

# WEST VIRGINIA IMPLIED CONSENT STATEMENT

## FOR PERSONS UNDER 18 YEARS OF AGE

PURSUANT TO STATE LAW (CHAPTER 17C, ARTICLE 5, SECTION 6A) I AM NOW DIRECTING YOU TO TAKE AN APPROVED SECONDARY CHEMICAL TEST OF YOUR BREATH FOR THE PURPOSE OF DETERMINING THE ALCOHOLIC CONTENT OF YOUR BLOOD. IF YOU REFUSE TO SUBMIT TO THIS TEST, YOUR PRIVILEGE TO OPERATE A MOTOR VEHICLE IN THIS STATE WILL BE REVOKED FOR A PERIOD OF AT LEAST 30 DAYS AND UP TO LIFE.

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DEFENDANT SIGNATURE

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OFFICER SIGNATURE

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DATE

\_\_\_\_\_  
TIME

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## FOR COMMERCIAL DRIVERS

PURSUANT TO STATE LAW (CHAPTER 17E, ARTICLE 1, SECTION 15) I AM NOW DIRECTING YOU TO TAKE AN APPROVED TEST FOR THE PURPOSE OF DETERMINING THE ALCOHOLIC CONTENT OF YOUR BLOOD. YOUR REFUSAL TO SUBMIT TO THIS TEST WILL RESULT IN YOUR DISQUALIFICATION TO OPERATE A COMMERCIAL MOTOR VEHICLE IN THIS STATE FOR A PERIOD OF AT LEAST ONE YEAR AND UP TO LIFE.

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DEFENDANT SIGNATURE

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OFFICER SIGNATURE

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DATE

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TIME

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## FOR ALL OTHER DRIVERS

PURSUANT TO STATE LAW (CHAPTER 17C, ARTICLE 5, SECTION 7) I AM NOW DIRECTING YOU TO TAKE AN APPROVED SECONDARY CHEMICAL TEST OF YOUR BREATH FOR THE PURPOSE OF DETERMINING THE ALCOHOLIC CONTENT OF YOUR BLOOD.

IF YOU REFUSE TO SUBMIT TO THIS TEST, YOUR PRIVILEGE TO OPERATE A MOTOR VEHICLE IN THIS STATE WILL BE REVOKED FOR A PERIOD OF AT LEAST 45 DAYS AND UP TO LIFE.

THE RESULTS OF THE TEST MAY BE USED AGAINST YOU IN COURT AS EVIDENCE OF VIOLATING STATE LAW OR AN ORDINANCE OF A MUNICIPALITY OF THIS STATE WHICH HAS THE SAME ELEMENTS AS AN OFFENSE DESCRIBED IN SAID SECTION (CHAPTER 17C, ARTICLE 5, SECTION 2).

IF YOU SUBMIT TO THE REQUESTED SECONDARY CHEMICAL TEST, YOU HAVE THE RIGHT TO HAVE A TEST OR TESTS OF YOUR BLOOD PERFORMED AS PROVIDED IN STATE LAW (CHAPTER 17C, ARTICLE 5, SECTION 9).

IF YOU REFUSE YOU WILL HAVE FIFTEEN MINUTES IN WHICH TO CHANGE YOUR MIND AFTER WHICH TIME YOUR REFUSAL WILL BE DEEMED FINAL AND THE ARRESTING OFFICER WILL HAVE NO FURTHER DUTY TO OFFER YOU THIS APPROVED SECONDARY CHEMICAL TEST.

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DEFENDANT SIGNATURE

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OFFICER SIGNATURE

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DATE

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TIME

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## PENALTIES FOR REFUSAL TO TAKE A SECONDARY CHEMICAL TEST OF YOUR BREATH

CHAPTER 17C, ARTICLE 5, SECTION 4 OF THE WEST VIRGINIA CODE OF 1931 AS AMENDED PROVIDES THAT IF YOU DRIVE A MOTOR VEHICLE IN THIS STATE YOU SHALL BE DEEMED TO HAVE GIVEN YOUR CONSENT BY THE OPERATION THEREOF TO A SECONDARY CHEMICAL TEST OF YOUR BREATH FOR THE PURPOSE OF DETERMINING THE ALCOHOLIC CONTENT OF YOUR BLOOD.

A SECONDARY CHEMICAL TEST OF YOUR BREATH SHALL BE INCIDENTAL TO A LAWFUL ARREST AND SHALL BE ADMINISTERED AT THE DIRECTION OF THE ARRESTING OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT YOU HAVE BEEN DRIVING A MOTOR VEHICLE IN THIS STATE WHILE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.

YOUR REFUSAL TO SUBMIT TO A BREATH TEST WILL RESULT IN THE REVOCATION OF YOUR DRIVERS' LICENSE.

IF YOU REFUSE TO SUBMIT TO THE BREATH TEST YOUR LICENSE TO OPERATE A MOTOR VEHICLE WILL BE REVOKED FOR A PERIOD OF AT LEAST 45 DAYS AND UP TO LIFE, IN ACCORDANCE WITH CHAPTER 17C, ARTICLE 5, SECTION 7 OF THE WEST VIRGINIA CODE.