

(3) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, among the factors that the Administration shall consider are the following: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] 4 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.

DRAFTER'S NOTE:

Error: Failed to make § 16-205.1(g)(2)(iii)2 B and (3)(i)2 of the Transportation Article consistent with § 10-303(b)(2) of the Courts Article.

Occurred: As a result of Ch. 281, Acts of 1995.

21-101.

(f) "Crosswalk" means that part of a roadway that is:

[(i)] (1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; or

[(ii)] (2) Distinctly indicated for pedestrian crossing by lines or other markings.

DRAFTER'S NOTE:

Error: Stylistic error in § 21-101(f) of the Transportation Article.

Occurred: Ch. 360, Acts of 1998. Correction by the publisher of the Annotated Code in the 1998 Supplement to the 1998 Replacement Volume is ratified by this Act.