

**DIGITAL CERTIFICATES FOR
BREATHALIZERS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill allows the Department of Public Safety to digitize certificates of calibration for breathalizers and upload them to a secure website for use by prosecutors and courts.

Highlighted Provisions:

This bill:

- ▶ allows the Department of Public Safety to digitize certificates of calibration for breathalizers; and
- ▶ requires that the department provide a secure location on its website to post the digital certificates.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-5-620, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-5-620** is enacted to read:

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

(1) As used in this section:

30 (a) "Breathalyzer" means any device used by a law enforcement agency which utilizes a
31 person's breath to estimate blood alcohol content.

32 (b) "Calibration" means the manual setting of specific levels on a breathalyzer by a
33 person trained to reset the machine to insure as accurate results as possible.

34 (c) "Certificate of calibration" means the document issued by the person who calibrates
35 a breathalyzer, attesting to the accuracy of the machine.

36 (d) "Department" means the Department of Public Safety created in Section 53-1-103.

37 (e) "Digitize" means to convert content from a tangible, analog form into a digital
38 electronic representation of that content.

39 (2) The department may digitize and post the digital format of certificates of calibration
40 on its website in a secure location not available to the public.

41 (3) The secure location shall be available to courts and local prosecutors' offices for use
42 in actions in which it is alleged a party was intoxicated and a law enforcement officer required
43 the party to submit to a breathalyzer test.

44 (4) The department shall make rules in accordance with Title 63, Chapter 46a, Utah
45 Administrative Rulemaking Act:

46 (a) to provide a method for insuring the accuracy of the certificates on the website; and

47 (b) providing for an attestation to the authenticity of the certificate upon download by a
48 prosecutor or court.