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By: **Delegates McComas, Aumann, Barkley, Bartlett, Boutin, Burns, Conroy,  
DeBoy, Dwyer, Elliott, Haddaway, Kach, McConkey, McKee, Miller,  
Myers, Shank, Shewell, Sossi, Stocksdale, Stull, 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 - Accident Resulting in Death or**  
3 **Life Threatening Injury - Test Refusal**

4 FOR the purpose of prohibiting a person involved in a motor vehicle accident that  
5 results in the death of, or a life threatening injury to, another person from  
6 refusing certain tests under certain circumstances; providing for certain  
7 criminal penalties for a violation of this Act; and generally relating to a  
8 prohibition against refusing certain tests to determine a certain alcohol  
9 concentration or a certain drug or controlled dangerous substance content under  
10 certain circumstances.

11 BY repealing and reenacting, without amendments,  
12 Article - Transportation  
13 Section 16-205.1(a)(1)(i) and (iv)  
14 Annotated Code of Maryland  
15 (2002 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 16-205.1(c)  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2004 Supplement)

21 BY adding to  
22 Article - Transportation  
23 Section 27-101(x)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2004 Supplement)

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

1 **Article - Transportation**

2 16-205.1.

3 (a) (1) (i) In this section, the following words have the meanings  
4 indicated.

5 (iv) "Test" means, unless the context requires otherwise:

6 1. A test of a person's breath or of 1 specimen of a person's  
7 blood to determine alcohol concentration;8 2. A test or tests of 1 specimen of a person's blood to  
9 determine the drug or controlled dangerous substance content of the person's blood; or

10 3. Both:

11 A. A test of a person's breath or a test of 1 specimen of a  
12 person's blood, to determine alcohol concentration; and13 B. A test or tests of 1 specimen of a person's blood to  
14 determine the drug or controlled dangerous substance content of the person's blood.15 (c) (1) If a person is involved in a motor vehicle accident that results in the  
16 death of, or a life threatening injury to, another person and the person is detained by  
17 a police officer who has reasonable grounds to believe that the person has been  
18 driving or attempting to drive while under the influence of alcohol, while impaired by  
19 alcohol, while so far impaired by any drug, any combination of drugs, or a  
20 combination of one or more drugs and alcohol that the person could not drive a vehicle  
21 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813  
22 of this title, the person shall be required to submit, as directed by the officer, to a test  
23 of:

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

25 (ii) One specimen of the person's blood, to determine alcohol  
26 concentration or to determine the drug or controlled dangerous substance content of  
27 the person's blood; or28 (iii) Both the person's breath under item (i) of this paragraph and  
29 one specimen of the person's blood under item (ii) of this paragraph.30 (2) If a police officer directs that a person be tested, then the provisions  
31 of § 10-304 of the Courts and Judicial Proceedings Article shall apply.32 (3) A PERSON MAY NOT REFUSE TO TAKE A TEST UNDER THIS  
33 SUBSECTION.34 [(3)] (4) Any medical personnel who perform any test required by this  
35 section are not liable for any civil damages as the result of any act or omission related  
36 to such test, not amounting to gross negligence.

1 27-101.

2 (X) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-205.1(C)(3) OF  
3 THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT  
4 FOR NOT MORE THAN 5 YEARS OR BOTH.

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