
By: **Delegates Conway, Bozman, Cadden, Cane, Eckardt, Elmore,
Haddaway, Levy, Malone, Rudolph, Sophocleus, Sossi, Walkup, and
Zirkin**

Introduced and read first time: January 27, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Fatality or Life-Threatening Injury - Tests for Alcohol,**
3 **Drugs, or Controlled Dangerous Substances**

4 FOR the purpose of requiring a person to submit to certain tests for alcohol, drugs, or
5 controlled dangerous substances if detained by a police officer who has
6 reasonable grounds to believe that the person contributed to causing a motor
7 vehicle accident that resulted in the death of, or a life-threatening injury to,
8 another person; making a stylistic change; and generally relating to certain
9 motor vehicle accidents and tests for alcohol, drugs, or controlled dangerous
10 substances.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-205.1(c)(1), (d)(1), and (f)(1), (7)(i), and (8)(i), (ii), and (iii)
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2005 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] LIFE-THREATENING injury to, another person and
22 the person is detained by a police officer who has reasonable grounds to believe that
23 the person [has been driving or attempting to drive while under the influence of
24 alcohol, while impaired by alcohol, while so far impaired by any drug, any
25 combination of drugs, or a combination of one or more drugs and alcohol that the
26 person could not drive a vehicle safely, while impaired by a controlled dangerous
27 substance, or in violation of § 16-813 of this title] CONTRIBUTED TO CAUSING THE

1 MOTOR VEHICLE ACCIDENT, the person shall be required to submit, as directed by
2 the officer, to a test of:

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

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

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

9 (d) (1) If a police officer has reasonable grounds to believe that a person has
10 been driving or attempting to drive a motor vehicle while under the influence of
11 alcohol, while impaired by alcohol, while so far impaired by any drug, any
12 combination of drugs, or a combination of one or more drugs and alcohol that the
13 person could not drive a vehicle safely, while impaired by a controlled dangerous
14 substance, or in violation of § 16-813 of this title, OR CONTRIBUTED TO CAUSING A
15 MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF, OR
16 LIFE-THREATENING INJURY TO, ANOTHER PERSON, and if the police officer
17 determines that the person is unconscious or otherwise incapable of refusing to take
18 a test, the police officer shall:

19 (i) Obtain prompt medical attention for the person;

20 (ii) If necessary, arrange for removal of the person to a nearby
21 medical facility; and

22 (iii) If a test would not jeopardize the health or well-being of the
23 person, direct a qualified medical person to withdraw blood for a test.

24 (f) (1) Subject to the provisions of this subsection, at the time of, or within
25 30 days from the date of, the issuance of an order of suspension, a person may submit
26 a written request for a hearing before an officer of the Administration if:

27 (i) The person is arrested for driving or attempting to drive a motor
28 vehicle while under the influence of alcohol, while impaired by alcohol, while so far
29 impaired by any drug, any combination of drugs, or a combination of one or more
30 drugs and alcohol that the person could not drive a vehicle safely, while impaired by
31 a controlled dangerous substance, in violation of an alcohol restriction, or in violation
32 of § 16-813 of this title, OR WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT
33 RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY TO, ANOTHER PERSON;
34 and

35 (ii) 1. There is an alcohol concentration of 0.08 or more at the
36 time of testing; or

37 2. The person refused to take a test.

1 (7) (i) At a hearing under this section, the person has the rights
2 described in § 12-206 of this article, but at the hearing the only issues shall be:

3 1. Whether the police officer who stops or detains a person
4 had reasonable grounds to believe the person was driving or attempting to drive while
5 under the influence of alcohol, while impaired by alcohol, while so far impaired by any
6 drug, any combination of drugs, or a combination of one or more drugs and alcohol
7 that the person could not drive a vehicle safely, while impaired by a controlled
8 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
9 of this title, OR THE PERSON CONTRIBUTED TO CAUSING A MOTOR VEHICLE
10 ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY TO,
11 ANOTHER PERSON;

12 2. Whether there was evidence of the use by the person of
13 alcohol, any drug, any combination of drugs, a combination of one or more drugs and
14 alcohol, or a controlled dangerous substance;

15 3. Whether the police officer requested a test after the
16 person was fully advised of the administrative sanctions that shall be imposed,
17 including the fact that a person who refuses to take the test is ineligible for
18 modification of a suspension or issuance of a restrictive license under subsection
19 (n)(1) and (2) of this section;

20 4. Whether the person refused to take the test;

21 5. Whether the person drove or attempted to drive a motor
22 vehicle while having an alcohol concentration of 0.08 or more at the time of testing; or

23 6. If the hearing involves disqualification of a commercial
24 driver's license, whether the person was operating a commercial motor vehicle or held
25 a commercial driver's license.

26 (8) (i) After a hearing, the Administration shall suspend the driver's
27 license or privilege to drive of the person charged under subsection (b) or (c) of this
28 section if:

29 1. The police officer who stopped or detained the person had
30 reasonable grounds to believe the person was driving or attempting to drive while
31 under the influence of alcohol, while impaired by alcohol, while so far impaired by any
32 drug, any combination of drugs, or a combination of one or more drugs and alcohol
33 that the person could not drive a vehicle safely, while impaired by a controlled
34 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
35 of this title, OR CONTRIBUTED TO CAUSING A MOTOR VEHICLE ACCIDENT THAT
36 RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY TO, ANOTHER PERSON;

37 2. There was evidence of the use by the person of alcohol, any
38 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
39 controlled dangerous substance;

1 3. The police officer requested a test after the person was
2 fully advised of the administrative sanctions that shall be imposed, including the fact
3 that a person who refuses to take the test is ineligible for modification of a suspension
4 or issuance of a restrictive license under subsection (n)(1) and (2) of this section; and

5 4. A. The person refused to take the test; or

6 B. A test to determine alcohol concentration was taken and
7 the test result indicated an alcohol concentration of 0.08 or more at the time of
8 testing.

9 (ii) After a hearing, the Administration shall disqualify the person
10 from driving a commercial motor vehicle if:

11 1. The person was detained while operating a commercial
12 motor vehicle or while holding a commercial driver's license;

13 2. The police officer who stopped or detained the person had
14 reasonable grounds to believe that the person was driving or attempting to drive
15 while under the influence of alcohol, while impaired by alcohol, while so far impaired
16 by any drug, any combination of drugs, or a combination of one or more drugs and
17 alcohol that the person could not drive a vehicle safely, while impaired by a controlled
18 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
19 of this title, OR THE PERSON CONTRIBUTED TO CAUSING A MOTOR VEHICLE
20 ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY TO,
21 ANOTHER PERSON;

22 3. There was evidence of the use by the person of alcohol, any
23 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
24 controlled dangerous substance;

25 4. The police officer requested a test after the person was
26 fully advised of the administrative sanctions that shall be imposed; and

27 5. The person refused to take the test.

28 (iii) If the person is licensed to drive a commercial motor vehicle, the
29 Administration shall disqualify the person in accordance with subparagraph (ii) of
30 this paragraph, but may not impose a suspension under subparagraph (i) of this
31 paragraph, if:

32 1. The person was detained while operating a commercial
33 motor vehicle or while holding a commercial driver's license;

34 2. The police officer had reasonable grounds to believe the
35 person was in violation of an alcohol restriction or in violation of § 16-813 of this title;

36 3. The police officer did not have reasonable grounds to
37 believe the [driver] PERSON was driving while under the influence of alcohol, driving
38 while impaired by alcohol, while so far impaired by any drug, any combination of

