

(2) A PERSON WHO INITIALLY REFUSES TO TAKE A TEST MAY CURE WITHDRAW THE INITIAL REFUSAL AND SUBSEQUENTLY CONSENT TO TAKE THE TEST IF THE SUBSEQUENT CONSENT:

(I) IS UNEQUIVOCAL;

(II) DOES NOT SUBSTANTIALLY INTERFERE WITH THE TIMELY AND EFFICACIOUS ADMINISTRATION OF THE TEST; AND

(III) IS GIVEN BY THE PERSON:

1. BEFORE THE DELAY IN TESTING WOULD MATERIALLY AFFECT THE OUTCOME OF THE TEST; AND

2. A. FOR THE PURPOSE OF A TEST FOR DETERMINING ALCOHOL CONCENTRATION, WITHIN 2 HOURS OF THE PERSON'S APPREHENSION; OR

B. FOR THE PURPOSE OF A TEST FOR DETERMINING THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF THE PERSON'S BLOOD, WITHIN 3 HOURS OF THE PERSON'S APPREHENSION.

~~(2) (3) IN DETERMINING WHETHER A PERSON'S CONSENT TO TAKE A TEST SUBSEQUENT TO PERSON HAS WITHDRAWN AN INITIAL REFUSAL CURES THE INITIAL REFUSAL UNDER FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, AMONG THE FACTORS THAT THE ADMINISTRATION SHALL CONSIDER ARE THE FOLLOWING:~~

(I) WHETHER THE TEST WOULD HAVE BEEN ADMINISTERED PROPERLY;

1. FOR THE PURPOSE OF A TEST FOR DETERMINING ALCOHOL CONCENTRATION, WITHIN 2 HOURS OF THE PERSON'S APPREHENSION; OR

2. FOR THE PURPOSE OF A TEST FOR DETERMINING THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF THE PERSON'S BLOOD, WITHIN 3 HOURS OF THE PERSON'S APPREHENSION;

(II) WHETHER A QUALIFIED PERSON, AS DEFINED IN § 10-304 OF THE COURTS ARTICLE, TO ADMINISTER THE TEST AND TESTING EQUIPMENT WERE READILY AVAILABLE;

(III) WHETHER THE DELAY IN TESTING WOULD HAVE INTERFERED WITH THE ADMINISTRATION OF A TEST TO ANOTHER PERSON;

(IV) WHETHER THE DELAY IN TESTING WOULD HAVE INTERFERED WITH THE ATTENTION TO OTHER DUTIES OF THE ARRESTING OFFICER OR A QUALIFIED PERSON, AS DEFINED IN § 10-304 OF THE COURTS ARTICLE;

(V) WHETHER THE PERSON'S SUBSEQUENT CONSENT TO TAKE THE TEST WAS MADE IN GOOD FAITH; AND

(VI) WHETHER THE CONSENT AFTER THE INITIAL REFUSAL WAS WHILE THE PERSON WAS STILL IN POLICE CUSTODY.