
By: Delegate W. Baker

Introduced and read first time: February 10, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Driving While Intoxicated or Under the Influence - Administering Chemical Tests**

3 FOR the purpose of requiring that if a person is involved in a motor vehicle accident that
4 resulted in the death of, or life threatening injury to, another person, a police officer
5 shall detain the person and call in a search of the person's driving record; requiring
6 the police officer to administer a certain chemical test to the person detained if the
7 person's driving record indicates that the person has been convicted of or been
8 granted probation before judgment for driving or attempting to drive while
9 intoxicated, while under the influence of alcohol, while so far under the influence of
10 any drug, any combination of drugs, or a combination of one or more drugs and
11 alcohol that the person could not drive a vehicle safely, or while under the influence
12 of a controlled dangerous substance, or if the officer has reasonable grounds to
13 believe that the person has been driving or attempting to drive in violation of these
14 offenses or a certain other alcohol related offense; and generally relating to
15 administering chemical tests for driving while intoxicated or under the influence.

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 16-205.1(c)
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1996 Supplement)

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

23 **Article - Transportation**

24 16-205.1.

25 (c) (1) If a person is involved in a motor vehicle accident that results in the
26 death of, or a life threatening injury to, another person [and the person is detained by a
27 police officer who has reasonable grounds to believe that the person has been driving or
28 attempting to drive while intoxicated, while under the influence of alcohol, while so far
29 under the influence of any drug, any combination of drugs, or a combination of one or
30 more drugs and alcohol that the person could not drive a vehicle safely, while under the
31 influence of a controlled dangerous substance, or in violation of § 16-813 of this title, the
32 person shall be required to submit to a test, as directed by the officer], A POLICE

2

1 OFFICER SHALL DETAIN THE PERSON AND CALL IN A SEARCH OF THE PERSON'S
2 DRIVING RECORD.

3 (2) A POLICE OFFICER SHALL ADMINISTER A TEST TO THE PERSON
4 DETAINED IF:

5 (I) THE PERSON'S DRIVING RECORD INDICATES THAT THE
6 PERSON HAS BEEN CONVICTED OF OR BEEN GRANTED PROBATION BEFORE
7 JUDGMENT FOR VIOLATING § 21-902 OF THIS ARTICLE; OR

8 (II) THE POLICE OFFICER HAS REASONABLE GROUNDS TO
9 BELIEVE THAT THE PERSON HAS BEEN DRIVING OR ATTEMPTING TO DRIVE IN
10 VIOLATION OF § 16-813 OR § 21-902 OF THIS ARTICLE.

11 [(2)] (3) If a police officer directs that a person be tested, then the
12 provisions of § 10-304 of the Courts and Judicial Proceedings Article shall apply.

13 [(3)] (4) Any medical personnel who perform any test required by this
14 section are not liable for any civil damages as the result of any act or omission related to
15 such test, not amounting to gross negligence.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.