

ADVICE OF RIGHTS – (§16-205.1 of Maryland Transportation Article)

DR-15 (11-12)

You have been stopped or detained and reasonable grounds exist to believe that you have been driving or attempting to drive a motor vehicle under circumstances requiring that you be asked to submit to a test under § 16-205.1 of the Maryland Vehicle Law. In this situation, the law deems that you have consented to take a test to measure the alcohol concentration or drug or controlled dangerous substance content in your system. You may refuse to submit to the test(s), unless you were in a motor vehicle accident resulting in the death of or life-threatening injury to another person.

Suspension of Your Maryland Driver's License or Driving Privilege:

If you refuse to submit to the test, or submit to the test and the result indicates an alcohol concentration of 0.08 or more at the time of testing, your Maryland driver's license will be confiscated, you will be issued an Order of Suspension and, if eligible, a temporary license valid for 45 days. The following periods of suspension shall be imposed against your license or privilege to drive in Maryland:

If your test result is an alcohol concentration of at least 0.08 but less than 0.15: The suspension will be 45 days for a first offense and 90 days for a second or subsequent offense.

If your test result is an alcohol concentration of 0.15 or more: The suspension will be 90 days for a first offense and 180 days for a second or subsequent offense.

If you refuse to submit to a test: The suspension will be 120 days for a first offense and one (1) year for a second or subsequent offense. An additional criminal penalty of not more than \$500 or imprisonment for not more than 2 months or both, may be imposed under § 27-101(x) of the Maryland Vehicle Law if you are convicted of a drunk or drugged driving offense under § 21-902, and the judge or jury finds beyond a reasonable doubt that you knowingly refused to take a test arising out of the same circumstances. If you hold a commercial driver's license (CDL) and were driving a non-commercial motor vehicle when you were stopped, and refuse to submit to a test, your CDL, or privilege will be disqualified for one (1) year for a first offense or for life if your CDL or privilege has been previously disqualified for at least one (1) year under § 16-812(a) or (b) of the Maryland Transportation Article, a federal law, or any other state's law. If you were driving a commercial motor vehicle and refuse the test, your CDL or privilege will be disqualified as set forth below.

Modification of the Suspension or Issuance of a Restrictive License:

If your test result is an alcohol concentration of 0.08 but less than 0.15: The suspension may be modified or a restrictive license issued at a hearing in certain circumstances.

If you refuse a test, or take a test with a result of 0.15 or more: You will be ineligible for modification of the suspension or issuance of a restrictive license, unless you participate in the Ignition Interlock System Program under § 16-404.1 of the Maryland Vehicle Law. This program requires the vehicle(s) you drive to be equipped with a device that prevents you from operating it if you have alcohol in your blood. At a hearing, if you request one, an administrative judge may modify a suspension by permitting you to participate in the Ignition Interlock System Program for one year, but is not required to do so. **Instead of requesting a hearing, you may elect to participate in the Ignition Interlock System Program for one year,** instead of the period of suspension, if the following conditions are met: 1) your driver's license is not currently suspended, revoked, canceled, or refused; 2) you were not charged with a moving violation arising out of the same circumstances as the Order of Suspension that involved the death of, or serious physical injury to, another person; and 3) within thirty (30) days of the date of the Order of Suspension you a) elect in writing to participate in the Ignition Interlock System Program for one year, instead of requesting a hearing, and b) surrender a valid Maryland driver's license or sign a statement certifying that the license is no longer in your possession. An ignition interlock election form is located on the reverse side of the driver's copy of the Order of Suspension.

You Have the Right to Request an 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 if available. Send your 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 \$150.00, 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 \$150.00 filing fee (or applicable fee waiver).

Offenses Occurring While Driving a Commercial Motor Vehicle: In addition to any suspension for a test failure or refusal, if you were operating a commercial motor vehicle and your test result indicates an alcohol concentration of 0.04 or more, or you refused to submit to a test, your commercial driver's license or privilege shall be disqualified one (1) year for a first offense, or 3 years for a first offense committed while transporting hazardous materials required to be placarded, and disqualified for life if your commercial driver's license has been previously disqualified for at least one (1) year under MD TA§16-812(a) or (b), a federal law, or any other state's law.

Your Driver's license or Privilege will be Suspended on the 46th Day after the Order of Suspension if: You do not request a hearing within 10 days of the date of the Order of Suspension or, if eligible, you do not elect within 30 days of the Order of Suspension to participate in the Ignition Interlock System Program for one (1) year instead of requesting a hearing. If you submit a valid hearing request, a suspension will not be imposed unless a decision is rendered against you, or if you fail to appear for the hearing.

Certification: I, the Undersigned Police Officer, certify that I have advised the driver of the above stated Advice of Rights, including the sanctions imposed for: 1) a refusal to take a test; 2) a test resulting in an alcohol concentration of at least 0.08 but less than 0.15; 3) a test resulting in an alcohol concentration of 0.15 or more; and 4) disqualifications for persons holding a commercial driver's license.

I, the undersigned officer, have provided the driver with the aforementioned in: **English and Spanish**

Read Before Signing: I, the undersigned driver, acknowledge that I have been read or I have read the above stated Advice 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**
Sí- Acepta someterse a una prueba de concentración de alcohol en la sangre
- Yes - Agree to submit to a test for drug or controlled dangerous substance (CDS)**
Sí- Acepta someterse a una prueba de drogas o sustancias controladas peligrosas (CDS)
- No - Alcohol concentration test refused**
No- La prueba de concentración de alcohol en la sangre ha sido rechazada
- No - Drug or CDS test refused (DRE must complete & submit DRE Certification Form)**
No- La prueba de drogas o CDS ha sido rechazada (un Experto en el Reconocimiento de Drogas [DRE, en sus siglas en inglés] debe completar y presentar el formulario DRE de certificación)

Driver Signature _____ **Date** _____ **Time** _____ **DR-15A Control #** _____
Firma del conductor *Fecha* *Hora* *No. de Control del DR-15A*

Signature of Officer _____ **I.D. No.** _____ **Police Agency** _____
Firma del Oficial *No. de identificación (ID)* *Agencia de Policía*