

this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(d) If at the time of testing a person has an alcohol concentration of 0.07 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving while under the influence of alcohol.

(e) If at the time of testing a person has an alcohol concentration of 0.10 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was DRIVING WHILE intoxicated.

(f) If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving with alcohol in the defendant's blood.

(g) If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that a defendant was driving in violation of § 16-113(b) of the Transportation Article.

Article – Transportation

16-205.1.

(a) Any person who drives or attempts to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State is deemed to have consented, subject to the provisions of §§ 10-302 through 10-309, inclusive, of the Courts and Judicial Proceedings Article, to take a test OF THE PERSON'S BLOOD OR BREATH to determine [the] alcohol concentration [of the person's blood or breath] if the person should be detained on suspicion of driving or attempting to drive while intoxicated, while under the influence of alcohol, in violation of an alcohol restriction, ~~in violation of 49 CFR § 392.5,~~ or in violation of § 16-813 of this title.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take any test [for] TO DETERMINE alcohol CONCENTRATION. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test [for alcohol], or was tested and the result indicated an alcohol concentration of 0.10 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. For a test result indicating an alcohol concentration of 0.10 or more at the time of testing:

A. For a first offense, suspend the driver's license for 45 days;

or

B. For a second or subsequent offense, suspend the driver's license for 90 days; or

2. For a test refusal: