SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.3	DATE: 09/01/93	REVISION DATE: 03/20/94
TITLE: IMPLIED CONSENT - CDL WARNING		PAGE 1 OF 2

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES: S.C. Code of Laws, Section 56-1-2130

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The arresting officer will read the Commercial Driver's License (CDL) warning before administration of an implied consent breath alcohol test for a CDL violation.

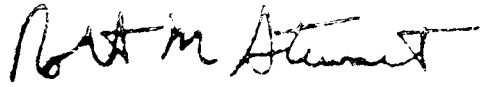
SPECIFIC PROCEDURES: The Commercial Driver License (CDL) Act warning is to be read to subjects given breath alcohol tests for CDL violations (56-1-2120, 1976 South Carolina Code of Laws, as amended). If a DUI or Felony DUI charge is also involved, the standard implied consent warning as printed on the breath test form should also be read. However, if no DUI or Felony DUI charge is involved, only the CDL warning should be read. The CDL warning is:

"Implied Consent Warning: Subject Advised: I must advise you that I am a law enforcement officer and I have probable cause to believe that you have a measurable amount of alcohol in your body while driving a commercial motor vehicle. This is a violation of Section 56-1-2120, 1976 South Carolina Code of Laws, as amended. At this time, I am requesting that you submit to a test of your breath to determine the presence of alcohol in your body. The test operator is trained and certified by the South Carolina Law Enforcement Division - SLED - to give this test. If you take the test and have any measurable amount of alcohol in your body, you will immediately be placed out of service for 24 hours. If you take the test and have an alcohol concentration of 0.04 percent or more, you will be disqualified from operating a commercial motor vehicle for not less than one year. You have the right to refuse the test. If you do refuse to submit to the test, you will be immediately placed out of service for 24 hours, and you will be disqualified from operating a commercial motor vehicle for not less than one year.

In addition, whether or not you submit to the test, you may ultimately also be charged with driving under the influence (DUI) or Felony DUI. Also, whether

or not you submit to the test, you will be given reasonable assistance in contacting a qualified person of your own choosing to conduct any additional, independent tests which you may want. You will have to pay for any additional tests."

BY ORDER OF:



CHIEF OF SLED