

HOUSE BILL 1205

R3

8lr3257
CF SB 722

By: **Delegates Malone, Atterbeary, Aumann, Carozza, Ciliberti, Cluster, Corderman, Kipke, Kittleman, McComas, Metzgar, Parrott, and Rey**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Alcohol– or Drug–Related Driving Offenses – Testing**
3 **Requirement**

4 FOR the purpose of requiring a police officer who has reasonable grounds to believe that
5 an individual has been driving or attempting to drive while under the influence or
6 while impaired by alcohol, drugs, or controlled dangerous substances in violation of
7 certain laws to provide certain medical personnel with a certain signed statement;
8 requiring medical personnel to perform a certain test under certain circumstances;
9 and generally relating to testing for drivers who a police officer has reasonable
10 grounds to believe have committed certain alcohol– or drug–related driving offenses.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 16–205.1(c)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 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 injury to, another person and the person is detained by a
22 police officer who has reasonable grounds to believe that the person has been driving or
23 attempting to drive while under the influence of alcohol, while impaired by alcohol, while
24 so far impaired by any drug, any combination of drugs, or a combination of one or more
25 drugs and alcohol that the person could not drive a vehicle safely, while impaired by a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 controlled dangerous substance, or in violation of § 16–813 of this title, the person shall be
2 required to submit, as directed by 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 the
6 person’s blood; or

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

9 (2) If a police officer directs that a person be tested[, then the]:

10 (I) **THE** provisions of § 10–304 of the Courts and Judicial
11 Proceedings Article shall apply;

12 (II) **THE POLICE OFFICER SHALL PROVIDE MEDICAL**
13 **PERSONNEL WITH A SIGNED DECLARATION THAT THE POLICE OFFICER HAS**
14 **REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN DRIVING OR**
15 **ATTEMPTING TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE**
16 **IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION**
17 **OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE**
18 **PERSON COULD NOT DRIVE A VEHICLE SAFELY, WHILE IMPAIRED BY A CONTROLLED**
19 **DANGEROUS SUBSTANCE, OR IN VIOLATION OF § 16–813 OF THIS TITLE; AND**

20 (III) **ON RECEIPT OF A SIGNED STATEMENT FROM A POLICE**
21 **OFFICER, MEDICAL PERSONNEL SHALL PERFORM A TEST DESCRIBED UNDER**
22 **PARAGRAPH (1) OF THIS SUBSECTION REGARDLESS OF WHETHER THE PERSON TO**
23 **BE TESTED CONSENTS TO THE TEST.**

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018.