

**78B-5-620 Calibration certificates for breathalizers.**

- (1) As used in this section:
  - (a) "Breathalyzer" means any device used by a law enforcement agency which utilizes a person's breath to estimate blood alcohol content.
  - (b) "Calibration" means the manual setting of specific levels on a breathalyzer by a person trained to reset the machine to insure as accurate results as possible.
  - (c) "Certificate of calibration" means the document issued by the person who calibrates a breathalyzer, attesting to the accuracy of the machine.
  - (d) "Department" means the Department of Public Safety created in Section 53-1-103.
  - (e) "Digitize" means to convert content from a tangible, analog form into a digital electronic representation of that content.
- (2) The department may digitize and post the digital format of certificates of calibration on its website in a secure location not available to the public.
- (3) The secure location shall be available to courts and local prosecutors' offices for use in actions in which it is alleged a party was intoxicated and a law enforcement officer required the party to submit to a breathalyzer test.
- (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
  - (a) to provide a method for insuring the accuracy of the certificates on the website; and
  - (b) providing for an attestation to the authenticity of the certificate upon download by a prosecutor or court.

Enacted by Chapter 209, 2008 General Session