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By: **Delegates McComas, Barkley, Bartlett, Boutin, DeBoy, Kach, McConkey, Miller, Shewell, Sossi, and Trueschler**  
 Introduced and read first time: February 10, 2005  
 Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol- or Drug-Related Driving Offenses - Tests for Alcohol, Drugs, or**  
3 **Controlled Dangerous Substances - Contributing Cause of Accident**

4 FOR the purpose of requiring a person to submit to certain tests for alcohol, drugs, or  
5 controlled dangerous substances when detained by a police officer who has  
6 reasonable grounds to believe that the actions of the person contributed to the  
7 cause of a motor vehicle accident that results in the death of, or a life  
8 threatening injury to, another person; and generally relating to alcohol- or  
9 drug-related driving offenses and tests for alcohol, drugs, or controlled  
10 dangerous substances.

11 BY repealing and reenacting, with amendments,  
12 Article - Transportation  
13 Section 16-205.1(c)  
14 Annotated Code of Maryland  
15 (2002 Replacement Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Transportation**

19 16-205.1.

20 (c) (1) If a person is involved in a motor vehicle accident that results in the  
21 death of, or a life threatening injury to, another person and the person is detained by  
22 a police officer who has reasonable grounds to believe that the [person has been  
23 driving or attempting to drive while under the influence of alcohol, while impaired by  
24 alcohol, while so far impaired by any drug, any combination of drugs, or a  
25 combination of one or more drugs and alcohol that the person could not drive a vehicle  
26 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813  
27 of this title,] ACTIONS OF THE PERSON CONTRIBUTED TO THE CAUSE OF THE  
28 ACCIDENT, the person shall be required to submit, as directed by the officer, to a test  
29 of:

1 (i) The person's breath to determine alcohol concentration;

2 (ii) One specimen of the person's blood, to determine alcohol  
3 concentration or to determine the drug or controlled dangerous substance content of  
4 the person's blood; or

5 (iii) Both the person's breath under item (i) of this paragraph and  
6 one specimen of the person's blood under item (ii) of this paragraph.

7 (2) If a police officer directs that a person be tested, then the provisions  
8 of § 10-304 of the Courts and Judicial Proceedings Article shall apply.

9 (3) Any medical personnel who perform any test required by this section  
10 are not liable for any civil damages as the result of any act or omission related to such  
11 test, not amounting to gross negligence.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2005.