

SENATE BILL 850

R3

3lr3046
CF HB 627

By: **Senators Forehand and Raskin**

Introduced and read first time: February 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Accidents Resulting in Injury – Mandatory Drug and Alcohol**
3 **Testing**

4 FOR the purpose of altering the circumstances under which a person who is involved
5 in a motor vehicle accident is required to submit to certain drug or alcohol
6 testing when the person is detained by a police officer who has reasonable
7 grounds to believe that the person has been driving or attempting to drive in
8 violation of certain drug– or alcohol–related driving restrictions; requiring a
9 person involved in a motor vehicle accident that results in an injury to another
10 person that requires the removal of the other person to a medical facility to
11 submit to certain drug or alcohol testing under certain circumstances; and
12 generally relating to accidents resulting in injury and mandatory drug and
13 alcohol testing.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16–205.1(c)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

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

21 **Article – Transportation**

22 16–205.1.

23 (c) (1) If a person is involved in a motor vehicle accident that results in
24 the death of[, or a life threatening injury to,] **ANOTHER PERSON OR AN INJURY TO**
25 another person **THAT REQUIRES THE REMOVAL OF THE OTHER PERSON TO A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **MEDICAL FACILITY**, and the person is detained by a police officer who has reasonable
2 grounds to believe that the person has been driving or attempting to drive while under
3 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug,
4 any combination of drugs, or a combination of one or more drugs and alcohol that the
5 person could not drive a vehicle safely, while impaired by a controlled dangerous
6 substance, or in violation of § 16–813 of this title, the person shall be required to
7 submit, as directed by the officer, to a test of:

8 (i) The person’s breath to determine alcohol concentration;

9 (ii) One specimen of the person’s blood, to determine alcohol
10 concentration or to determine the drug or controlled dangerous substance content of
11 the person’s blood; or

12 (iii) Both the person’s breath under item (i) of this paragraph
13 and one specimen of the person’s blood under item (ii) of this paragraph.

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.