

TITLE 9: VEHICLE CODE
DIVISION 7: SERIOUS TRAFFIC OFFENSES AND PENALTIES

§ 7106. Implied Consent of Operator to Submit to Test.

(a) Any person who operates a motor vehicle upon the highways within the Commonwealth shall be deemed to have given his or her consent, subject to the provisions of this division, to a test of his or her breath; provided, that if a police officer believes that a breath test is unavailable, impractical, impossible, or may endanger the health or safety of an injured person, then the person shall be deemed to have given consent to a test of his or her blood. The test shall be administered at the request of a police officer having reasonable grounds to believe the person operating or in actual physical control of a motor vehicle upon the highways is under the influence of alcohol or drugs only after:

(1) A lawful arrest; and

(2) The police officer has informed the person of the sanctions provided in this section.

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a) of this section, and the test may be administered, subject to the provisions of 9 CMC § 7107.

(c) A person requested to submit to a test as provided above shall be warned by the police officer requesting the test that a refusal to submit to the test will result in revocation of his or her license to operate a motor vehicle for six months. Following this warning, if a person under arrest refuses upon the request of a police officer to submit to the test, none shall be given, but the court, upon the receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the highways of the Commonwealth while under the influence of alcohol or any drug and that the person had refused to submit to the test upon the request of the police officer, shall revoke that person's license subject to review as provided for in 9 CMC § 7108.

Source: PL 3-61, § 1 (§ 706).