Title 19—DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 25—State Public Health Laboratory
Chapter 30—Determination of Blood
Alcohol by Blood, Breath, Saliva and
Urine Analysis; and Determination for
the Presence of Drugs in Blood, Saliva and Urine

PROPOSED AMENDMENT

19 CSR 25-30.031 Type II Permit. The department is amending sections (7), and five (5) forms that follow the rule and deleting two (2) forms that follow the rule.

PURPOSE: This amendment removes two forms from the rule as well as removes the references to two instruments that are no longer used for evidential testing in Missouri.

PURPOSE: This rule establishes the qualifications, duties and responsibilities of a Type II permittee and establishes a maintenance report to be used for each of the approved breath analyzers in [19 CSR 20-30.050] 19 CSR 25-30.050.

(7) For the maintenance checks referred to in sections (3)–(5) of this rule, the appropriate maintenance report form for the specific instrument being checked shall be used—

(C) When performing a maintenance check on the Intox EC/IR II, the report incorporated in the instrument software shall be used (see Report No. 3 included herein for example); and

[(D) When performing a maintenance check on the CMI Intoxilyzer 5000, Report No. 4 included herein shall be used;]

[(E) When performing a maintenance check on the DataMaster, Report No. 6 included herein shall be used; and]

(D) [(F)] When performing a maintenance check on the Alco-Sensor IV with printer, Report No. 7 included herein shall be used.

(8) Maintenance report forms required in section (7) of this rule prior to the effective date of this rule and completed on maintenance checks before that date shall be considered valid under this rule. Maintenance report forms completed on maintenance checks within ninety (90) days after the effective date of this rule shall be considered valid if the maintenance checks and maintenance report forms were completed in compliance with the rules in effect at the time the checks and forms were completed or the rules in effect immediately prior to the effective date of this rule.


Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). A Type II permittee is qualified to testify as an expert on technical matters and permissible temperature tolerances.

Miller v. Director of Revenue, 719 S.W.2d 787 (Mo. banc 1986); Elkins v. Director of Revenue, 728 S.W.2d 567 (Mo. App. 1987). Possession of a permit is a matter within the personal knowledge of the permittee. Testimony by a permittee is sufficient to prove the permittee's qualifications to administer the tests.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bill Whitmar, Director, Missouri Department of Health and Senior Services, Missouri State Public Health Laboratory, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.