

alcohol restriction, ~~in violation of 49 CFR § 392.5~~, or in violation of § 16-813 of this title; and

(ii) 1. There is an alcohol concentration of 0.10 or more at the time of testing; or

2. The person refused to take a test [to determine alcohol concentration].

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made ~~within the 10 day period~~ AT THE TIME OF OR WITHIN 10 DAYS AFTER THE ISSUANCE OF THE ORDER OF SUSPENSION, the Administration shall:

(i) Make the suspension order effective suspending the license:

1. For a test result indicating an alcohol concentration of 0.10 or more at the time of testing:

A. For a first offense, for 45 days; or

B. For a second or subsequent offense, for 90 days; or

2. For a test refusal:

A. For a first offense, for 120 days; or

B. For a second offense or subsequent offense, for 1 year; ~~or~~

AND and

(ii) 1. In the case of a person operating a commercial motor vehicle who refuses to take a test [to determine alcohol concentration], disqualify the person's commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test [to determine alcohol concentration], and who is licensed as a commercial driver by another state, disqualify the person's privilege to operate a commercial motor vehicle in this state and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing ~~within the 10 day period~~ AT THE TIME OF OR WITHIN 10 DAYS AFTER THE ISSUANCE OF THE ORDER OF SUSPENSION and surrenders the driver's license OR, IF APPLICABLE, THE