

WILLIAM DONALD SCHAEFER, Governor

2. FOR A TEST REFUSAL:

A. FOR A FIRST OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 6-MONTHS 120 DAYS; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1 YEAR.

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any [individual] PERSON who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while intoxicated, while under the influence of alcohol, ~~WHILE UNDER-THE-INFLUENCE-OF-DRUGS-OR-DRUGS-AND--ALCOHOL,--WHILE--UNDER-THE---INFLUENCE--OF--A--CONTROLLED--DANGEROUS--SUBSTANCE,~~ or in violation of an alcohol restriction, and who is not unconscious or otherwise incapable of refusing to take a [chemical] test for alcohol ~~OR-DRUGS-OR-BOTH~~, the police officer shall:

(i) Detain the [individual] PERSON;

(ii) Request that the [individual] PERSON permit a [chemical] test ~~OR--TESTS~~ to be taken of the [individual's] PERSON'S blood {or} breath, ~~URINE, OR--OTHER--BODY FLUIDS~~ to determine the [alcoholic content] ALCOHOL CONCENTRATION ~~OR-DRUG-CONTENT~~ of the [individual's blood] PERSON'S BODY; AND

(iii) Advise the [individual] PERSON of the administrative [penalties] SANCTIONS that shall be imposed for refusal to take the test ~~OR--TESTS~~ AND FOR TEST RESULTS INDICATING AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING. [; 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, 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.]

(3) IF THE PERSON REFUSES TO TAKE THE TEST ~~OR--TESTS~~ OR TAKES A TEST FOR ALCOHOL WHICH RESULTS IN AN ALCOHOL