

# HOUSE BILL 462

R3

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By: **Delegate Kach**

Introduced and read first time: February 2, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Accidents – Tests for Alcohol, Drugs, or Controlled Dangerous**  
3 **Substances**

4 FOR the purpose of requiring a person to submit to certain tests for alcohol, drugs, or  
5 controlled dangerous substances if the person is detained by a police officer who  
6 has reasonable grounds to believe that the person contributed to causing a  
7 motor vehicle accident that resulted in the death of, or a life-threatening injury  
8 to, another person; authorizing a police officer to direct that blood be withdrawn  
9 from a person for a certain test under certain circumstances; altering the issues  
10 that may be considered at a certain hearing; altering the grounds on which the  
11 Motor Vehicle Administration may base certain actions after a certain hearing;  
12 and generally relating to certain motor vehicle accidents and tests for alcohol,  
13 drugs, or controlled dangerous substances.

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 16–205.1(c)(1), (d)(1), and (f)(7)(i) and (8)(i), (ii), and (iii)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 16–205.1.

23 (c) (1) If a person is involved in a motor vehicle accident that results in  
24 the death of, or a life threatening injury to, another person and the person is detained  
25 by a police officer who has reasonable grounds to believe that the person [has been

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 driving or attempting to drive while under the influence of alcohol, while impaired by  
 2 alcohol, while so far impaired by any drug, any combination of drugs, or a combination  
 3 of one or more drugs and alcohol that the person could not drive a vehicle safely, while  
 4 impaired by a controlled dangerous substance, or in violation of § 16–813 of this title]  
 5 **CONTRIBUTED TO CAUSING THE MOTOR VEHICLE ACCIDENT**, the person shall be  
 6 required to submit, as directed by the officer, to a test of:

7 (i) The person’s breath to determine alcohol concentration;

8 (ii) One specimen of the person’s blood, to determine alcohol  
 9 concentration or to determine the drug or controlled dangerous substance content of  
 10 the person’s blood; or

11 (iii) Both the person’s breath under item (i) of this paragraph  
 12 and one specimen of the person’s blood under item (ii) of this paragraph.

13 (d) (1) If a police officer has reasonable grounds to believe that a person  
 14 has been driving or attempting to drive a motor vehicle while under the influence of  
 15 alcohol, while impaired by alcohol, while so far impaired by any drug, any combination  
 16 of drugs, or a combination of one or more drugs and alcohol that the person could not  
 17 drive a vehicle safely, while impaired by a controlled dangerous substance, or in  
 18 violation of § 16–813 of this title, **OR CONTRIBUTED TO CAUSING A MOTOR**  
 19 **VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE–THREATENING**  
 20 **INJURY TO, ANOTHER PERSON**, and if the police officer determines that the person is  
 21 unconscious or otherwise incapable of refusing to take a test, the police officer shall:

22 (i) Obtain prompt medical attention for the person;

23 (ii) If necessary, arrange for removal of the person to a nearby  
 24 medical facility; and

25 (iii) If a test would not jeopardize the health or well–being of the  
 26 person, direct a qualified medical person to withdraw blood for a test.

27 (f) (7) (i) At a hearing under this section, the person has the rights  
 28 described in § 12–206 of this article, but at the hearing the only issues shall be:

29 1. Whether the police officer who stops or detains a  
 30 person had reasonable grounds to believe the person **[was]**:

31 **A. WAS** driving or attempting to drive while under the  
 32 influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any  
 33 combination of drugs, or a combination of one or more drugs and alcohol that the  
 34 person could not drive a vehicle safely, while impaired by a controlled dangerous  
 35 substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;  
 36 **OR**

1                   **B.     CONTRIBUTED TO CAUSING A MOTOR VEHICLE**  
2 **ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY**  
3 **TO, ANOTHER PERSON;**

4                   2.     Whether there was evidence of the use by the person  
5 of alcohol, any drug, any combination of drugs, a combination of one or more drugs and  
6 alcohol, or a controlled dangerous substance;

7                   3.     Whether the police officer requested a test after the  
8 person was fully advised, as required under subsection (b)(2) of this section, of the  
9 administrative sanctions that shall be imposed;

10                  4.     Whether the person refused to take the test;

11                  5.     Whether the person drove or attempted to drive a  
12 motor vehicle while having an alcohol concentration of 0.08 or more at the time of  
13 testing;

14                  6.     Whether the person drove or attempted to drive a  
15 motor vehicle while having an alcohol concentration of 0.15 or more at the time of  
16 testing; or

17                  7.     If the hearing involves disqualification of a  
18 commercial driver's license, whether the person was operating a commercial motor  
19 vehicle or held a commercial driver's license.

20                  (8)    (i)    After a hearing, the Administration shall suspend the  
21 driver's license or privilege to drive of the person charged under subsection (b) or (c) of  
22 this section if:

23                   1.     The police officer who stopped or detained the person  
24 had reasonable grounds to believe the person [was]:

25                   **A.     WAS** driving or attempting to drive while under the  
26 influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any  
27 combination of drugs, or a combination of one or more drugs and alcohol that the  
28 person could not drive a vehicle safely, while impaired by a controlled dangerous  
29 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;  
30 **OR**

31                   **B.     CONTRIBUTED TO CAUSING A MOTOR VEHICLE**  
32 **ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY**  
33 **TO, ANOTHER PERSON;**

1                   2.     There was evidence of the use by the person of  
2 alcohol, any drug, any combination of drugs, a combination of one or more drugs and  
3 alcohol, or a controlled dangerous substance;

4                   3.     The police officer requested a test after the person  
5 was fully advised, as required under subsection (b)(2) of this section, of the  
6 administrative sanctions that shall be imposed; and

7                   4.     A.     The person refused to take the test; or

8                   B.     A test to determine alcohol concentration was taken  
9 and the test result indicated an alcohol concentration of 0.08 or more at the time of  
10 testing.

11                   (ii)    After a hearing, the Administration shall disqualify the  
12 person from driving a commercial motor vehicle if:

13                   1.     The person was detained while operating a  
14 commercial motor vehicle or while holding a commercial driver's license;

15                   2.     The police officer who stopped or detained the person  
16 had reasonable grounds to believe that the person [was]:

17                   A.     **WAS** driving or attempting to drive while under the  
18 influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any  
19 combination of drugs, or a combination of one or more drugs and alcohol that the  
20 person could not drive a vehicle safely, while impaired by a controlled dangerous  
21 substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;  
22 **OR**

23                   B.     **CONTRIBUTED TO CAUSING A MOTOR VEHICLE**  
24 **ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE–THREATENING INJURY**  
25 **TO, ANOTHER PERSON;**

26                   3.     There was evidence of the use by the person of  
27 alcohol, any drug, any combination of drugs, a combination of one or more drugs and  
28 alcohol, or a controlled dangerous substance;

29                   4.     The police officer requested a test after the person  
30 was fully advised of the administrative sanctions that shall be imposed; and

31                   5.     The person refused to take the test.

32                   (iii)  If the person is licensed to drive a commercial motor vehicle,  
33 the Administration shall disqualify the person in accordance with subparagraph (ii) of

1 this paragraph, but may not impose a suspension under subparagraph (i) of this  
2 paragraph, if:

3 1. The person was detained while operating a  
4 commercial motor vehicle or while holding a commercial driver's license;

5 2. The police officer had reasonable grounds to believe  
6 the person was in violation of an alcohol restriction or in violation of § 16-813 of this  
7 title;

8 3. The police officer did not have reasonable grounds to  
9 believe the [driver was] **PERSON:**

10 **A. WAS** driving while under the influence of alcohol,  
11 driving while impaired by alcohol, while so far impaired by any drug, any combination  
12 of drugs, or a combination of one or more drugs and alcohol that the person could not  
13 drive a vehicle safely, or while impaired by a controlled dangerous substance; **OR**

14 **B. CONTRIBUTED TO CAUSING A MOTOR VEHICLE**  
15 **ACCIDENT THAT RESULTED IN THE DEATH OF, OR LIFE-THREATENING INJURY**  
16 **TO, ANOTHER PERSON;** and

17 4. The driver refused to take a test.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2012.