

combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

- (i) Detain the person;
- (ii) Request that the person permit a test to be taken; [and]

(iii) Advise the person of the administrative sanctions that shall be imposed for refusal to take the test, including ineligibility for modification of a suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this section, and for test results indicating an alcohol concentration of 0.08 or more at the time of testing; AND

(IV) ADVISE THE PERSON OF THE ADDITIONAL CRIMINAL PENALTIES THAT MAY BE IMPOSED UNDER § 27-101(X) OF THIS ARTICLE ON CONVICTION OF A VIOLATION OF § 21-902 OF THIS ARTICLE IF THE PERSON KNOWINGLY REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION.

(g) (1) An initial refusal to take a test that is withdrawn as provided in this subsection is not a refusal to take a test [for the purposes of this section].

(l) (1) The determination of any facts by the Administration is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence.

21-902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(b) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.