

**281A.230 Preliminary breath test -- Field sobriety test.**

- (1) Law enforcement agencies may administer preliminary breath tests using devices or equipment which shall ensure an accurate determination of alcohol concentration. The tests may be administered in the field to a person suspected of operating a commercial vehicle in violation of KRS 281A.210 before the person is arrested. These tests may be administered in addition to any other blood alcohol level test authorized by law. A person's refusal to take a preliminary breath test shall not be used against him in a court of law nor in any administrative proceeding for a license suspension. This preliminary test shall not be in lieu of any requested blood, urine, or breath test required by any other statute.
- (2) Law enforcement agencies may record on film or video tape or by other visual or audible means field sobriety tests administered at the scene of an arrest for violation of KRS 281A.210 or such tests at a police station, jail, or other suitable facility.

**Effective:** July 1, 1991

**History:** Created 1990 Ky. Acts ch. 455, sec. 23, effective July 1, 1991.