

**MONTANA DEPARTMENT OF JUSTICE
CMV IMPLIED CONSENT ADVISORY
(Operation of commercial motor vehicles only)**

YOU ARE ADVISED THAT:

As a peace officer for the State of Montana,

- a. I have reasonable grounds to believe that you have been driving or in actual physical control of a commercial motor vehicle upon the ways of the state open to the public while having a detectable or measurable alcohol concentration in your body.
- b. You must decide to take or refuse this test without talking to an attorney. Your right to an attorney under Miranda does not apply.
- c. I have the right to select the type of test you will be asked to take. At the end of this advisory I will ask you to take a breath (alternately, blood) test.
- d. If you refuse to submit to the test as requested, or your test result indicates an alcohol content of .04 or greater, I will immediately seize your driver license and issue you a notice of suspension of your commercial driver license and/or commercial motor vehicle driving privileges, upon behalf of the Montana Department of Justice, Motor Vehicle Division.
- e. Your commercial driver license, commercial motor vehicle driving privileges, and/or eligibility to apply for and be issued a commercial driver license will be suspended for:
 - a. One year for a first-time refusal or a .04 alcohol violation involving non-placardable vehicle cargo;
 - b. Three years for a first-time refusal or a .04 alcohol violation involving placardable vehicle cargo; or
 - c. Life, if you have a prior testing refusal in either a commercial or a non-commercial motor vehicle, a prior .04 alcohol violation in a commercial motor vehicle, or a prior conviction for major offense, as defined under Mont. Code Ann. § 61-8-802, subsection (2), on your driving record.
- f. During the period of suspension, you will not be eligible for any probationary or work-related commercial motor vehicle driving privileges.
- g. You may contest any suspension of your commercial driver license and/or commercial motor vehicle driving privileges by filing a petition in district court. In court you will have to prove that the suspension action was unlawful. You may also ask the court to restore your commercial driving privileges until the court rules on your petition.
- h. Your test results or testing refusal may be used as evidence against you in a criminal trial. Additionally, if you refuse testing today, the jury (or judge in a non-jury trial) may infer from your refusal that you were under the influence of alcohol and/or drugs in a criminal trial. The inference is rebuttable.
- i. After the requested testing is completed or refused, you may have a doctor or nurse administer an independent blood test for alcohol or drugs at your expense. If you refuse testing now, taking an independent test will not change the action taken against your driver license.

YOU ARE FURTHER ADVISED THAT YOU WILL BE DECLARED OUT-OF-SERVICE for a period of 24 hours if you have a measurable amount or detectable presence of alcohol in your body.

A breath test requires you to blow a proper sample of air into this instrument. It will analyze your breath sample for alcohol concentration. Will you take a breath test? Yes _____ No _____

This advisory was read on _____ to:
Date Time

Driver's Name _____

Address _____

City/State _____

Advising Officer's Signature

Driver License Number State

Commercial Driver License: Yes No
Commercial Motor Vehicle: Yes No