

WILLIAM DONALD SCHAEFER, Governor

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a chemical test for alcohol. However, the detaining officer shall advise him that, on receipt of a sworn statement from the officer that the driver was so charged and refused to take a chemical test for alcohol, the Administration shall:

(i) 1. In the case of a driver licensed under [this title] SUBTITLE 1 OF THIS TITLE, suspend his driver's license for a period of not less than 60 days nor more than 6 months for a first offense and not less than 120 days nor more than 1 year for a second or subsequent offense; or

[(ii)] 2. In the case of a nonresident or unlicensed driver, suspend the person's driving privilege for a period of not less than 60 days nor more than 6 months for a first offense and not less than 120 days nor more than 1 year for a second or subsequent offense; AND

(II) 1. IN THE CASE OF A DRIVER OPERATING A COMMERCIAL MOTOR VEHICLE, DISQUALIFY THE PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF 1 YEAR FOR A FIRST OFFENSE, 3 YEARS FOR A FIRST OFFENSE WHICH OCCURS WHILE TRANSPORTING HAZARDOUS MATERIALS REQUIRED TO BE PLACARDED, AND DISQUALIFY FOR LIFE FOR A SECOND OR SUBSEQUENT OFFENSE WHICH OCCURS WHILE OPERATING ANY COMMERCIAL MOTOR VEHICLE; OR

2. IN THE CASE OF A DRIVER LICENSED AS A COMMERCIAL DRIVER BY ANOTHER STATE, DISQUALIFY THE DRIVER'S PRIVILEGE TO OPERATE A COMMERCIAL MOTOR VEHICLE UNDER SUBSECTION (F)(6) OF THIS SECTION AND REPORT THE REFUSAL AND DISQUALIFICATION TO THE DRIVER'S RESIDENT STATE WHICH MAY RESULT IN FURTHER PENALTIES IMPOSED BY THE DRIVER'S RESIDENT STATE.

(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, while under the influence of alcohol, [or] in violation of an alcohol restriction, IN VIOLATION OF 49 CFR § 392.5, OR IN VIOLATION OF § 16-813 OF THIS ~~ARTICLE~~ TITLE, 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] ALCOHOL CONCENTRATION of the individual's blood;