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Hyle v. Motor Vehicle Admin.:

The Court of Appeals of Maryland held in *Hyle v. Motor Vehicle Admin.*, 348 Md. 143, 702 A.2d 760 (1997), that a motorist who has agreed to a breath test for alcohol concentration, but cannot be tested because a qualified technician is not available to administer the test, may not be required to submit to a blood test. The court ruled that the Motor Vehicle Administration may not suspend the license of a motorist under such circumstances.

Police officers pulled over Matthew John Hyle on the morning of January 26, 1996 after he was seen driving through a red light and crossing over double yellow lines. Hyle had alcohol on his breath and after questioning, he told officers that he had consumed a few drinks. Police officers subsequently administered a number of field sobriety tests, and because Hyle was unable to successfully complete a determinative test, he was arrested on suspicion of driving while intoxicated. Hyle was consequently taken to the Central District Police Station in Baltimore City.

At the police station, Hyle was informed that if he either refused to take a test for alcohol concentration or if he was found to have an alcohol content level of 0.1 or more, his license could be suspended. Hyle agreed to a breath test; however, because

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By Marianna Bravo

no qualified person was available to perform the test, Hyle was told that he would have to be taken to a hospital where he would be required to submit to a blood test. Hyle refused, and consequently, his license was suspended for three months pursuant to section 16-205 of the Transportation Article of the Annotated Code of Maryland, which provides for the automatic suspension of a motorist's license where a motorist refuses to take an alcohol concentration test.

Following suspension of his driver's license, Hyle requested, and was granted, an administrative hearing. At the hearing, the administrative law judge affirmed the suspension of Hyle's license, reasoning that the absence of a technician to administer a breath test amounted to the unavailability of equipment. The ALJ further determined that Hyle's

unwillingness to submit to a blood test was tantamount to a refusal to submit to an alcohol test under section 16-205.1 of the Transportation Article.

Hyle appealed the decision to the Circuit Court for Worcester County where the ALJ's decision was affirmed. Hyle then appealed to the Court of Appeals of Maryland and certiorari was granted.

The court began its opinion by examining Maryland statutory provisions concerning drunk driving. *Hyle*, 348 Md. at 146, 702 A.2d at 761. The court noted that under section 16-205.1(a)(2) of the Transportation Article, a motorist who drives on property used by the public, and is stopped on suspicion of driving while intoxicated or under the influence of alcohol, is considered to have given implied consent to take an alcohol test. *Id.* (citing MD. CODE ANN., Transp. II section 16-205.1(b)(1)(i)2.A. (Supp. 1997)).

As set forth in section 16-205.1(a)(1)(iii) of the Transportation Article, one of two types of alcohol tests may be administered in such circumstances: the breath test or the blood test. *Id.* at 147, 702 A.2d at 762. Both tests require the use of "equipment approved by the toxicologist" and, that they be administered only by a "qualified person". *Id.* (citing MD. CODE ANN., CTS. & JUD. PROC. sections 10-304(a) and (c), (Supp. 1997)(hereinafter "C&J").

Maryland C&J section 10-305(a) provides that the breath test is the test to be administered in all cases, with only three exceptions wherein the blood test may be administered. *Id.* The court recognized that a blood test may be given only when: (1) the defendant is unconscious or unable to refuse a test, (2) the defendant is injured and must be taken to a hospital, or, (3) breath-test equipment is not available. *Id.*

The court focused on the final exception and set out to determine whether the word "equipment", as used in the Maryland statute, encompassed a qualified technician. *Id.* at 148, 702 A.2d at 762. The court noted that "only if the *equipment* was unavailable, would Hyle's refusal to take a blood test have violated [Transportation section] 16-205.1". *Id.* (emphasis added).

In interpreting the meaning of the term "equipment", the court examined the actual intent of the legislature, and looked to the plain language of the statute. *Id.* In doing so, the court turned to the dictionary definition of the term "equipment": "the implements used in an operation or activity". *Id.* at 149, 702 A.2d at 762 (quoting WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (1986)). The court determined that "the term equipment, on its face, would seem to encompass the apparatus or machine used to test for alcohol levels and not the qualified technician necessary to administer the test." *Id.*

Additionally, the court continued, construing the term "equipment" to include a technician would render other portions of the statutory scheme concerning drunk driving superfluous and redundant. *Id.* at 149-50, 702 A.2d at 763. The court pointed out that C&J section 10-304(a)(3) states that a qualified person is one who receives training in the use of equipment in a program approved by a toxicologist. *Id.* at 149, 702 A.2d at 763. Similarly, C&J section 10-304(b) sets forth that the equipment used for a breath test must be approved by a toxicologist. *Id.* Therefore, if a technician was included in the term "equipment," only one of the two statutes would be necessary. *Id.* at 150, 702 A.2d at 763.

Furthermore, the legislature illustrated its willingness to use the terms "equipment" and "qualified person" exclusively as evidenced by its distinct references to each in the pertinent statutes. *Id.* at 151, 702 A.2d at 763. C&J sections 10-304(b) and 10-304(c)(1)(i), for example, state that "blood and breath tests must be administered by a '*qualified person*' with '*equipment* approved by the toxicologist'" *Id.* (emphasis added). The court finally looked to the legislative history of C&J section 10-305 and determined that the legislature did not intend the term "equipment" to encompass a technician. *Id.* at 151, 702 A.2d at 764.

The court explained that the legislature, after balancing the advantages and disadvantages of blood and breath tests, resolved that breath tests would be the test administered in most cases. *Id.* at 151-56, 702 A.2d at 764-66.

The court further determined that the legislature specified the test to be used in drunk-driving cases to prevent police officers from using their own discretion in deciding which test to administer. *Id.* at 151, 156, 702 A.2d at 764, 66. The court opined that by including a qualified person to fall within the meaning of equipment, officers would essentially have discretion to choose which test to apply. *Id.* at 156, 702 A.2d at 766. For example, police officers could schedule technicians to work only certain hours, thereby making them available at their discretion, which the court noted, would be contrary to the legislature's intent. *Id.*

This decision strictly adheres to the plain language and meaning of C&J section 10-305. The court, in reaching its decision, carefully considered legislative history, and the common scheme of the Maryland statutes concerning drunk driving, maintaining the intent and spirit of the legislature. The court's findings further preserved and ensured the statute's intent to safeguard against discretionary police interference and protect "the integrity of an individual's person."