

HB0114_RichardKaplowitz_FAV
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TESTIMONY ON HB#0114 - POSITION: FAVORABLE
Motor Vehicles - Accidents - Required Testing for Impaired Driving (Mateo's Law)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0114, **Motor Vehicles - Accidents - Required Testing for Impaired Driving (Mateo's Law)**

The purpose of this bill is to require any person involved in a motor vehicle accident that results in the death of, or a life-threatening injury to, another person to submit to breath and blood testing for impaired driving. Refusal of a test would no longer be optional.

Legal advice from the law offices of Gerstenfield and Demirji, PC actually advise clients that, will penalties can be harsh, conviction of a DUI may make a defense harder for you.

Most Maryland drivers believe that refusing a breath test will actually protect them in a [DUI](#) case. After all, agreeing to a breath test only provides information that could convict you of DUI. While it is easy to see how this belief can make sense, under Maryland's updated 2024 implied consent rules ([Maryland Transportation Code Section 16-205.1](#)), refusing a breath test can cause more damage than the arrest itself.

Maryland has some of the harshest refusal penalties, including mandatory ignition interlock requirements, harsh license suspensions, and a paper trail prosecutors can use to argue "consciousness of guilt." In some cases, refusing a breath test can lead to worse outcomes than blowing over the legal limit. Speaking to a Montgomery County, MD DUI [lawyer](#) is the best step you can take to limit the adverse consequences of a refusal to blow and DUI charges. ¹

However, how many people know they are facing harsh consequences from failure to take this test and the presumption of guilt that applies. This bill will provide certainty that Maryland will require the test in certain circumstances and stronger penalties will then be provided for the conduct. The American Economics Association report noted:

... derived estimates suggest that having a BAC above the DUI threshold reduces recidivism by up to 2 percentage points (17 percent). Likewise having a BAC over the aggravated DUI threshold reduces recidivism by an additional percentage point (9 percent). R results suggest that the additional sanctions experienced by drunk drivers at BAC thresholds are effective in reducing repeat drunk driving. (JEL I12, K42, R41) ²

I respectfully urge this committee to return a favorable report on HB0114.

¹ <https://www.mdcriminaldefenselawyer.com/blog/the-hidden-risks-of-refusing-a-breath-test-in-maryland>

² <https://www.aeaweb.org/articles?id=10.1257/aer.20130189>