§ 11-1205. Enforcement.

1. Police officers and officers named in subdivision one of section 71-0907 of this chapter shall have power to enforce the provisions of this title and to take actions, make arrests, and conduct tests thereunder in pursuance of such enforcement.

2. Any person engaged in hunting in this state shall be deemed to have given his consent to a chemical test of his breath, blood, urine, or saliva for the purpose of determining the alcoholic or drug content of his blood, provided that such test is administered at the direction of a police officer or officer of the department of environmental conservation: (a) having reasonable grounds to believe such person to have been engaged in hunting in violation of any subdivision of section 11-1203 of this title, and within two hours after such person has been placed under arrest for any such violation, or (b) within two hours after a breath test, administered pursuant to the provisions of subdivision one of this section, indicates that alchohol has been consumed by such person, and in accordance with the rules and regulations established by the law enforcement unit of which the administering officer is a member.

3. If such person, having been placed under arrest or after a breath test indicates the presence of alcohol in his system and having thereafter been requested to submit to chemical test, refuses to submit to such chemical test, the test shall not be given, and a report of such refusal shall be forwarded by the officer under whose direction the test was requested to the department of environmental conservation within seventy-two hours and the department shall revoke all licenses, bowhunting privileges, muzzle-loading privileges, and permits to hunt which such person may possess; provided, however, that such revocation shall become effective only after a hearing held by the department upon notice to such person, unless such hearing is waived by such person.

4. A license, bowhunting privilege, muzzle-loading privilege, or permit to hunt may, upon the basis of a report, verified as hereinafter provided, of the administering officer that he had reasonable grounds to

believe such person to have been engaged in conduct in violation of any subdivision of section 11-1203 of this title and that said person had refused to submit to such test, be temporarily suspended without notice pending the determination upon any such hearing. Such report may be verified by having the report sworn to, or by affixing to such report a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law and such form notice together with the signature of the deponent shall constitute a verification of the report.

5. No license, bowhunting privilege, muzzle-loading privilege, or permit to hunt shall be revoked because of a refusal to submit to such chemical test if the hearing officer is satisfied that the person requested to submit to such chemical test had not been warned prior to such refusal to the effect that a refusal to submit to such chemical test may result in the revocation of such license, bowhunting privilege, muzzle-loading privilege, or permit to hunt whether or not he is found guilty of the charge for which he has been arrested.

6. The department of health shall issue and file rules and regulations approving satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct and supervise chemical analyses of a person's blood, urine, breath or saliva. If the analyses were made by an individual possessing a permit issued by the department of health, this shall be presumptive evidence that the examination was properly given. The provisions of this subdivision do not prohibit the introduction as evidence of an analysis made by an individual other than a person possessing a permit issued by the department of health.