

driver should not be disqualified from driving a commercial motor vehicle.

(2) The Administration shall set the hearing for a date within 30 days of the driver's detention. However, the hearing may be held at any other time on agreement of the driver and the Administration.

(3) At the hearing, the driver may present evidence about the driver's refusal to take the test and may be represented by an attorney.

(4) Subject to paragraphs (5), (6), (7), and (8) of this subsection, after the hearing, the Administration shall suspend the driver's license or privilege to drive if the Administration determines that the driver was charged as set forth in subsection (b) or (c) of this section and refused to take a chemical test for alcohol. The suspension imposed may be not less than 60 days nor more than 6 months for a first offense and may not be less than 120 days nor more than 1 year for a second or subsequent offense.

(5) After suspending the driver's license under paragraph (4) of this subsection, the Administration may modify the suspension or issue a restrictive license if:

(i) The licensee is required to drive a motor vehicle in the course of employment;

(ii) The license is required for the purpose of attending an alcoholic prevention or treatment program; or

(iii) It finds that the licensee has no alternative means of transportation available and without the license, the licensee's ability to earn a living would be severely impaired.

(6) If the driver is licensed to drive a commercial motor vehicle, the Administration shall disqualify the driver from driving a commercial motor vehicle if the driver:

(i) Was detained while driving a commercial motor vehicle;

(ii) Was charged as set forth in subsection (b) or (c) of this section;

and

(iii) Refused to take a chemical test for alcohol.

(7) If the driver is licensed to drive a commercial motor vehicle, the Administration shall disqualify the driver in accordance with paragraph (6) of this subsection, but may not impose a suspension under paragraph (4) of this subsection, if:

(i) The driver was detained while driving a commercial motor vehicle;

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