a result within ±.005 of the expected value.

Certifier of Calibration A person who has received specialized training in the operation and the calibration check of evidentiary breath alcohol instruments and is certified to perform calibration checks.

CMI, Inc. Company at 316 East Ninth Street, Owensboro, Kentucky 42303, that manufactures the Intoxilyzer 8000 evidential breath alcohol test instrument.

Dry Gas Ethanol Standard A cylinder containing a known concentration of ethanol used to check the calibration of the Intoxilyzer 8000.

Evidentiary Breath Alcohol Instrument An instrument used for making a chemical analysis of breath and giving a resultant alcohol concentration for evidential purposes. Such instrument is listed in section 1700.200 in this chapter.

Guth Laboratories, Inc. Company at 590 North Street Harrisburg, PA 17111, that manufactures breath alcohol reference standard solutions and 34C Simulator.

Implied Consent Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of Mississippi Code 1972, Annotated, to a chemical test or tests of his breath for the purpose of determining alcohol concentration.

Intoxilyzer 8000 An automated, microprocessor controlled instrument utilizing infrared spectrophotometry used for evidentiary breath alcohol analysis.

Lot An entire batch of breath alcohol reference standard solution or dry gas ethanol standard.

Mouth Alcohol Residual alcohol in the mouth which typically dissipates in less than ten minutes.

NCIC The National Crime Information Center.

N.I.S.T. National Institute of Standards and Technology.

NO 0.020 AGREEMENT Operational message printed when consecutive subject tests differ by more than 0.020.

Observation Period A period during which the person being tested has been observed to determine that he has not ingested alcohol or other fluids, regurgitated, vomited, eaten, smoked, or placed anything into his mouth in the 20 minutes immediately prior to the collection of a breath sample.

Recirculation A method where the simulator is attached to the Intoxilyzer so that during calibration or calibration checks the vapor of the breath alcohol reference standard solution is circulated from the simulator through the Intoxilyzer and back to the simulator in a closed loop.

Radio Frequency Interference (RFI Detect) The alcohol instrument detects interfering radio frequency and stops the testing procedure if RFI is detected.

Simulator A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture that simulates breath.

1702.200

EVIDENTIARY BREATH ALCOHOL INSTRUMENT

The Department of Public Safety has adopted the Intoxilyzer 5000 with the cooled detection option and the Intoxilyzer 8000 Mississippi Version both of which are manufactured by CMI, Inc. as the only accepted evidentiary instruments for use in breath alcohol testing in the State of Mississippi pertaining to Implied Consent laws in Mississippi Code. The following policies and procedures apply to the Intoxilyzer 8000 Mississippi Version.

1702.300

INTOXILYZER 8000 INSTRUMENT CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 instruments used for evidentiary breath alcohol testing shall have a Certificate of Calibration and Operation (IP-54E) on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.400

INTOXILYZER LOCATIONS

An agency may submit a request in writing to be considered by the Implied Consent Section of the Mississippi Crime Laboratory as an Intoxilyzer 8000 location. Criteria to be used in the selection of Intoxilyzer 8000 locations are specified in section 1702.500 of this chapter. If an Agency desires to purchase its own instrument the Mississippi Code of 1972, Annotated, Section 63-11-47 will apply. Each location must meet all criteria for location certification. The Implied Consent Section of the Mississippi Crime Laboratory will evaluate each agency's request based upon established criteria for Intoxilyzer locations as specified in section 1702.500 of this chapter and will approve or disapprove the proposed location and will be notified in writing.

1702.500

INTOXILYZER LOCATION CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 locations will be certified using the Intoxilyzer Location Certification form IP-65E which is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee. All certified locations must follow any and all directives concerning use and care of the Intoxilyzer 8000 instruments in order to maintain Intoxilyzer Location Certification. In order for an agency to be selected and approved as an Intoxilyzer location it must meet all the following criteria.

1. Designate and maintain a secure location for instrument installation.
2. Provide adequate work space and secure storage for expendables such as printer paper and mouth pieces.
3. Insure that supplies left at location for the Intoxilyzer 8000 are to be used only for that instrument.
4. Instrument **MUST** be maintained in a clean area away from eating, drinking, and smoking.
5. Provide grounded electrical outlet meeting Intoxilyzer 8000 instrument specifications.
6. Location will provide a phone line and /or NCIC line for communication only.
7. Allow all qualified individuals with permits issued under Mississippi Code Section 63-11-19 access to instrument for the purpose of conducting breath alcohol testing.
8. Average 2 or more tests a month per calendar year to maintain certification.
9. Allow MHP and MCL personnel access to instruments for routine inspections, Calibration Checks, or any needed service.
10. Assume responsibility for repair costs resulting from abuse of instrument.
11. Instrument must pass IP-60E checklist at location.
12. Supply paper and toner cartridges for the external printer provided with the Intoxilyzer 8000.
13. The location must comply with any and all Implied Consent directives issued by the Mississippi Crime Laboratory Implied Consent Section.
14. Use of the Intoxilyzer 8000 shall be restricted to the enforcement of DUI and BUI Laws of Mississippi Code of 1972.

If the location fails to meet these requirements, the location will be notified in writing of the areas needing improvement. If the deficiencies are not corrected, the instrument will be removed from service in that location and the Instrument Location Certification suspended or revoked. The Intoxilyzer Location Certification can be re-instated if the appropriate corrections are implemented and maintained. Instrument Location Certifications are issued or revoked at the discretion of the Implied Consent Section of the Mississippi Crime Laboratory.

1702.600

BREATH ALCOHOL SIMULATOR

The calibration and of the Intoxilyzer 8000 are performed using a certified Breath Alcohol Simulator containing a certified breath alcohol reference standard solution. The simulators are to be certified yearly or as required by repair or service. The certification is reported on the Implied Consent Simulator Certification form IP-62 and is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.700

CERTIFIED BREATH ALCOHOL STANDARDS

Breath alcohol reference standard solutions are purchased in the concentrations utilized in the Calibration of the Intoxilyzer 8000. These solutions are certified by the manufacture to be consistent for each concentration throughout the lot. The Mississippi Crime Laboratory analyzes random samples of each lot# of breath alcohol reference standard solutions to ascertain the concentration value for use in the Calibration of the Intoxilyzer 8000. The analysis of the breath alcohol reference standard solutions is performed using Gas Chromatography. The result of analysis is reported on the Implied Consent Certificate of Analysis form IP-61 Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.800

DRY GAS ETHANOL STANDARD

Dry gas ethanol standards are purchased from manufactures that certify the ethanol concentration using N.I.S.T. traceable standards. Each lot of dry gas ethanol standard comes with a manufacture's certificate of analysis. This certificate is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee. These dry gas standards are used to check the calibration of the Intoxilyzer 8000.

1702.900

INTOXILYZER CALIBRATION CHECK

Mississippi Code 63-11-19 requires that calibration checks be performed at least once a quarter on breath alcohol instruments. The calibration checks of Intoxilyzer 8000 instruments are performed when an instrument is installed or removed from a location, when a dry gas ethanol standard is changed and with each breath test. The monthly calibration checks are performed by the Implied Consent Section of the Mississippi Crime Laboratory or designee. These are recorded on form IP-16E. Certifiers of calibration perform the calibration checks on instruments; a) when they are installed, b) removed from a location if possible and c) when a dry gas ethanol standard is changed. These calibration checks are recorded on form IP-03E.The calibration checks performed with each breath test are automatically performed by the instrument during the breath test sequence. These calibration check results are recorded on each breath test on form IP-01E.

1702.101

RELEASE OF INFORMATION

Records of two (2) calibration checks, the calibration check immediately before and the calibration check immediately after the subject test in question will be supplied upon request. The request must be made in writing giving the test subjects name, the date of test, the testing location, and the serial number of the instrument used to perform test. The Implied Consent Section of the Mississippi Crime Laboratory will adhere to U. S. Copyright laws as to release of any copyrighted materials.

1702.102

RECORDS MAINTENANCE

All official records for the Intoxilyzer 8000 of the State of Mississippi will be maintained by the Implied Consent Section of the Mississippi Crime Laboratory or designee. The records will be maintained in either an electronic file or paper file.

1702.103

PERMITS TO CONDUCT BREATH ALCOHOL TESTS

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19, operators conducting a chemical test of an individual's breath to ascertain alcohol level shall hold a valid permit issued by the Mississippi Crime Laboratory or designee in order to conduct such tests. The Permit to Conduct Breath Analysis (IP-51E) for determination of alcohol level shall be valid for twenty-four (24) months. No permit will be issued to any law enforcement officer who has not met minimum standards pursuant to Mississippi Code of 1972 Annotated, Section 63-11-5 and Section 45-6-1, et seq; "... provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirements".

1702.104

OPERATOR TRAINING

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19 in order to receive a permit to conduct breath alcohol tests, an individual must successfully complete the training program for Intoxilyzer 8000 operator certification. This training program is taught by persons of the Implied Consent Section of the Mississippi Crime Laboratory or designee who have been certified in the operation and calibration check of the Intoxilyzer 8000 by the Mississippi Crime Laboratory. All training material for the Intoxilyzer 8000 must be approved by the Implied Consent Section Chief of the Mississippi Crime Laboratory.

1702.105

RENEWAL OF OPERATOR PERMIT

Prior to the expiration of a valid Permit to Conduct Breath Analysis IP-51E, the operator must renew his permit in order to continue to conduct chemical tests of an individual's breath to determine alcohol level. The permit renewal is issued by the Implied Consent Section of the Mississippi Crime Laboratory or designee. If an operator fails to renew the Permit to Conduct Breath Analysis before the expiration date, the Permit is no longer valid. Before the operator can be reissued a Permit to Conduct Breath Analysis and resume conducting breath analysis he must demonstrate his ability to perform a breath test on the Intoxilyzer 8000 to the Operator Trainer of the Implied Consent Section of the Mississippi Crime Laboratory or designee. If this is not done within 6 months of the expiration of the Permit to Conduct Breath Analysis the operator must complete the training program for the Intoxilyzer 8000 operator certification as described in section 1702.104 of the Mississippi Crime Laboratory Implied Consent Policies and Procedures.

IMPLIED CONSENT FORMS

IP-01E BREATH TEST REPORT
IP-03E INTOXILYZER 8000 CALIBRATION CERTIFICATE
IP-04E REMOVAL OF INSTRUMENT
IP-11E PERMIT APPLICATION
IP-12E RECEIPT FOR DRIVER LICENSE (.02 BrAC or greater)
IP-14E RECEIPT FOR DRIVER LICENSE (refusal)
IP-16E REMOTE CALIBRATION CERTIFCATION
IP-51E PERMIT TO CONDUCT BREATH ANALYSIS
IP-54E CERTIFICATE OF CALIBRATION AND OPERATION
IP-55E IMPLIED CONSENT INTOXILYZER 8000 SERVICE RECORD
IP-60E INTOXILYZER INSTALLATION CHECKLIST
IP-61 IMPLIED CONSENT CERTIFICATE OF ANALYSIS (alcohol reference solution)
IP-62 IMPLIED CONSENT SIMULATOR CERTIFICATION
IP-64E INSTRUMENT LOCATION CERTIFICATION CHECKLIST
IP-65E INTOXILYZER LOCATION CERTIFICATION

MS Implied Consent Law
Title 63, Chapter 11

63-11-1.
Short title. This chapter may be cited as the Mississippi Implied Consent Law. Sources: Codes, 1942, §8175-01; Laws, 1971, ch. 515, § 1, eff from and after April 1, 1972.

63-11-3.
Definitions. The following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

(a) "Driving privilege" or "privilege" means both the driver's license of those licensed in Mississippi and the driving privilege of unlicensed residents and the privilege of nonresidents, licensed or not, the purpose of this section being to make unlicensed and nonresident drivers subject to the same penalties as licensed residents.

(b) "Community service" means work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.

(c) "Chemical test" means an analysis of a person's blood, breath, urine or other bodily substance for the determination of the presence of alcohol or any other substance which may impair a person's mental or physical ability.

(d) "Refusal to take breath, urine and/or blood test" means an individual declining to take a chemical test, and/or the failure to provide an adequate breath sample as required by the Implied Consent Law when requested by a law enforcement officer.

(e) "Alcohol concentration" means either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.

(f) "Qualified person to withdraw blood" means any person who has been trained to withdraw blood in the course of their employment duties including but not limited to laboratory personnel, phlebotomist, emergency medical personnel, nurses and doctors.

(g) "Victim impact panel" means a two-hour seminar in which victims of DUI accidents relate their experiences following the accident to persons convicted under the Implied Consent Law. Paneling programs shall be based on a model developed by Mothers Against Drunk Driving (MADD) victim panel or equivalent program approved by the court.

(h) "Booked" means the administrative step taken after the arrested person is brought to the police station, which involves entry of the person's name, the crime for which the arrest was made, and other relevant facts on the police docket, and which may also include photographing, fingerprinting, and the like.

63-11-5.
Implied consent to chemical tests; administration of tests; warnings; form of traffic tickets, citations or affidavits; advice regarding right to request legal or medical assistance; rules and regulations.

(1) Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of this chapter, to a chemical test or tests of his breath for the purpose of determining alcohol concentration. A person shall give his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to operate a motor vehicle. The test or tests shall be administered at the direction of any highway patrol officer, any sheriff or his duly commissioned deputies, any police officer in any incorporated municipality, any national park ranger, any officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or any security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle. No such test shall be administered by any person who has not met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officers Standards and Training; provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirement. No such tests shall be given by any officer or any agency to any person within fifteen (15) minutes of consumption of any substance by mouth.

(2) If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads, and streets of this state while under the influence of intoxicating liquor, such officer shall inform such person that his failure to submit to such chemical test or tests of his breath shall result in the suspension of his privilege to operate a motor vehicle upon the public streets and highways of this state for a period of ninety (90) days in the event such person has not previously been convicted of a violation of Section 63-11-30, or, for a period of one (1) year in the event of any previous conviction of such person under Section 63-11-30.

(3) The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section 63-9-21(3)(b).

(4) Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the purpose of requesting legal or medical assistance immediately after being booked for a violation under this chapter.

(5) The Commissioner of Public Safety and the State Crime Laboratory created pursuant to Section 45-1-17 are hereby authorized from and after the passage of this section to adopt procedures, rules and regulations, applicable to the Implied Consent Law.

Sources: Codes, 1942, § 8175-09; Laws, 1971, ch. 515, § 9; Laws, 1981, ch. 491, § 1; Laws, 1983, ch. 466, § 2; Laws, 1988, ch. 568, § 1; Laws, 1991, ch. 480, § 4; Laws, 1991, ch. 577, § 1; Laws, 1992, ch. 525, § 1; Laws, 1993, ch. 354, § 1; Laws, 1996, ch. 527, § 4; Laws, 1998, ch. 551, § 1, eff from and after passage (approved April 14, 1998).

63-11-7.
Authorization of blood test for dead or unconscious accident victims; use of test results.

If any person be unconscious or dead as a result of an accident, or unconscious at the time of arrest or apprehension or when the test is to be administered, or is otherwise in a condition rendering him incapable of refusal, such person shall be subjected to a blood test for the purpose of determining the alcoholic content of his blood as provided in this chapter, if the arresting officer has reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor. The results of such test or tests, however, shall not be used in evidence against such person in any court or before any regulatory body without the consent of the person so tested, or, if deceased, such person's legal representative. However, refusal of release of evidence so obtained by such officer or agency will in criminal actions against such person result in the suspension of his or her driver's license for a period of ninety days as provided in this chapter for conscious and capable persons who have refused to submit to such test. Blood may only be withdrawn under the provisions of section 63-11-9. It is the intent of this chapter that blood samples taken under this section shall be used exclusively for statistical evaluation of accident causes with safeguards established to protect the identity of such victims and to extend the rights of privileged communications to those engaged in taking, handling and evaluating such statistical evidence.

Sources: Codes, 1942, § 8175-10; Laws, 1971, ch. 515, § 10, eff from and after April 1, 1972.

63-11-8.
Testing of motor vehicle operator involved in accident resulting in death.

(1) The operator of any motor vehicle involved in an accident that results in a death shall be tested for the purpose of determining the alcohol content or drug content of such operator's blood, breath or urine. Any blood withdrawal required by this section shall be administered by any qualified person and shall be administered within two (2) hours after such accident, if possible. The exact time of the accident, to the extent possible, and the exact time of the blood withdrawal shall be recorded.

(2) If any investigating law enforcement officer has reasonable grounds to believe that a person is the operator of a motor vehicle involved in an accident that has resulted in a death, it shall be such officer's duty to see that a chemical test is administered as required by this section.

(3) The results of a test administered pursuant to this section may be used as evidence in any court or administrative hearing without the consent of the person so tested.

(4) No person may refuse to submit to a chemical test required under the provisions of this section.

(5) Analysis of blood or urine to determine alcohol or drug content pursuant to this section shall be conducted by the Mississippi Crime Laboratory or a laboratory whose methods and procedures have been approved by the Mississippi Crime Laboratory.

Sources: Laws, 1995, ch. 540, § 4; Laws, 1996, ch. 527, § 5, eff from and after July 2, 1996.

63-11-9.
Administration of blood test under § 63-11-7.

Under Section 63-11-7, any qualified person acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.

Sources: Codes, 1942, § 8175-17; Laws, 1971, ch. 515, § 17; Laws, 1996, ch. 527, § 6, eff from and after July 2, 1996.

63-11-11.
Taking of urine specimens.

If the test given under the provisions of this chapter is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

Sources: Codes, 1942, § 8175-19; Laws, 1971, ch. 515, § 19, eff from and after April 1, 1972.

63-11-13.
Right of accused to have test administered by person of his choice; effect of failure to obtain additional test.

The person tested may, at his own expense, have a physician, registered nurse, clinical laboratory technologist or clinical laboratory technician or any other qualified person of his choosing administer a test, approved by the state crime laboratory created pursuant to section 45-1-17, in addition to any other test, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by such arrested person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement officer.

Sources: Codes, 1942, § 8175-18; Laws, 1971, ch. 515, § 18; Laws, 1981, ch. 491, § 2, eff from and after July 1, 1981.

63-11-15.
Availability of information concerning test directed by law enforcement officer to accused or his attorney.

Upon the written request of the person tested, or his attorney, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney.

Sources: Codes, 1942, § 8175-20; Laws, 1971, ch. 515, § 20, eff from and after April 1, 1972.

63-11-17.
Liability for administering test or analysis.

No qualified person, hospital, clinic or funeral home shall incur any civil or criminal liability as the result of the proper administration of a test or chemical analysis of a person's breath, blood or urine when requested in writing by a law enforcement officer to administer such a test or perform such chemical analysis.

Sources: Codes, 1942, § 8175-21; Laws, 1971, ch. 515, § 21; Laws, 1973, ch. 354, § 1; Laws, 1996, ch. 527, § 7, eff from and after July 2, 1996.

63-11-19.
Requirements as to methods of testing and qualifications of test administrators; certification of administrators; testing and certification of accuracy of methods, machines or devices.

A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the State Crime Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the State Crime Laboratory for making such analysis. The State Crime Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State Crime Laboratory. The State Crime Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a conservation officer or a marine law enforcement officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7.

The State Crime Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same.

Sources: Codes, 1942, § 8175-16; Laws, 1971, ch. 515, § 16; Laws, 1978, ch. 526, § 1; Laws, 1981, ch. 491, § 3; Laws, 1988, ch. 568, § 2; Laws, 1991, ch. 577, § 2; Laws, 1995, ch. 620, § 5; Laws, 1999, ch. 585, § 6, eff from and after July 1, 1999.

63-11-21.
Actions by law enforcement officer upon refusal of driver to submit to test generally.

If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to arrest and punishment consistent with the penalties prescribed in Section 63-11-30 for persons submitting to the test. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor, or any other substance which may impair a person's mental or physical ability, stating such grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement officer.

Sources: Codes, 1942, § 8175-11; Laws, 1971, ch. 515, § 11; Laws, 1981, ch. 491, § 4; Laws, 1983, ch. 466, § 3; Laws, 1991, ch. 480, § 5; Laws, 1996, ch. 527, § 8, eff from and after July 2, 1996.

63-11-23. Review of report of law enforcement officer by Commissioner of Public Safety; notice of suspension; seizure of license where test indicates blood alcohol concentration above specified level; temporary permit to drive; denial of permit; representation of state in proceedings.

(1) The Commissioner of Public Safety, or his authorized agent, shall review the sworn report by a law enforcement officer as provided in Section 63-11-21. If upon such review the Commissioner of Public Safety, or his authorized agent, finds (a) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance which may impair a person's mental or physical ability;
(b) that he refused to submit to the test upon request of the officer; and (c) that the person was informed that his license and/or driving privileges would be suspended or denied if he refused to submit to the chemical test, then the Commissioner of Public Safety, or his authorized agent, shall give notice to the licensee that his license or permit to drive, or any nonresident operating privilege, shall be suspended thirty (30) days after the date of such notice for a period of ninety (90) days in the event such person has not previously been convicted of a violation of Section 63-11-30, or, for a period of one (1) year in the event of any previous conviction of such person under Section 63-11-30. In the event the commissioner or his authorized agent determines that the license should not be suspended, he shall return the license or permit to the licensee.

The notice of suspension shall be in writing and given in the manner provided in Section 63-1-52(2) (a).

(2) If the chemical testing of a person's breath indicates the blood alcohol concentration was eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, or breath, or urine, the arresting officer shall seize the license and give the driver a receipt for his license on forms prescribed by the Commissioner of Public Safety and shall promptly forward the license together with a sworn report to the Commissioner of Public Safety. The receipt given a person as provided herein shall be valid as a permit to operate a motor vehicle for a period of thirty (30) days in order that the defendant be processed through the court having original jurisdiction and a final disposition had. If the defendant requests a trial within thirty (30) days and such trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is the fault of the defendant or his counsel. If the court finds that such is not the fault of the defendant or his counsel, then the court shall order the defendant's driving privileges to be extended until such time as the defendant is convicted. If a receipt or permit to drive issued pursuant to the provisions of this subsection expires without a trial having been requested as provided for in this subsection, then the Commissioner of Public Safety or his authorized agent shall suspend the license or permit to drive or any nonresident operating privilege for the applicable period of time as provided for in subsection (1) of this section.

(3) If the person is a resident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety, or his authorized agent, shall deny to the person the issuance of a license or permit for a period of one (1) year beginning thirty (30) days after the date of notice of such suspension.

(4) It shall be the duty of the county prosecuting attorney, an attorney employed under the provisions of Section 19-3-49, or in the event there is no such prosecuting attorney for the county, the duty of the district attorney to represent the state in any hearing held under the provisions of Section 63-11-25, under the provisions of Section 63-11-37(2) or under the provisions of Section 63-11-30(2)(a).

Sources: Codes, 1942, § 8175-12; Laws, 1971, ch. 515, § 12; Laws, 1981, ch. 491, § 5; Laws, 1983, ch. 466, § 4; Laws, 1989, ch. 482, § 25; Laws, 1991, ch. 412, § 2; Laws, 1996, ch. 527, § 9; Laws, 1998, ch. 505, § 1; Laws, 2000, ch. 542, § 2; Laws, 2002, ch. 367, § 2, eff from and after July 1, 2002.

63-11-25. Appeals from forfeiture, suspension or denial of license by commissioner generally; exercise of driving privilege suspended during pendency of appeal.
If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section 63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. Provided further, that no such party shall be allowed to exercise the driving privilege while any such appeal is pending.

Sources: Codes, 1942, § 8175-13; Laws, 1971, ch. 515, § 13; Laws, 1983, ch. 466, § 5; Laws, 1996, ch. 527, § 10, eff from and after July 2, 1996.

63-11-26.
Actions which foreclose judicial review.

When the commissioner of public safety, or his authorized agent, shall suspend the driver's license or permit to drive of a person or shall deny the issuance of a license or permit to a person as provided in section 63-11-30, the person shall not be entitled to any judicial review of or appeal from the actions of the commissioner. A final conviction under said section shall finally adjudicate the privilege of such convicted person to operate a motor vehicle upon the public highways, public roads and streets of this state.

Sources: Laws, 1981, ch. 491, § 9; Laws, 1983, ch. 466, § 6, eff from and after July 1, 1983.

63-11-27. Notification of authorities in home state of suspension of nonresident drivers privilege.

When it has been finally determined under the procedures of sections 63-11-21 to 63-11-25, that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the commissioner, or his duly authorized agent, shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Sources: Codes, 1942, § 8175-14; Laws, 1971, ch. 515, § 14, eff from and after April 1, 1972.

63-11-29. Repealed.

Repealed by Laws, 1983, ch. 466, § 15, eff from and after July 1, 1983.

[Codes, 1942, §§ 8175-02, 8175-03; Laws, 1971, ch. 515, §§ 2, 3]

63-11-30. Operation of vehicle while under influence of intoxicating liquor, drugs or controlled substances, or other substances impairing ability to operate vehicle or with blood alcohol concentrations

above specified levels; penalties generally; granting of hardship driving privileges; penalties for violations resulting in death, disfigurement, etc., of another; penalties for multiple offenses; concurrent running of suspensions.

(1) It is unlawful for any person to drive or otherwise operate a vehicle within this state who (a) is under the influence of intoxicating liquor; (b) is under the influence of any other substance which has impaired such person's ability to operate a motor vehicle; (c) has an alcohol concentration of eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, in the person's blood based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's breath, blood or urine administered as authorized by this chapter; (d) is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (e) has an alcohol concentration of four one-hundredths percent (.04%) or more in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, breath or urine, administered as authorized by this chapter for persons operating a commercial motor vehicle.

(2) (a) Except as otherwise provided in subsection (3), upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, such person shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned for not more than forty-eight (48) hours in jail or both; and the court shall order such person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail. In addition, the Department of Public Safety, the Commissioner of Public Safety or his duly authorized agent shall, after conviction and upon receipt of the court abstract, suspend the driver's license and driving privileges of such person for a period of not less than ninety (90) days and until such person attends and successfully completes an alcohol safety education program as herein provided; provided, however, in no event shall such period of suspension exceed one (1) year. Commercial driving privileges shall be suspended as provided in Section 63-1-83.

The circuit court having jurisdiction in the county in which the conviction was had or the circuit court of the person's county of residence may reduce the suspension of driving privileges under Section 63-11-30(2) (a) if the denial of which would constitute a hardship on the offender, except that no court may issue such an order reducing the suspension of driving privileges under this subsection until thirty (30) days have elapsed from the effective date of the suspension. Hardships shall only apply to first offenses under Section 63-11-30(1), and shall not apply to second, third or subsequent convictions of any person violating subsection (1) of this section. A reduction of suspension on the basis of hardship shall not be available to any person who refused to submit to a chemical test upon the request of a law enforcement officer as provided in Section 63-11-5. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Fifty Dollars ($50.00), which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

The petition filed under the provisions of this subsection shall contain the specific facts which the petitioner alleges to constitute a hardship and the driver's license number of the petitioner. A hearing may be held on any petition filed under this subsection only after ten (10) days' prior written notice to the

Commissioner of Public Safety, or his designated agent, or the attorney designated to represent the state. At such hearing, the court may enter an order reducing the period of suspension.

The order entered under the provisions of this subsection shall contain the specific grounds upon which hardship was determined, and shall order the petitioner to attend and complete an alcohol safety education program as provided in Section 63-11-32. A certified copy of such order shall be delivered to the Commissioner of Public Safety by the clerk of the court within five (5) days of the entry of the order. The certified copy of such order shall contain information which will identify the petitioner, including, but not limited to, the name, mailing address, street address, social security number and driver's license number of the petitioner.

At any time following at least thirty (30) days of suspension for a first offense violation of this section, the court may grant the person hardship driving privileges upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:

(i) Continue his employment;
(ii) Continue attending school or an educational institution; or
(iii) Obtain necessary medical care.

Proof of the hardship shall be established by clear and convincing evidence which shall be supported by independent documentation.

(b) Except as otherwise provided in subsection (3), upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not less than Six Hundred Dollars ($600.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year and sentenced to community service work for not less than ten (10) days nor more than one (1) year. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain. Except as may otherwise be provided by paragraph (d) of this subsection, the Commissioner of Public Safety shall suspend the driver's license of such person for two (2) years. Suspension of a commercial driver's license shall be governed by Section 63-1-83. Upon any second conviction as described in this paragraph, the court shall ascertain whether the defendant is married, and if the defendant is married shall obtain the name and address of the defendant's spouse; the clerk of the court shall submit this information to the Department of Public Safety. Further, the commissioner shall notify in writing, by certified mail, return receipt requested, the owner of the vehicle and the spouse, if any, of the person convicted of the second violation of the possibility of forfeiture of the vehicle if such person is convicted of a third violation of subsection (1) of this section. The owner of the vehicle and the spouse shall be considered notified under this paragraph if the notice is deposited in the United States mail and any claim that the notice was not in fact received by the addressee shall not affect a subsequent forfeiture proceeding. For any second or subsequent conviction of any person under this section, the person shall also be subject to the penalties set forth in Section 63-11-31.

(c) Except as otherwise provided in subsection (3), for any third or subsequent conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00), shall be imprisoned not less than one (1) year nor more than five (5) years in the State Penitentiary. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain. The law enforcement agency shall seize the vehicle operated by any person charged with a third or subsequent violation of subsection (1) of this section, if such convicted person was driving the vehicle at the time the

offense was committed. Such vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53. Except as may otherwise be provided by paragraph (e) of this subsection, the Commissioner of Public Safety shall suspend the driver's license of such person for five (5) years. The suspension of a commercial driver's license shall be governed by Section 63-1-83.

(d) Except as otherwise provided in subsection (3), any person convicted of a second violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem, such person shall successfully complete treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health. Such person shall be eligible for reinstatement of his driving privileges upon the successful completion of such treatment after a period of one (1) year after such person's driver's license is suspended. Each person who receives a diagnostic assessment shall pay a fee representing the cost of such assessment. Each person who participates in a treatment program shall pay a fee representing the cost of such treatment.

(e) Except as otherwise provided in subsection (3), any person convicted of a third or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem, such person shall enter an alcohol and/or drug abuse program approved by the Department of Mental Health for treatment of such person's alcohol and/or drug abuse problem. If such person successfully completes such treatment, such person shall be eligible for reinstatement of his driving privileges after a period of three (3) years after such person's driver's license is suspended.

(f) The Department of Public Safety shall promulgate rules and regulations for the use of interlock ignition devices as provided in Section 63-11-31 and consistent with the provisions therein. Such rules and regulations shall provide for the calibration of such devices and shall provide that the cost of the use of such systems shall be borne by the offender. The Department of Public Safety shall approve which vendors of such devices shall be used to furnish such systems.

(3) (a) This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If such person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, such person shall have his driver's license suspended for ninety (90) days and shall be fined Two Hundred Fifty Dollars ($250.00); and the court shall order such person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may also require attendance at a victim impact panel.

The circuit court having jurisdiction in the county in which the conviction was had or the circuit court of the person's county of residence may reduce the suspension of driving privileges under Section 63-11-30(2) (a) if the denial of which would constitute a hardship on the offender, except that no court may issue such an order reducing the suspension of driving privileges under this subsection until thirty (30) days have elapsed from the effective date of the suspension. Hardships shall only apply to first offenses under Section 63-11-30(1), and shall not apply to second, third or subsequent convictions of any person violating subsection (1) of this section. A reduction of suspension on the basis of hardship shall not be available to any person who refused to submit to a chemical test upon the request of a law enforcement

officer as provided in Section 63-11-5. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Fifty Dollars ($50.00), which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

The petition filed under the provisions of this subsection shall contain the specific facts which the petitioner alleges to constitute a hardship and the driver's license number of the petitioner. A hearing may be held on any petition filed under this subsection only after ten (10) days' prior written notice to the Commissioner of Public Safety, or his designated agent, or the attorney designated to represent the state. At such hearing, the court may enter an order reducing the period of suspension.

The order entered under the provisions of this subsection shall contain the specific grounds upon which hardship was determined, and shall order the petitioner to attend and complete an alcohol safety education program as provided in Section 63-11-32. A certified copy of such order shall be delivered to the Commissioner of Public Safety by the clerk of the court within five (5) days of the entry of the order. The certified copy of such order shall contain information which will identify the petitioner, including, but not limited to, the name, mailing address, street address, social security number and driver's license number of the petitioner.

At any time following at least thirty (30) days of suspension for a first offense violation of this section, the court may grant the person hardship driving privileges upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:

(i) Continue his employment;
(ii) Continue attending school or an educational institution; or
(iii) Obtain necessary medical care.

Proof of the hardship shall be established by clear and convincing evidence which shall be supported by independent documentation.

(c) Upon any second conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than Five Hundred Dollars ($500.00) and shall have his driver's license suspended for one (1) year.

(d) For any third or subsequent conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars ($1,000.00) and shall have his driver's license suspended until he reaches the age of twenty-one (21) or for two (2) years, whichever is longer.

(e) Any person under the age of twenty-one (21) years convicted of a second violation of subsection (1) of this section, may have the period that his driver's license is suspended reduced if such person receives an in-depth diagnostic assessment, and as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem and successfully completes treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health. Such person shall be eligible for reinstatement of his driving privileges upon the successful completion of such treatment after a period of six (6) months after such person's driver's license is suspended. Each person who receives a diagnostic assessment shall pay a fee representing the cost of such assessment. Each person who participates in a treatment program shall pay a fee representing the cost of such treatment.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section shall complete treatment of an alcohol and/or drug abuse program at a site certified by the Department of Mental Health.

(g) The court shall have the discretion to rule that a first offense of this subsection by a person under the age of twenty-one (21) years shall be nonadjudicated. Such person shall be eligible for nonadjudication only once. The Department of Public Safety shall maintain a confidential registry of all cases which are nonadjudicated as provided in this paragraph. A judge who rules that a case is nonadjudicated shall forward such ruling to the Department of Public Safety. Judges and prosecutors involved in implied consent violations shall have access to the confidential registry for the purpose of determining nonadjudication eligibility. A record of a person who has been nonadjudicated shall be maintained for five (5) years or until such person reaches the age of twenty-one (21) years. Any person whose confidential record has been disclosed in violation of this paragraph shall have a civil cause of action against the person and/or agency responsible for such disclosure.

(4) In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of his breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of such test in any prosecution, shall suffer an additional suspension of driving privileges as follows:

The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or permit to drive or deny the issuance of a license or permit to such person as provided for first, second and third or subsequent offenders in subsection (2) of this section. Such suspension shall be in addition to any suspension imposed pursuant to subsection (1) of Section 63-11-23. The minimum suspension imposed under this subsection shall not be reduced and no prosecutor is authorized to offer a reduction of such suspension as part of a plea bargain.

(5) Every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a felony and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years.

(6) Upon conviction of any violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The judge shall cause a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction, to be sent to the Commissioner of Public Safety. A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section.

(7) Convictions in other states of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring after July 1, 1992, shall be counted for the purposes of

determining if a violation of subsection (1) of this section is a first, second, third or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) For the purposes of determining how to impose the sentence for a second, third or subsequent conviction under this section, the indictment shall not be required to enumerate previous convictions. It shall only be necessary that the indictment state the number of times that the defendant has been convicted and sentenced within the past five (5) years under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third or subsequent offense of this section.

(9) Any person under the legal age to obtain a license to operate a motor vehicle convicted under this section shall not be eligible to receive such license until the person reaches the age of eighteen (18) years.

(10) Suspension of driving privileges for any person convicted of violations of Section 63-11-30(1) shall run consecutively.

(11) The court may order the use of any ignition interlock device as provided in Section 63-11-31.

Sources: Laws, 1981, ch. 491, § 6; Laws, 1983, ch. 466, §§ 7, 13; Laws, 1989, ch. 565, § 1; Laws, 1991, ch. 480, § 6; Laws, 1992, ch. 500, § 1; Laws, 1994, ch. 340, § 4; Laws, 1995, ch. 540, § 1; Laws, 1996, ch. 527, § 11; Laws, 1998, ch. 505, § 2; Laws, 2000, ch. 542, § 3; Laws, 2002, ch. 367, § 1, eff from and after July 1, 2002.

63-11-31. Impoundment or immobilization of all vehicles registered to person convicted of DUI; installation of ignition interlock system.

(1) In addition to the penalties authorized for any second or subsequent convictions of Section 63-11-30, the court shall order either the impoundment or immobilization of all vehicles registered to the person convicted for the entire length of license suspension to commence upon conviction and persist during the entire driver's license suspension period. However, a county, municipality, sheriff's department or the Department of Public Safety shall not be required to keep, store, maintain, serve as a bailee or otherwise exercise custody over a motor vehicle impounded under the provisions of this section.

(2) (a) If other licensed drivers living in the household are dependent upon the vehicle subject to impoundment or immobilization for necessary transportation, the court may order the installation of an ignition interlock system on the vehicle in lieu of impoundment or immobilization. Additionally, the court shall order the installation of an ignition interlock system on all vehicles registered to the person for a minimum period of six (6) months to occur upon reinstatement of the person's driver's license if the court determines it is a vehicle to which the person has access and which should be subject to ignition interlock. The cost associated with impoundment, immobilization or ignition interlock shall be paid by the person convicted. For the purpose of this section, "ignition interlock device" means a device which connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if the driver's blood alcohol level exceeds the calibrated setting on the device.

(b) A person may not tamper with, or in any way attempt to circumvent the immobilization or impoundment of vehicles ordered by the court. A violation of this paragraph (b) is a misdemeanor and upon conviction the violator shall be fined an amount not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) or imprisoned for not more than one (1) year or both.

(c) When a court orders a person to operate only a motor vehicle which is equipped with a functioning ignition interlock device, the court shall establish a specific calibration setting no lower than two one-hundredths percent (.02%) nor more than four one-hundredths percent (.04%) blood alcohol concentration at which the ignition interlock device will prevent the motor vehicle from being started.

(d) Upon ordering use of an ignition interlock device, the court shall:

(i) State on the record the requirement for and the period of use of the device, and so notify the Department of Public Safety;

(ii) Direct that the records of the department reflect that the person may not operate a motor vehicle that is not equipped with an ignition interlock device;

(iii) Direct the department to attach or imprint a notation on the driver's license of any person restricted under this section stating that the person may operate only a motor vehicle equipped with an ignition interlock device;

(iv) Require proof of the installation of the device and periodic reporting by the person for verification of the proper operation of the device;

(v) Require the person to have the system monitored for proper use and accuracy by an entity approved by the department at least semiannually, or more frequently as the circumstances may require;

(vi) Require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the device, and may establish a payment schedule therefore.

(e) (i) 1. A person prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock device may not solicit or have another person attempt to start or start a motor vehicle equipped with such a device.

2. A person may not attempt to start or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock device.

3. A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock device that has been installed in a motor vehicle.

4. A person may not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person who the provider of such vehicle knows or should know is prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(ii) A violation of this paragraph (e) is a misdemeanor and upon conviction the violator shall be fined an amount not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

(iii) A person shall not be in violation of this paragraph (e) if:

1. The starting of a motor vehicle equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not operate the vehicle; or

2. The court finds that a person is required to operate a motor vehicle in the course and scope of the person's employment. If the vehicle is owned by the person's employer, the person may operate that vehicle during regular working hours for the purposes of employment without installation of an ignition interlock device if the employer has been notified of such driving privilege restriction and if proof of that notification is kept with the vehicle at all times. This employment exemption does not apply if the business entity that owns the vehicle is owned or controlled by the person who is prohibited from operating the motor vehicle not equipped with an ignition interlock device.

(f) (i) A judge may also order that the vehicle owned or operated by a person or a family member of any person who committed a violation of Section 63-11-30 be equipped with an ignition interlock device for all or a portion of the time the driver's license of the operator of such vehicle is suspended or restricted pursuant to this section, if:

1. The operator of the vehicle used to violate Section 63-11-30 has at least one (1) prior conviction for driving a motor vehicle when such person's privilege to do so is cancelled, suspended or revoked as provided by Section 63-11-30; or

2. The driver's license of the operator of such vehicle was cancelled, suspended or revoked at the time of the violation of Section 63-11-30.

(ii) The provisions of this paragraph (f) shall not apply if the vehicle used to commit the violation of Section 63-11-30, was, at the time of such violation, rented or stolen.

(3) The provisions of this section are supplemental to the provisions of Section 63-11-30.

Sources: Laws, 2000, ch. 542, § 1; Laws, 2001, ch. 477, § 1, eff from and after passage (approved Mar. 23, 2001.)

63-11-32. Development, implementation and funding of driver improvement program for first offenders convicted of driving while intoxicated or under influence of another substance which impairs ability to operate motor vehicle.

(1) The State Department of Public Safety in conjunction with the Governor's Highway Safety Program, the State Board of Health, or any other state agency or institution shall develop and implement a driver improvement program for persons identified as first offenders convicted of driving while under the influence of intoxicating liquor or another substance which had impaired such person's ability to operate a motor vehicle, including provision for referral to rehabilitation facilities.

(2) The program shall consist of a minimum of ten (10) hours of instruction. Each person who participates shall pay a nominal fee to defray a portion of the cost of the program.

(3) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Alcohol Safety Education Program Fund." Monies deposited in such fund shall be expended by the Board of Trustees of State Institutions of Higher Learning as authorized and appropriated by the Legislature to defray the costs of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.

(4) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Federal-State Alcohol Program Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.

(5) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Crime Laboratory Implied Consent Law Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of equipment replacement and operational support of the Mississippi Crime Laboratory relating to enforcement of the Implied Consent Law. Any revenue in the fund which is not encumbered at the end of the fiscal year shall not lapse to the General Fund but shall remain in the fund.

Sources: Laws, 1973, ch. 408, § 1; Laws, 1979, ch. 305; Laws, 1981, ch. 491, § 7; Laws, 1983, ch. 466, § 8; Laws, 1990, ch. 329, § 11; Laws, 1991, ch. 356 § 2; Laws, 1996, ch. 527, § 12, eff from and after July 2, 1996.

63-11-33, 63-11-35. Repealed.

Repealed by Laws, 1981, ch. 491, § 16, eff from and after July 1, 1981.

[Codes, 1942, §§ 8175-04, 8175-06, 8175-07; Laws, 1971, ch. 515, §§ 4, 6, 7]

63-11-37. Contents and disposition of record of conviction under § 63-11-30.

63-11-37. Contents and disposition of record of conviction under § 63-11-30.

It shall be the duty of the trial judge, upon conviction of any person under Section 63-11-30, to mail a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a copy of the abstract of the court record within five (5) days to the Commissioner of Public Safety at Jackson, Mississippi. The trial judge in municipal and justice courts shall show on the docket and the trial judge in courts of record shall show on the minutes:

(a) Whether or not a chemical test was given and the results of the test;

(b) Where conviction was based in whole or in part on the results of such a test.

The abstract of the court record shall show the date of the conviction, the results of the test if there was one and the penalty so that a record of same may be made by the Department of Public Safety.

For the purposes of Section 63-11-30, a bond forfeiture shall operate as and be considered as a conviction.

Sources: Codes, 1942, § 8175-08; Laws, 1971, ch. 515, § 8; Laws, 1981, ch. 491, § 8; Laws, 1983, ch. 466, § 9; Laws, 1985, ch. 346; Laws, 1991, ch. 480, § 7, eff from and after July 1, 1991.

63-11-39. Reduction of charges under chapter.
The court having jurisdiction or the prosecutor shall not reduce any charge under this chapter to a lesser charge.

Sources: Laws, 1992, ch. 500, § 5; Laws, 1996, ch. 527, § 13, eff from and after July 2, 1996.

63-11-40. Driving while driving license or privilege cancelled, suspended or revoked.
Any person whose driver's license, or driving privilege has been cancelled, suspended or revoked under the provisions of this chapter and who drives any motor vehicle upon the highways, streets or public roads of this state, while such license or privilege is cancelled, suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than forty-eight (48) hours nor more than six (6) months, and fined not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00). The commissioner of public safety shall suspend the driver's license or driving privilege of any person convicted under the provisions of this section for an additional six (6) months. Such suspension shall begin at the end of the original cancellation, suspension or revocation and run consecutively.

Sources: Laws, 1983, ch. 466, § 11, eff from and after July 1, 1983.

63-11-41. Admissibility in criminal prosecution of evidence of refusal to submit to chemical test.

If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in any criminal action under this chapter.

Sources: Codes, 1942, § 8175-22; Laws, 1971, ch. 515, § 22, eff from and after April 1, 1972.

63-11-43. Repealed.

Repealed by Laws, 1991, ch. 573, § 141, eff from and after July 1, 1991.

[Codes, 1942, § 8175-23; Laws, 1971, ch. 515, § 23]

63-11-45. Denial of insurance coverage on ground of refusal to submit to test or upon basis of test results.

No coverage otherwise afforded under any policy of insurance shall be denied on the ground that any person has refused any test provided for by this chapter nor on the basis of the results of any such test. Any provision to such effect in any insurance policy hereinafter issued shall be void.

Sources: Codes, 1942, § 8175-25; Laws, 1971, ch. 515, § 29, eff from and after April 1, 1972.

63-11-47. Selection and purchase of equipment and supplies.

The commissioner of public safety, acting in concert with the state crime laboratory created pursuant to section 45-1-17, is hereby expressly authorized and directed to determine the equipment and supplies which are adequate and necessary from both a medical and law enforcement standpoint for administration of this chapter. The commissioner of public safety, upon receiving such recommendation from the state crime laboratory, shall recommend an equipment standard for such equipment to the state fiscal management board. The state fiscal management board, using such a uniform standard for said equipment, shall advertise its intention of purchasing said equipment by one (1) publication in at least one (1) newspaper having general circulation in the state of Mississippi at least ten (10) days before the purchase of such equipment and supplies, and the advertisement shall clearly and distinctly describe the articles to be purchased, and shall receive sealed bids thereon which shall be opened in public at a time and place to be specified in the advertisement.

The state fiscal management board shall accept the lowest and best bid for said equipment and supplies; in its discretion, it may reject any and all bids submitted. The lowest and best bid for said equipment and supplies accepted by the state fiscal management board shall be the state-approved price of said equipment for purchase by the state, county and city governments.

Title to all such testing equipment in the state purchased hereunder shall remain in the commissioner of public safety regardless of what entity pays the purchase price. The state, counties and municipalities may purchase in the name of the commissioner of public safety such equipment and supplies from other vendors of said equipment and supplies necessary to implement this chapter, provided they purchase of the same quality and standard as certified to the state fiscal management board and approved by the department. However, such equipment and supplies shall not be purchased by the state, counties and municipalities unless it is at a price equivalent to or lower than that approved by the state fiscal management board, pursuant to the bid procedure as outlined herein.

Sources: Codes, 1942, § 8175-26; Laws, 1971, ch. 515, § 30; Laws, 1981, ch. 491, § 13; Laws, 1984, ch. 488, § 263, eff from and after July 1, 1984.

63-11-49. Authorization for impoundment and forfeiture of vehicle seized under chapter; notice of intention to forfeit; forfeiture to spouse; request for judicial review.

(1) When a vehicle is seized under Section 63-11-30(2)(c) or (d), the arresting officer shall impound the vehicle and the vehicle shall be held as evidence until a court of competent jurisdiction makes a final disposition of the case and the vehicle may be forfeited by the administrative forfeiture procedures provided for in this section upon final disposition as provided in Section 63-11-30(2)(c).

(2) The attorney for the law enforcement agency shall provide notice of intention to forfeit the seized vehicle administratively, by certified mail, return receipt requested, to all persons who are required to be notified pursuant to Section 63-11-51.

(3) In the event that notice of intention to forfeit the seized vehicle administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for the law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.

(4) Notice pursuant to subsections (2) and (3) of this section shall include the following information:
(a) A description of the vehicle;
(b) The approximate value of the vehicle;
(c) The date and place of the seizure;
(d) The connection between the vehicle and the violation of Section 63-11-30;
(e) The instructions for filing a request for judicial review; and
(f) A statement that the vehicle will be forfeited to the law enforcement agency if a request for judicial review is not timely filed.

(5) In the event that a spouse of the owner of the seized vehicle makes a showing to the department that the seized vehicle is the only source of transportation for the spouse, the chief law enforcement officer shall declare that the vehicle is thereby forfeited to such spouse. A written declaration of forfeiture of a vehicle pursuant to this subsection shall be sufficient cause for the title to the vehicle to be transferred to the spouse. The provisions of this subsection shall apply only to one (1) forfeiture per vehicle; if the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either

spouse, the spouse to whom the vehicle was forfeited pursuant to the first forfeiture proceeding may not utilize the remedy provided herein in another forfeiture proceeding.

(6) Persons claiming an interest in the seized vehicle may initiate judicial review of the seizure and proposed forfeiture by filing a request for judicial review with the attorney for the law enforcement agency within thirty (30) days after receipt of the certified letter or within thirty (30) days after the first publication of notice, whichever is applicable.

(7) If no request for judicial review is timely filed, the attorney for the law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle and the forfeited vehicle shall be disposed of in accordance with the provisions of Section 63-11-51.

(8) Upon receipt of a timely request for judicial review, the attorney for the law enforcement agency shall promptly file a petition for forfeiture and proceed as provided in Section 63-11-51.

Sources: Laws, 1992, ch. 500, § 2; Laws, 1996, ch. 527, § 14, eff from and after July 2, 1996.

63-11-51. Institution of forfeiture proceedings; filing and service of petition for forfeiture.

(1) Except as otherwise provided in Section 63-11-49, when a vehicle is seized under Section 63-11-30 (2)(c) or (d), proceedings under this section shall be instituted promptly upon final conviction.
(2) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi, the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle is within the jurisdictional limits of the county court as set forth in Section 9-9-21. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(a) The owner of the vehicle, if address is known;

(b) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3), (4), (5), (6) and (7) of this section;

(c) Any other bona fide lienholder or secured party or other person holding an interest in the vehicle in the nature of a security interest of whom the law enforcement agency has actual knowledge;

(d) Any person in possession of the vehicle subject to forfeiture at the time that it was seized.

(3) If the vehicle is susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the law enforcement agency shall inquire of the State Tax Commission as to what the records of the State Tax Commission show regarding who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.

(4) If the vehicle is not titled in the State of Mississippi, then the law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the agency shall inquire of the appropriate

agency of that state as to what the records of the agency show regarding who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle.

(5) In the event the answer to an inquiry states that the record owner of the vehicle is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, which affects the vehicle, the law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the vehicle in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.

(6) If the owner of the vehicle cannot be found and served with a copy of the petition of forfeiture, the law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of . . .," filling in the blank space with a reasonably detailed description of the vehicle subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law.

Sources: Laws, 1992, ch. 500, § 3; Laws, 1996, ch. 527, § 15, eff from and after July 2, 1996.

63-11-53. Disposition of forfeited vehicles; disposition of money derived from forfeited vehicles.

(1) All money derived from the seizure and forfeiture of vehicles under Section 63-11-30(2)(c) and (d) and Sections 63-11-49 and 63-11-51 by the Mississippi Highway Safety Patrol shall be forwarded to the State Treasurer and deposited in a special fund which is hereby created for use by the Department of Public Safety upon appropriation by the Legislature. Unexpended amounts remaining in such special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in such special fund shall be deposited to the credit of the special fund. All other law enforcement agencies shall establish a special fund which is to be used for law enforcement purposes to purchase equipment for the law enforcement agency, and any interest earned on the amount in such special fund shall be deposited to the credit of the special fund.

(2) Except as otherwise provided in subsection (3), all vehicles that have been forfeited shall be sold at a public auction for cash by the law enforcement agency, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the county in which the vehicle was seized. Such notices shall contain a description of the vehicle to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:

(a) To any bona fide lienholder, secured party, or other party holding an interest in the vehicle in the nature of a security interest, to the extent of his interest; and

(b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be deposited in the manner described in subsection (1) of this section.

(3) The law enforcement agency may maintain, repair, use and operate for official purposes all vehicles that have been forfeited if the vehicles are free from any interest of a bona fide lienholder, secured party

or other party who holds an interest in the nature of a security interest. The agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle can be released for its use. If the vehicle is susceptible of titling under the Mississippi Motor Vehicle Title Law, the agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (4) of this section.

(4) The State Tax Commission shall issue a certificate of title to any person who purchases vehicles under the provisions of this section when a certificate of title is required under the laws of this state.
Sources: Laws, 1992, ch. 500, § 4; Laws, 1996, ch. 527, § 16, eff from and after July 2, 1996.

INSTRUMENT OPERATION AND PRINTED RESULTS

MISSISSIPPI INTOXILYZER 8000
BREATH ALCOHOL TEST
INSTRUMENT

OPERATOR CARD

The Operator has an **Operator Card/Permit** which is **IP-51E**.
This Operator Card is also the "**Permit to Conduct Breath Analysis**," which has an expiration date.
The operator is required to obtain a valid Operator Card to operate the Mississippi Intoxilyzer 8000. When the Operator Card expires, the card will no long operate the instrument.

From the OPERATOR CARD, IP-51E, the operator has three choices in which to enter his/her identification information.
They are;

1] "MAGNETIC STRIP"
2] "2D-BARCODE"
3] ENTER THE INFORMATION IN BY HAND FROM THE KEYBOARD.

Also, the operator has these same three choices in which to enter driver license information.

On the back of the Operator Card is the Magnetic Strip and 2-D Barcode. Either one can be used to operate the Mississippi Intoxilyzer 8000.

Mississippi Department of Public Safety
Permit to Conduct Breath Analysis

Issued To
TOM A STUDENT
The above named person is authorized to perform analysis of breath specimens to determine alcohol content pursuant to the Mississippi Implied Consent Act. Issuance or revocation of this permit is at the discretion of the Mississippi Crime Laboratory. This authorization is applicable to analysis conducted on the
Intoxilyzer 8000
Number:12345678901 Issued: 2003/01/29 Expires:2005/01/29

Approved by: Commissioner of Public Safety and the Mississippi Crime Laboratory
DPS IP-51E 01/04

By using the Operator Card to enter operator information, the operator will check the information for correctness. If the information is incorrect make change(s) as needed and contact the Implied Consent Record Office for correction(s) to be made. (Note: a replacement card will be issued as needed)

OBTAINING A BREATH TEST

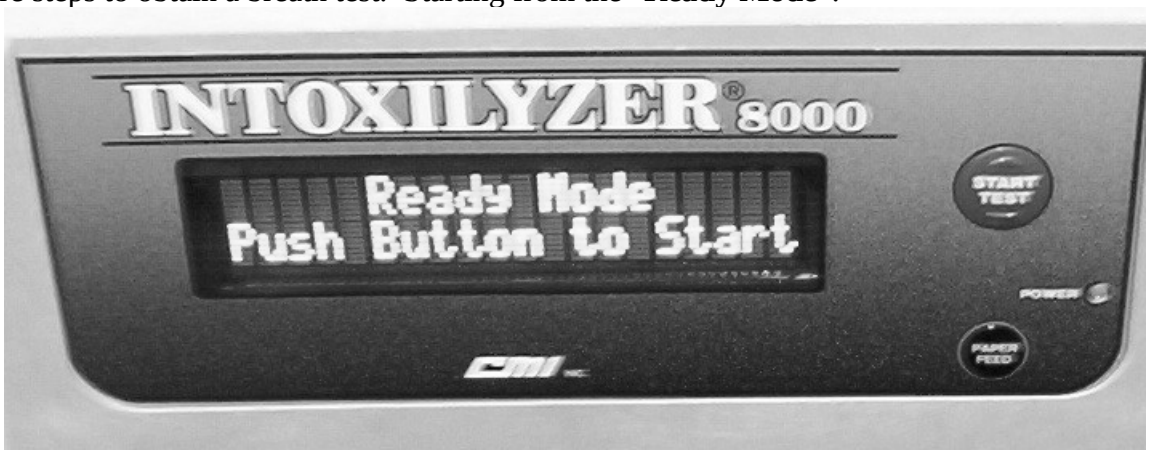
After a minimum 20 minute observation period, a breath alcohol test can be performed.

The display may indicate "**Standby Mode**". Press the **Start Test Button**, the instrument will enter the "**Ready Mode**".

From the "**Ready Mode**", the operator presses the **Green Start Test Button** to start a test.

From the display, an operator can follow the instructions to acquire a breath test.

Below are steps to obtain a breath test. Starting from the "**Ready Mode**".



(From the "Ready Mode" Displayed on Intoxilyzer 8000, depress the **START TEST BUTTON.**)

Operators that travel within the state (MHP) and operate instruments at another Agency, your Operator Agency Code will need to be changed. This is the Agency Code that appears on IP-12 or IP-14.

1. **Please swipe/scan ID Or press enter** **Operator card IP-51E**

2. Operator PIN #? This is blank the operator must **Enter the Personal Identity Number.**

3. Operator badge num?

4. Operator Last name?

5. Operator 1st name?

6. Operator mid name?

7. Oper. Agency code? confirm your agency code.

8. Oper. Agency name? confirm your agency name.

9. Review data Y/N? **N** For a correction on the above information press "Y" and enter.

10. Operator = Arresting? **Y** if "N" no the arresting officer information is used:

11. Citation /Ticket num? This is a blank place to **enter the citation or ticket number** (123-ABC)

12. Stop day? Today's day is automatically filled in from the instrument, or enter the day.

13. Stop date? (mm/dd/yyyy) Date is automatically filled in from the instrument, or enter date:

14. **Stop time?** This is blank the operator must **Enter the time: (hh:mm)**

15. Stop location? This is blank the operator must **Enter the location of the stop:**

16. F
4000

This is s drop down list, the operator can PgUp/PgDn and pick:
F = Federal 4000
C = County 3000
S = State 2000
For the type of Highway/street

Highway/street?
Add highway or street number. Example:
4055 = Interstate 55

17. Violation city? This is blank the operator must **Enter the city**:

18. Violation county? This is blank the operator must **Enter the county**:

19. Driver Y/N? **Y** or the operator can change Y or N:

20. Accident Y/N? **N** or the operator can change Y or N:

21. Violation Y/N? **Y** or the operator can change Y or N:

22. Review data Y/N? **N** For a correction on the above information press "Y" and enter.

23. **Please swipe/scan DL or press enter** Make sure to check the information on Drivers License. If corrections are needed, make those changes.

24. Sub last name? Check the information on Drivers License or enter the correction

25. Sub first name?

26. Sub middle name?

27. Sub address?

28. Sub city?

29. Sub state?

30. Sub zip code?

31. DL number?

32. DL state?

33. (DL class)

A
CLASS A COMMERCIAL
B
CLASS B COMMERCIAL
C
CLASS C COMMERCIAL
D
CLASS D COMMERCIAL
I
ID ONLY
N
NONE
O
OTHER
P
LEARNER'S PERMIT
R
REGULAR OPERATOR
T
DRIVER'S ED ONLY
Y
INTERMEDIATE
(PgUp/PgDn)

34. DL type CDL Y/N? **N**

35. DL restrictions?

36. DL endorsements?

37. DL expiration?

38. Sub DOB?

39. (Sub sex)
M = Male
F = Female
O = Other
U = Unknown
(PgUp/PgDn)

40. Sub height? Check the information on Drivers License or enter the correction

41. Sub weight? Check the information on Drivers License or enter the correction

42. Sub SSN Type in information or press Enter to go to next screen

43. (Sub race)

B
Black
I
Indian
O
Other
W
White
Y
Yellow
(PgUp/PgDn)

44. Review data Y/N? **N** For a correction on the above information press “Y” and enter.

45. Vehic license? This is blank the operator must **Enter the license.**

46. Vehic state?

47. Vehic year?

48. Vehic make?

49. Vehic model?

50. (Vehic type)

P
Passenger
T
Truck
V
Van
M
Motorcycle
B
Bus
O
Other
(PgUp/PgDn)

51. Vehic commercial Y/N? **N**

52. Vehic haz mat Y/N? **N**

53. Review data Y/N? **N** For a correction on the above information press “Y” and enter.

54. Observation began? Enter the time from keyboard: hh:mm

55. Mr. (Mrs. or Ms.)

_____{*use PgDn (page down) or PgUp (page up) to move through text}* you have the right to refuse the *(PgDn)* Intoxilyzer test which is being *(PgDn)* offered to determine your breath alcohol *(PgDn)* content. Should you elect to refuse, *(PgDn)* your driver's license and/or *(PgDn)* driving privilege to operate a motor *(PgDn)* vehicle upon the public streets and *(PgDn)* highways of this state shall be *(PgDn)* suspended for ninety (90) days if it is *(PgDn)* the first offense, or for one (1) year *(PgDn)* if you have been previously convicted *(PgDn)* of a violation of Section 63-11-30, *(PgDn)* Mississippi Code of 1972. (PgDn)

Warning given Y/N? **N** {If **"N" – NO -** Return to the beginning of Warning}

Press Y enter.

56. Refused breath test? **N**

57. Review data Y/N? **N** For a correction on the above information press "Y" and enter.

58. (Court Type)

J	Justice
M	Municipal
F	Federal
J	Juvenile
O	Other
U	County
C	Circuit
	(PgUp/PgDn)

59. Court name?

60. Court address?

61. Court city?

62. Judge/clerk?

63. Review data Y/N? **N** For a correction on the above information press "Y" and enter.

64. Air Blank
Diagnostics
Air Blank
Rslt:0.00
Reference
Cal Check
Air Blank
Rslt:0.00
Please Blow Until Tone Stops /R

Attach a new mouth Piece

(A tone will sound while the person is providing a breath sample. A "/ **"** will appear while the person is blowing followed by a " **–** **"** when the person has met the requirements of the instrument. A "* " indicates the sample requirements have been met and the person has stopped blowing)

1st breath sample

It is recommended that the mouth piece be removed after each breath sample.

Air Blank
Rslt:0.00
Time (Remaining time between breath test)
Air Blank Rslt:0.00
Please Blow Until Tone Stops/R

Attach a new mouth Piece

(A tone will sound while the person is providing a breath sample. A "/ **"** will appear while the person is blowing followed by a " **–** **"** when the person has met the requirements of the instrument. A "* " indicates the sample requirements have been met and the person has stopped blowing)

2nd breath sample

It is recommended that the mouth piece be removed after each breath sample.

Air Blank Rslt:0.00
Reference
Cal Check
Air Blank Rslt:0.00
Diagnostics

With a negative or less than per se test violation the following actions by the instrument are performed:

65. Committed to?

66. Please wait printing forms…… IP-1E.

With a Positive test on a per se violation the following actions by the instrument are performed:

67. You have the right to make a telephone (PgDn) call for legal or medical assistance (PgDn) after being booked. (PgDn)

68. Warning given Y/N **N** {if N – No will return to the beginning of warning} Press **Y** then **Enter**

69. Committed to?

70. License attached Y/N **N** **OR** Press **Y** then Enter. If the answer is Y the instrument will begin to print the appropriate forms. If the answer is N the instrument will prompt the operator to enter a reason the license was not attached.

71. Why not? Enter reason License is not attached or press enter.

72. Printing Forms…… IP-1E and IP-12E

With a Refusal the instrument will perform the following;

56. Refused breath test? **Y**

57. Review data Y/N? N For a correction on the above information press "Y" and enter.

58. (Court Type)

J	Justice
M	Municipal
F	Federal
J	Juvenile
O	Other
U	County
C	Circuit
	(PgUp/PgDn)

59. Court name?

60. Court address?

61. Court city?

62. Judge/clerk?

63. Review data Y/N? **N** For a correction on the above information press "Y" and enter.

64. Slurred Speech? N

65. Intoxicating smell? N

66. Corrdinat. Impaired? N

67. Driving off roadway? N

68. Weaving in roadway? N

69. Eyes dilated? N

70. Other? N

71. Review data Y/N? N

72. You have the right to make a telephone (PgDn) call for legal or medical assistance (PgDn) after being booked. (PgDn)

73. Warning given Y/N **N** {if N – No will return to the beginning of warning} Press **Y** then **Enter**

74. Committed to?

75. License attached Y/N **N** **OR** Press **Y** then Enter. If the answer is Y the instrument will begin to print the appropriate forms. If the answer is N the

instrument will prompt the operator to enter a reason the license was not attached.

76. Why not? Enter reason License is not attached or press enter.

77. Printing Forms…… IP-1E and IP-14E

Printed Test

An example of the Test is printed below.
IP-1 and IP-12
Tests are printed on 8.5 x 11.0 in paper.

Confirm the information on IP-01E and IP-12E and IP-14E are correct.

The Instrument is NOT "Turned Off".

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

Test	BrAC (g/210L)	Time
Air Blank	0.000	
Diagnostics	OK	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Subject Test	0.319	
Air Blank	0.000	
Air Blank	0.000	
Subject Test	0.309	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Diagnostics	OK	

BrAC g/210L
Name 0.30

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: Accident: **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety
ARRESTING Officer Copy DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense, or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

Test	BrAC (g/210L)	Time
Air Blank	0.000	
Diagnostics	OK	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Subject Test	0.319	
Air Blank	0.000	
Air Blank	0.000	
Subject Test	0.309	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Diagnostics	OK	

BrAC g/210L
Name 0.30

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: Accident: **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety
COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense, or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

Test	**BrAC (g/210L)**	**Time**
Air Blank	0.000	
Diagnostics	OK	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Subject Test	0.319	
Air Blank	0.000	
Air Blank	0.000	
Subject Test	0.309	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Diagnostics	OK	

BrAC g/210L
Name 0.30

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: Accident: **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety
TESTING OFFICER COPY DPS/IP-01E (01/04)

PLEASE PRINT INFORMATION

IN THE DESIGNATED BELOW, THE AFFIANT HEREIN, BEING DULY SWORN,
UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

Was driver transporting hazardous material at time of arrest?

STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY

Receipt for Driver License and Temporary Driving Permit
.02 or Greater BrAC

BrAC
0.30

This form is valid as a driver permit for a period of thirty (30) days from the date it was issued. Anyone using this form thirty (30) days after issuance may be driving under suspension. All law enforcement officers may determine if the holder is driving under suspension by contacting the nearest Mississippi Highway Safety Patrol or any Mississippi Justice Information Center terminal.

This receipt and permit is issued to individuals who have taken a breath test to determine Alcohol Content and the results indicated a Breath Alcohol Content as specified under the Implied Consent Law and Section 63-1-83, Mississippi Code 1972, Annotated.

VIOLATOR'S SUSPENSION NOTICE

This form is valid as a driver permit for a period of thirty (30) days from the date of arrest. You have the right to request a trial within thirty (30) days to the court of original jurisdiction. If you request a trial within thirty (30) days and such trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is your fault or that of counsel. If the court finds that the delay is not your fault or that of your counsel, then the court shall issue an order to the Commissioner of Public Safety extending your driving privileges pending the outcome of your case as provided under Section 63-11-23 (2), Mississippi Code.

If you do not request a trial before the expiration of this permit, your license will be suspended. The period of suspension is for ninety (90) days if you are operating a non-commercial vehicle and could be from one (1) year to ten (10) years if operating a commercial vehicle. This suspension is in addition to any other suspension imposed upon conviction for driving under the influence.

Arresting Officer's Name:
Signature of
Arresting Officer: _____ Badge No.
Enforcement Agency:

OFFICER COPY IP-12E 01/04

PLEASE PRINT INFORMATION

IN THE DESIGNATED BELOW, THE AFFIANT HEREIN, BEING DULY SWORN,
UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

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STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY

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.02 or Greater BrAC

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Arresting Officer's Name:
Signature of
Arresting Officer: _____ Badge No.
Enforcement Agency:

IP-12E 01/04

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UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

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STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY

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Arresting Officer's Name:
Signature of
Arresting Officer: _____ Badge No.
Enforcement Agency:

STAPLE DRIVER LICENSE HERE

IS LICENSE ATTACHED

IF NO, WHY

SWORN TO AND SUBSCRIBED BEFORE ME.
this the _____day of _____, 20_____

_____
Notary Public or court Clerk

WITHIN 24 HOURS MAIL TO:
Statistical Branch
Dept. D
P.O. Box 958
Jackson, Mississippi 39205

DO NOT FOLD

IP-12E 01/04

PLEASE PRINT INFORMATION

IN THE DESIGNATED BELOW, THE AFFIANT HEREIN, BEING DULY SWORN,
UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

Was driver transporting hazardous material at time of arrest?

STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY
Receipt for Driver License and Temporary Driving Permit
CHEMICAL TEST REFUSAL
Breath Test Y Blood Test Urine Test

Person using this form as a driving permit forty-five(45) days after date of arrest, should have this license status checked through any Mississippi Highway Patrol Station of Mississippi Justice Information Center terminal to determine if subject is driving while license is suspended.

This receipt and permit is issued to individuals who have refused a chemical test to determine Breath Alcohol Content as required in Section 63-11-5 in accordance w/section 63-11-21 or 63-1-84 in accordance w/section 63-1-83 Mississippi Code 1972 as annotated.

OFFICER'S STATEMENT

I the undersigned law enforcement officer state; (a) that he refused to submit to the test upon request as provided in Section 63-11-5 or 63-1-84 of the Mississippi Code, 1972 Annotated; (b) that the person was informed that if he refused to take the test his license/privilege to drive would be suspended or denied for a period of ninety (90) days or for a period of one year in the event of any previous conviction of such person under Section 63-11-30 of the Mississippi Code, 1972

Annotated, if operating a non-commercial vehicle, or for one (1) year of life if operating a commercial vehicle; (c) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor as indicated below:

Slurred Speech Y Smell of Intoxicating Beverage Present Y Coordination Impaired Y
Driving off roadway Y Weaving in Roadway Y Eyes Dilated Y
Other Y

Arresting Officer's Name:
Signature of
Arresting Officer: _____ Badge No._____
Enforcement Agency:

OFFICER COPY IP-14E 01/04

PLEASE PRINT INFORMATION

IN THE DESIGNATED BELOW, THE AFFIANT HEREIN, BEING DULY SWORN,
UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

Was driver transporting hazardous material at time of arrest?

STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY
Receipt for Driver License and Temporary Driving Permit
CHEMICAL TEST REFUSAL
Breath Test Y Blood Test Urine Test

Person using this form as a driving permit forty-five(45) days after date of arrest, should have this license status checked through any Mississippi Highway Patrol Station of Mississippi Justice Information Center terminal to determine if subject is driving while license is suspended.

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OFFICER'S STATEMENT

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Annotated, if operating a non-commercial vehicle, or for one (1) year of life if operating a commercial vehicle; (c) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor as indicated below:

Slurred Speech Y Smell of Intoxicating Beverage Present Y Coordination Impaired Y
Driving off roadway Y Weaving in Roadway Y Eyes Dilated Y
Other Y

Arresting Officer's Name:
Signature of
Arresting Officer: _____ Badge No._____
Enforcement Agency:

STAPLE DRIVER LICENSE HERE
IS LICENSE ATTACHED

IF NO, WHY

SWORN TO AND SUBSCRIBED BEFORE ME.
this the _____day of _____, 20_____

_____
Notary Public or court Clerk
WITHIN 24 HOURS MAIL TO:
Statistical Branch
Dept. D
P.O. Box 958
Jackson, Mississippi 39205

IP-14E 01/04

PLEASE PRINT INFORMATION

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UPON OATH DOES DEPOSE AND SAY AT THE FOLLOWING LOCATION, TIME, & DATE

AGENCY CODE	TICKET NUMBER

LOCATION	HIGHWAY/STREET

DAY	DATE	TIME OF STOP	TIME OF TEST

NAME (LAST, FIRST, MIDDLE)

ADDRESS

CITY	STATE	ZIP CODE

DRIVER LICENSE NUMBER	STATE	BIRTH DATE	SEX	RACE

SOCIAL SECURITY	EXPIRATION	WEIGHT

HEIGHT	CDL LICENSE	CLASS	RESTRICTIONS	ENDORSEMENTS

VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	VEHICLE TYPE

COURT

Was driver operating a commercial vehicle that required a class A, B, or C CDL at time of arrest?

ADDRESS
CITY

Was driver transporting hazardous material at time of arrest?

STATE OF MISSISSIPPI – DEPARTMENT OF PUBLIC SAFETY
Receipt for Driver License and Temporary Driving Permit
CHEMICAL TEST REFUSAL
Breath Test Y Blood Test Urine Test

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Slurred Speech Y Smell of Intoxicating Beverage Present Y Coordination Impaired Y
Driving off roadway Y Weaving in Roadway Y Eyes Dilated Y
Other Y

Arresting Officer's Name:
Signature of
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Enforcement Agency:

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this the _____day of _____, 20_____

_____
Notary Public or court Clerk
WITHIN 24 HOURS MAIL TO:
Statistical Branch
Dept. D
P.O. Box 958
Jackson, Mississippi 39205

DO NOT FOLD IP-14E 01/04

Operational Messages from the Instrument to the Operator

1. **Sample Introduced at improper time. (Improper Sample)**
2. **Mouth Alcohol test. (Range Exceeded or Invalid Sample)**
3. **Improper ambient condition. (Ambient Fail or Improper Sample)**
4. **Radio Frequency Interference. (RFI Detect)**
5. **Subject did not complete test. (Insufficient Sample)**
6. **Subject did not provide a breath sample. (No Sample Given)**
7. **Start test button pressed twice. (Sequence Aborted)**
8. **Normal Breath test.**
9. **No 0.020 agreement between breath samples. (No .020 Agreement)**
10. **Interferent detected in breath sample. (Interferent Detect)**
11. **Refused Breath Test. (Subject Test Refused)**

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense, or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Improper Sample

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense, or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Invalid Sample

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Range Exceeded

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Ambient Fail

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Improper Sample

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

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Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

RFI Detect

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Insufficient Sample

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

No Sample Given

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Sequence Aborted

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"Mr. (Mrs. or Ms.) _____ you have the right to refuse the Intoxilyzer test which is being offered to determine your breath alcohol content. Should you elect to refuse, your driver's license and/or driving privilege to operate a motor vehicle upon the public streets and highways of this state shall be suspended for ninety (90) days if it is the first offense, or for one (1) year if you have been previously convicted of a violation of Section 63-11-30, Mississippi Code of 1972."

WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

Test	BrAC (g/210L)	Time
Air Blank	0.000	
Diagnostics	OK	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Subject Test	0.000	
Air Blank	0.000	
Air Blank	0.000	
Subject Test	0.000	
Air Blank	0.000	
Cal Check	0.080	
Air Blank	0.000	
Diagnostics	OK	

BrAC g/210L
Name 0.00

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Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
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Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety
Testing Officer Copy COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

NO .020 agreement

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Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Interferent Detect

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

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WARNING TIME: _____.

Time of Observation Start:_____Test Date: _____ Start Test Time:_____.

Intoxilyzer – Alcohol Analyzer Model 8000 DPS Number:

SN: **Instrument Location**:
Location Number:

Sub Name:
Address:
City: **State**: **Zip Code**:
Sub DOB: **Sub Sex**
Driver License Number: **SSN**:

Operator's Name:

BrAC g/210L

Subject Test Refused

OPERATOR MUST READ THE FOLLOWING TO THE SUBJECT:

"You have the right to make a telephone call for legal or medical assistance after being booked."

Driver: **Accident:** **Violation:**
Enforcement Agency:
County and City where violation occurred:
Judge / Clerk: COURT
Address:
Committed to:

Operator's Signature:_____ Citation/Ticket No:
Printed name

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

ARRESTING OFFICER COPY TESTING OFFICER COPY COURT COPY DPS/IP-01E (01/04)

Where to get information and record keeping
Mississippi Highway Patrol / Implied Consent Record Office
601-987-1253

Additional contacts:

IMPLIED CONSENT / MISSISSIPPI CRIME LABORATORY

Mississippi Crime Laboratory: 601-987-1600

DEPARTMENT OF PUBLIC SAFETY

MISSISSIPPI HIGHWAY SAFETY PATROL

IMPLIED CONSENT BRANCH

APPLICATION FOR PERMIT TO CONDUCT BREATH ANALYSIS.

COMPLETE NAME: SOCIAL SECURITY #:

U.S. CITIZEN: MS. RESIDENT:

EMPLOYED BY: PHONE NUMBER:

BUSINESS ADDRESS

COUNTY: MS HWY PATROL DISTRICT NO:

JOB CLASSIFICATION

ARE YOU CERTIFIED BY MINIMUM STANDARDS AS A LAW ENFORCEMENT OFFICER._

MINIMUM STANDARD NUMBER:

PERMIT RENEWAL: NEW APPLICATION:

TRAINING REQUESTED ON INTOXILYZER MODEL 8000.

(PIN) PERSONAL IDENTIFICATION NUMBER:

PART TIME OR RESERVE:

BUI ONLY:

APPLICANTS SIGNATURE:_____DATE:_____.

I CERTIFY THAT THE ABOVE NAME APPLICANT IS EMPLOYED BY THE ABOVE SAID DEPARTMENT AS A SWORN LAW ENFORCEMENT OFFICER AND IS CERTIFIED AS SUCH BY THE MINIMUM STANDARD OF THE STATE OF MISSISSIPPI.

SIGNATURE OF AGENCY HEAD:_____.

DEPARTMENT: _____.

DATE:_____.

Approved by: Mississippi Crime Laboratory & Commissioner of Public Safety

DPS/IP-11E (01/04)