

WILLIAM DONALD SCHAEFER, Governor

(IV) If such timely and proper notice is given, the test results are inadmissible without the testimony of the technician.

(3) Failure to give timely and proper notice constitutes a waiver of the defendant's right to the presence and testimony of the technician.

10-307.

(a) (1) In a proceeding in which a person is charged with a violation of § 388 OR § 388A of Article 27 or with driving or attempting to drive a vehicle in violation of § 21-902 OR § 16-113(A)(2) of the Transportation Article, the amount of alcohol in the person's breath or blood shown [in chemical] BY analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (e) of this section.

(2) ALCOHOL CONCENTRATION AS USED IN THIS SECTION SHALL BE MEASURED BY:

(I) GRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD; OR

(II) GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.

~~-(b) If there was in the person's blood at the time of testing 0.05 percent or less by weight of alcohol~~ AN ALCOHOL CONCENTRATION OF 0.05 OR LESS, as determined by an analysis of the person's blood or breath, it shall be presumed that the defendant was not intoxicated and that the defendant was not driving while under the influence of alcohol.

~~-(c)-~~ (B) If at the time of testing [there was in the person's blood] A PERSON HAS AN ALCOHOL CONCENTRATION OF ~~more than 0.05 percent but less than 0.07~~ [percent by weight of alcohol], as determined by an analysis of the person's blood or breath, this fact may not give rise to any presumption that the defendant was or was not intoxicated or that the defendant was or was not driving while under the influence of alcohol, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

~~-(d)-~~ (E) If at the time of testing [there was in the person's blood] A PERSON HAS AN ALCOHOL CONCENTRATION OF 0.07 [percent] or more [by weight of alcohol], as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving while under the influence of alcohol.

~~-(e)-~~ (D) If at the time of testing [there was in the person's blood] A PERSON HAS AN ALCOHOL CONCENTRATION OF 0.10