

and not less than 120 days nor more than 1 year for a second or subsequent offense.

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any individual who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a {motor} vehicle while intoxicated, [or] while under the influence of alcohol, OR IN VIOLATION OF AN ALCOHOL RESTRICTION, and who is not unconscious or otherwise incapable of refusing to take a chemical test for alcohol, the police officer shall:

(i) Detain the individual;

(ii) Request that the individual permit a chemical test to be taken of the individual's blood or breath to determine the alcoholic content of the individual's blood;

(iii) Advise the individual of the administrative penalties that shall be imposed for refusal to take the test; and

(iv) If the individual refuses to take the test, send a sworn report to the Administration within 72 hours after detention, that states:

1. The officer had reasonable grounds to believe that the individual had been driving or attempting to drive a {motor} vehicle on a highway or on any private property that is used by the public in general in this State while intoxicated, [or] while under the influence of alcohol, OR IN VIOLATION OF AN ALCOHOL RESTRICTION; and

2. The individual refused to take the chemical test for alcohol when requested by the police officer and after being informed of the administrative penalties that shall be imposed for refusal.

(c) If a person is involved in a motor vehicle accident that results in the death of another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while intoxicated or while under the influence of alcohol, OR--IF A--PERSON--IS--DETAINED--BY--A--POLICE--OFFICER--WHO--HAS--REASONABLE GROUNDS--TO--BELIEVE--THAT--THE--PERSON--HAS--BEEN--DRIVING--OR--ATTEMPTING TO--DRIVE--A--VEHICLE--IN--VIOLATION--OF--AN--ALCOHOL--RESTRICTION, the person shall be required to submit to a chemical test, as directed by the officer, of the person's blood or breath to determine the alcohol content of the person's blood. If a police officer directs that a person's blood or breath be tested for alcohol, then the provisions of § 10-304 of the Courts and Judicial Proceedings Article shall apply. Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test, not amounting to gross negligence.