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By: **Delegates Franchot, Bronrott, Kagan, Barkley, and Stern**  
Introduced and read first time: February 12, 1999  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving - Alcohol Concentration Tests - Penalty for Test Refusal**

3 FOR the purpose of increasing the period of license suspension imposed for a first  
4 offense of refusing to take certain tests for alcohol concentration; and generally  
5 relating to the penalties for refusing to take an alcohol concentration test.

6 BY repealing and reenacting, with amendments,  
7 Article - Transportation  
8 Section 16-205.1(b)(1)(i) and (ii) and (f)(4)(i) and (8)(v)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Transportation  
13 Section 16-205.1(f)(8)(iv)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 1998 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 (b) (1) Except as provided in subsection (c) of this section, a person  
21 may not be compelled to take a test. However, the detaining officer shall advise the  
22 person that, on receipt of a sworn statement from the officer that the person was so  
23 charged and refused to take a test, or was tested and the result indicated an alcohol  
24 concentration of 0.10 or more, the Administration shall:

25 (i) In the case of a person licensed under this title:

26 1. For a test result indicating an alcohol concentration of  
27 0.10 or more at the time of testing:

- 1 A. For a first offense, suspend the driver's license for 45 days;  
2 or
- 3 B. For a second or subsequent offense, suspend the driver's  
4 license for 90 days; or
- 5 2. For a test refusal[:
- 6 A. For a first offense, suspend the driver's license for 120  
7 days; or
- 8 B. For a second or subsequent offense, suspend the driver's  
9 license for 1 year], SUSPEND THE DRIVER'S LICENSE FOR 1 YEAR FOR A FIRST OR  
10 SUBSEQUENT OFFENSE;
- 11 (ii) In the case of a nonresident or unlicensed person:
- 12 1. For a test result indicating an alcohol concentration of  
13 0.10 or more at the time of testing:
- 14 A. For a first offense, suspend the person's driving privilege  
15 for 45 days; or
- 16 B. For a second or subsequent offense, suspend the person's  
17 driving privilege for 90 days; or
- 18 2. For a test refusal[:
- 19 A. For a first offense, suspend the person's driving privilege  
20 for 120 days; or
- 21 B. For a second or subsequent offense, suspend the person's  
22 driving privilege for 1 year], SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1  
23 YEAR FOR A FIRST OR SUBSEQUENT OFFENSE; and
- 24 (f) (4) If a hearing request is not made at the time of or within 10 days after  
25 the issuance of the order of suspension, the Administration shall:
- 26 (i) Make the suspension order effective suspending the license:
- 27 1. For a test result indicating an alcohol concentration of  
28 0.10 or more at the time of testing:
- 29 A. For a first offense, for 45 days; or
- 30 B. For a second or subsequent offense, for 90 days; or
- 31 2. For a test refusal[:
- 32 A. For a first offense, for 120 days; or

1 B. For a second offense or subsequent offense, for 1 year],  
2 FOR 1 YEAR FOR A FIRST OR SUBSEQUENT OFFENSE; and

3 (8) (iv) In the absence of a compelling reason for failure to attend a  
4 hearing, failure of a person to attend a hearing is prima facie evidence of the person's  
5 inability to answer the sworn statement of the police officer or the test technician or  
6 analyst, and the Administration summarily shall:

7 1. Suspend the driver's license or privilege to drive; and

8 2. If the driver is detained in a commercial motor vehicle,  
9 disqualify the person from operating a commercial motor vehicle.

10 (v) The suspension imposed shall be:

11 1. For a test result indicating an alcohol concentration of  
12 0.10 or more at the time of testing:

13 A. For a first offense, a suspension for 45 days; or

14 B. For a second or subsequent offense, a suspension for 90  
15 days; or

16 2. For a test refusal[:

17 A. For a first offense, a suspension for 120 days; or

18 B. For a second or subsequent offense, a suspension for 1  
19 year], A SUSPENSION FOR 1 YEAR FOR A FIRST OR SUBSEQUENT OFFENSE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1999.