

1. The person was detained while operating a commercial motor vehicle;

2. The police officer who stopped or detained the person had reasonable grounds to believe THAT the person was driving or attempting to drive while intoxicated, while under the influence of alcohol, ~~WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL~~ WHILE SO FAR UNDER THE INFLUENCE OF ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT DRIVE A VEHICLE SAFELY, WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE, in violation of an alcohol restriction, ~~in violation of 49 CFR § 392.5~~, or in violation of § 16-813 of this title;

3. There was evidence of ~~alcohol consumption OR THE USE OF DRUGS OR CONTROLLED DANGEROUS SUBSTANCES~~ THE USE BY THE PERSON OF ALCOHOL, ANY DRUG, ANY COMBINATION OF DRUGS, A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, OR A CONTROLLED DANGEROUS SUBSTANCE;

4. The police officer requested a test [to determine alcohol concentration] after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle, the administration shall disqualify the person in accordance with paragraph (7)(ii) of this subsection, but may not impose a suspension under paragraph (7)(i) of this subsection, if:

1. The person was detained while operating a commercial motor vehicle;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction, ~~in violation of 49 CFR § 392.5~~, or in violation of § 16-813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while intoxicated [or], driving while under the influence of alcohol, ~~WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL~~ WHILE SO FAR UNDER THE INFLUENCE OF ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT DRIVE A VEHICLE SAFELY, OR WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE; and

4. The driver refused to take a test [to determine alcohol concentration].

(iv) In the absence of a compelling reason for failure to attend ~~the~~ A