

## **Preliminary Breath Tests (PBT)**

A preliminary breath test (PBT) is a portable, handheld device that is used to measure a person's blood alcohol content (BAC) by measuring the amount of alcohol you have on your breath as you exhale into the PBT. It oxidizes the alcohol in your breath as it passes over the fuel cell as it attempts to calculate the change in electrical current as it flows through the device. PBTs are normally used by police at roadside investigation where the person detained is suspected of drunk driving or DUI/OWI.

The device can only be used by someone trained and certified. The operator must take a training class and possess a valid Type I Operator's certificate. The officer must also abide by the 15-minute rule which requires the officer to observe the suspect for at least 15 minutes prior to administering the PBT to make sure nothing has been placed into the mouth or that the person has not belched or regurgitated during that time period as any of those occurrences could throw the results of the machine off. The device must also be calibrated and maintained at least once a month.

The purpose of the PBT is to determine if there is probable cause to arrest the suspect. Virtually nothing good can come from submitting to the PBT as if it is .08 or above, that establishes probable cause but even if it doesn't, the officer can still use other observations or field sobriety test results to arrest you. Refusing to take a roadside PBT is a no-point civil infraction with a fine less than \$200. It is not a crime and no points will be added to your driving record. If you are under 21 and you refuse a roadside PBT, it is still a civil infraction but two points will be added to your driving record.

Do not confuse the roadside PBT with the evidential breathalyzer at the police station, known as the DataMaster. That is after you have already been placed under arrest and you will be asked to breath into the machine, usually twice. Again, the 15-minute observation period must be conducted. If you refuse to blow into the DataMaster, your license will be suspended and six points added to your driving record under the Implied Consent Law. You can contest the refusal at an Implied Consent Hearing at the Secretary of State, but those can be difficult to prevail on.