

MONTANA DEPARTMENT OF JUSTICE ALCOHOL/DRUG TESTING ADVISORY

1. Check and read appropriate action:

I have particularized suspicion that you were driving or in actual physical control of a vehicle upon ways of this state open to the public

while under the influence of alcohol, or committing the violation of aggravated driving under the influence;

while under the age of 21 with an alcohol concentration of .02 or more;

while committing the offense of aggravated driving under the influence;

2. Montana law (MCA 61-8-402) considers you to give consent to test for alcohol or drugs. I am going to ask you to take a preliminary breath test.
3. You do not have a right to a lawyer under *Miranda*. You must decide to take or refuse to take the test without talking to a lawyer. If you refuse these tests, I will seize any driver license you have and your driver license or privilege to drive will be suspended. If this is your only refusal in the past 5 years, the suspension is for **6 months**. If this is your second or subsequent refusal, the suspension is for **1 year**. You have the right to appeal this suspension in District Court.
4. Will you take a preliminary breath test? Yes No
5. INSTRUCTIONS FOR SAMPLING: When I tell you to do so, take a normal breath and blow through the mouthpiece in one continuous breath and continue blowing until I tell you to stop. Do you understand?