

Chemical Tests for Alcohol - Consent

FOR the purpose of providing for the procedure a police officer shall follow if the police officer believes an individual who is unconscious or otherwise incapable of consenting to the taking of a chemical test for alcohol has been driving or attempting to drive a motor vehicle while intoxicated or while under the influence of alcohol; providing for the contingency of a certain person regaining consciousness or becoming capable of consenting to the taking of a chemical test for alcohol at a certain time; making stylistic changes; and clarifying language.

BY repealing and reenacting, with amendments,

Article - Transportation  
Section 16-205.1  
Annotated Code of Maryland  
(1977 Volume and 1981 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows:

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 chemical test to determine the alcohol content of his blood if he should be detained on suspicion of driving or attempting to drive while intoxicated or while under the influence of alcohol.

(b) A person may not be compelled to take a chemical test for alcohol, however, the detaining officer shall advise him that on receipt of a sworn statement from the officer that the driver was so charged and refused to take a chemical test for alcohol, the Administration shall:

(1) In the case of a driver licensed under this title, suspend his driver's license for a period of not less than 60 days nor more than 6 months; or

(2) In the case of a nonresident or unlicensed driver, suspend the person's driving privilege for a period of not less than 60 days nor more than 6 months.