

(III) IF A TRIAL DATE IS POSTPONED FOR ANY REASON, THE DEFENDANT MUST FILE A NEW SUBPOENA FOR THE TOXICOLOGIST.

(IV) IN ADDITION TO THE REQUIREMENTS OF RULE 4-265, THE SUBPOENA SHALL CONTAIN THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE DEFENDANT AND OR THE DEFENDANT'S ATTORNEY AND THE NATURE OF THE EXPECTED TESTIMONY.

(3) A SUBPOENA FOR THE TOXICOLOGIST SHALL MAY BE QUASHED IF A DEFENDANT FAILS TO MAKE A TIMELY AND PROPER REQUEST UNDER THIS SECTION OR RULE 4-265 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.

(4) (f) A MOTION TO QUASH A DEFENDANT'S SUBPOENA MAY BE FILED BY ANY PARTY OR BY THE ATTORNEY GENERAL. UPON SUCH A MOTION, THE DEFENDANT HAS THE BURDEN OF SHOWING THAT THE TOXICOLOGIST'S PRESENCE AT TRIAL AND TESTIMONY IS NECESSARY AND MATERIAL TO THE DEFENSE.

(ii) IF A SUBPOENA IS GRANTED, THE DEFENDANT SHALL PAY REASONABLE WITNESS FEES FOR ALL THE TIME THE TOXICOLOGIST OR HIS STAFF SPENDS IN CONNECTION WITH THE CASE, INCLUDING ALL REASONABLE COSTS CONNECTED WITH TRAVELING TO AND FROM COURT.

(5) AT ANY TIME BEFORE OR DURING THE TRIAL, IF THE TRIAL COURT FINDS THAT THE DEFENDANT'S REQUEST TO SUBPOENA THE TOXICOLOGIST WAS FRIVOLOUS OR WAS FILED TO ANNOY OR HARASS THE TOXICOLOGIST, THE COURT SHALL ORDER THE DEFENDANT TO PAY ANY WITNESS FEES ACCUMULATED TO THAT POINT AS WELL AS REASONABLE ATTORNEYS' FEES OWED FOR THE TIME EXPENDED BY THE OFFICE OF THE STATE'S ATTORNEY AND THE OFFICE OF THE ATTORNEY GENERAL.

(6) ALL MONEYS COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE STATE OF MARYLAND TO BE DEPOSITED IN THE GENERAL FUND.

(f) (E) THE PERSON TESTED IS PERMITTED TO HAVE A PHYSICIAN OF THE PERSON'S OWN CHOOSING ADMINISTER TESTS IN ADDITION TO THE ONE ADMINISTERED AT THE DIRECTION OF THE POLICE OFFICER, AND IN THE EVENT NO TEST IS OFFERED OR REQUESTED BY THE POLICE OFFICER, THE PERSON MAY REQUEST, AND THE OFFICER SHALL HAVE ADMINISTERED, ONE OR MORE OF THE TESTS PROVIDED FOR IN THIS SECTION.

[(f)] (f) (F) Nothing in this section precludes the right to introduce any other competent evidence bearing upon the date of the certificate or change in the equipment since the date of the certificate.