

HOUSE BILL 182

R3
HB 627/13 – JUD

6lr1590

By: **Delegates Valentino–Smith, Cluster, and B. Wilson**
Introduced and read first time: January 21, 2016
Assigned to: Judiciary

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

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 16–205.1(c)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2015 Supplement)

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

20 **Article – Transportation**

21 16–205.1.

22 (c) (1) If a person is involved in a motor vehicle accident that results in the
23 death of[, or a life threatening injury to,] **ANOTHER PERSON OR AN INJURY TO** another
24 person **THAT REQUIRES THE REMOVAL OF THE OTHER PERSON TO A MEDICAL**
25 **FACILITY**, and the person is detained by a police officer who has reasonable grounds to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.