

8. **IMPLIED CONSENT** (Check as read).

- I am a law enforcement officer of the State of Vermont.
- I have grounds to believe that you have operated, attempted to operate, or been in actual physical control of a vehicle on a public highway while under the influence of intoxicating liquor, or drugs, or both.

(FATAL/SERIOUS INJURY ONLY) I have probable cause to believe that you are the surviving operator of a motor vehicle involved in an accident or collision resulting in death or serious bodily injury to another person. I have reasonable grounds to believe that you have some amount of alcohol or other drug in your system.

- Vermont law authorizes me, as a law enforcement officer, to request an evidentiary test to determine whether you are under the influence of alcohol or other drugs. Before you decide, I will explain your rights.
- If you submit to an evidentiary test, you have the right to have additional tests administered at your own expense by someone of your own choosing. The results will be sent only to you or your lawyer. At this time, I am also providing you with a list of facilities in this area that are available to you for drawing a sample of your blood.
- In addition, if you submit to an evidentiary test administered with an infrared device, following your receipt of the results of that test, you have a right to a second evidentiary test administered by me using the infrared device.
- If the results of the evidentiary test indicate that you are under the influence of alcohol, you will be subject to criminal and civil charges and your license or privilege to operate a motor vehicle will be suspended for at least 90 days.
- If you refuse to provide an evidentiary test, and if you have been previously convicted of Driving Under the Influence of intoxicants (DUI/DWI) in Vermont under Title 23 V.S.A. Section 1201 or in any other jurisdiction which prohibited operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway while under the influence of intoxicating liquor or drugs, or both, or while having .08 percent or more by weight of alcohol in the person's blood or an alcohol concentration of .08 or more, you may be charged with the crime of criminal refusal.
- If you refuse to provide an evidentiary test and you have been involved in an accident/collision resulting in serious bodily injury or death of another, you may be charged with the crime of criminal refusal.
- If you refuse to provide an evidentiary test, your refusal may be offered into evidence against you at trial.

(FATAL/SERIOUS INJURY ONLY) If you refuse to provide an evidentiary test and you have been involved in an accident/collision resulting in serious bodily injury or death to another, the court may issue a search warrant and order you to submit to a blood test. Your refusal may be offered into evidence against you at trial, whether or not a search warrant is sought, and the results of any blood test ordered by the court may be offered into evidence against you at trial.

- Your privilege to drive shall be suspended for at least six months if you refuse the evidentiary test and the court finds my request is reasonable.
- You have the right to talk with a lawyer before deciding whether or not to submit to an evidentiary test. If you want a lawyer, a Public Defender will be contacted for you at the state's expense, regardless of your income, or an attempt will be made to contact an attorney of your choice at your expense.
- You must decide whether or not to submit to the evidentiary test within a reasonable amount of time and no later than 30 minutes from the time of the initial attempt to contact an attorney, regardless of whether a consultation takes place.
- Do you understand each of these rights? Yes No
- Do you want to talk to a lawyer before deciding whether or not to submit to a test?
- Yes Time of first attempt: _____ (per timepiece) # of attempts _____
- Lawyer contacted: _____ Time Started: _____ Time Finished: _____
- No

Operator's Signature _____

Witness _____

(If operator refuses to sign you **MUST** contact an attorney)