

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter A. Generally

Part 9. Fees for Maintenance of Breath Alcohol Instruments

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION I. AUTHORITY.

Act 577 or 1989"

"SEVERABILITY

If any provision of these Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Regulations which can be given effect without the invalid provision or application and to this end the provisions of these Regulations are declared to be severable.

REPEAL

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify the foregoing Regulations were adopted by the Arkansas State Board of Health at a regular session of the Board held in Little Rock, Arkansas on the _27th_ day of _July_, 1995 and after a Public Hearing on the _26th_ day of _May_, 1995 held in Little Rock, Arkansas at the Freeway Medical Building.

The foregoing Regulations, having been filed in my office, are hereby in compliance with the Administrative Procedures Act 434 of 1967, as amended, this _____ day of _____, 1995"

Subpart 1. Generally

20 CAR § 9-101. Purpose.

This part is established to permit the Department of Health to increase fees for service/maintenance of breath test instruments used by law enforcement agencies for the purposes contained in Arkansas Code § 5-65-101 et seq., and Arkansas Code § 5-65-201 et seq.

Authority. Arkansas Code § 20-7-128.

20 CAR § 9-102. Definitions.

As used in this part:

(1) "Breath alcohol instrument" means an instrument, designed to analyze the alcohol content of breath, which is normally certified and used by law enforcement agencies as specified in 20 CAR § 9-101;

(2) "Cost" means the cost of any and all necessary support, materials, etc. necessary to provide the specified service; and

(3) "Fee" means the hourly rate the Department of Health may charge for labor necessary to provide the repair/maintenance of a breath alcohol instrument.

Authority. Arkansas Code § 20-7-128.

20 CAR § 9-103. General requirements.

(a) Fee for repair/maintenance.

(1) Following the manufacturer's recommendations for routine repairs, an hourly fee of fifty dollars (\$50.00) shall be charged and billed to the owner or other specified party, for the purpose of covering the cost to the state in providing this service.

(2) This revenue shall only be used for the purpose specified in Arkansas Code § 5-65-101 et seq., and Arkansas Code § 5-65-201 et seq.

(b) **Other approved repair/maintenance.** This part shall not preclude other manufacturer-approved repair services.

(c) **Failure to pay services rendered.**

(1) Certification of an instrument may not be withheld by the Department of Health for failure to pay for services rendered.

(2) If payment is overdue by nine (9) months, notice shall be given that any future services on that equipment or any other owned by the same entity may be withheld until full payment is received.

Authority. Arkansas Code § 20-7-128.