

ADVICE OF RIGHTS – (§ 16-205.1 of the Maryland Vehicle Law)

You have been stopped and or detained and reasonable grounds exist to believe that you have been driving or attempting to drive a motor vehicle while under the influence of alcohol; impaired by alcohol; so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol; or impaired by a controlled dangerous substance that you could not drive a vehicle safely; in violation of an Alcohol Restriction, or in violation of § 16-813 of the Maryland Transportation Article.

In this state, any person who drives or attempts to drive a motor vehicle, including a commercial motor vehicle, on a highway or on any private property that is used by the public in general, is deemed to have consented to take a test to determine the alcohol concentration, or a test to determine the drug or controlled dangerous substance content of the person. The test shall be at no cost to you. **The test to determine alcohol concentration shall be a breath test.** However, a test of blood shall be administered if the breath test equipment is unavailable. A test is required to determine the drug or controlled dangerous substance content, or if your injuries require medical treatment. The results of such test or tests, or refusal of any such test, may be admissible as evidence in any criminal prosecution.

● **Mandatory Test:**

If you are involved in a motor vehicle accident resulting in the death of, or life threatening injuries to, another person, you must take a test, or tests.

● **Submission to the test. If your test results in an alcohol concentration of 0.08 or more:**

The MVA will be notified of your test results; your Maryland driver's license shall be confiscated; an Order of Suspension issued; and if eligible, a temporary license issued valid for 45 days. An Administrative suspension shall be imposed by the MVA against your Maryland driver's license or privilege. **The suspension shall be for 45 days for a first offense and 90 days for a second or subsequent offense.** Modification of the suspension may occur in certain circumstances.

● **You have the right to refuse to submit to the test. If you refuse:**

The Motor Vehicle Administration (MVA) will be notified of your test refusal; your Maryland (MD) driver's license shall be confiscated; and Order of Suspension issued, and if eligible, a temporary license issued, valid for 45 days. The MVA shall suspend your MD driver's license or driving privilege if you are a non-resident. **The suspension shall be 120 days for a first offense and 1 year for a second or subsequent offense.** You will be ineligible for a modification of the suspension or issuance of a restrictive license, except in certain circumstances, a test refusal suspension may be modified at a hearing if you agree to participate in the Ignition Interlock Program for at least 1 year.

● **Administrative Hearing:**

You may request an Administrative Hearing, at any time within 30 days of the date of the Order of Suspension, to show cause why your driver's license or privilege should not be suspended. You must request a hearing within 10 days of the date of the Order of Suspension to insure that your privilege to drive is not suspended prior to your hearing. Your request for a hearing must be made in writing. You may use the "Hearing Request" form id available. Send you request to the Office of Administrative Hearings at 11101 Gilroy Rd., Hunt Valley, MD 21031-1301. You must include a check or money order for \$125.00, which is the required filing fee, made payable to the "Maryland State Treasurer." **Your request for a hearing will be invalid if submitted without the required \$125.00 filing fee.**

● **Violation of Restriction:** The MVA may also suspend or revoke your license upon satisfactory evidence of a violation of an alcohol restriction.

● **Disqualification of CDL:** In addition to any suspension for test failure or refusal, your Commercial Driver's License (CDL) may be disqualified. If you were operating a commercial motor vehicle and you refuse to submit to a test, or your test result indicates an alcohol concentration of 0.04 or more, your CDL or privilege will be disqualified **1 year for a first offense; 3 years for a first offense while transporting hazardous materials required to be placarded; and lifetime for a second or subsequent offense.**

● **Your driver's license or privilege will be suspended on the 46th day after the date of the Order of Suspension if:**

(1) You do not request a hearing within the 10 days of the date of the Order of Suspension; (2) You fail to appear for a hearing; (3) At the conclusion of the hearing, a decision is rendered against you. Your request for a hearing will be invalid if submitted without the required \$125.00 filing fee.

● **Certification:**

I, the **undersigned police officer**, certify that I have advised the driver of the above stated Advice of Rights. This includes advising the driver of the sanctions to be imposed for: (1) A refusal to take a test; (2) A test resulting in an alcohol concentration of 0.08 or more, and (3) Advising of sanction for a test refusal or a test resulting in an alcohol concentration of 0.04 or more while operating a commercial motor vehicle.

Read Before Signing:

I, the **undersigned driver**, acknowledge that I have read or I have been read the above Advise of Rights as certified by the police officer. I understand that this requested test is in addition to any preliminary tests that were taken.

Having been so advised, do you now agree to submit to a test?

(Officer check reply)

Yes-Agree to submit to an alcohol Concentration test

Yes-Agree to submit to a test for drug or controlled dangerous substance (CDS)

No-Alcohol concentration test refused

No-Drug or CDS rest refused (DRE must Complete & submit DRE Certification Form)

Driver Signature _____ Date _____ Time _____ DR-15A Control # _____

Signature of Officer _____ I.D. No. _____ Police Agency _____