

(iii) The police officer did not have reasonable grounds to believe the driver was driving while intoxicated or driving while under the influence of alcohol; and

(iv) The driver refused to take a chemical test for alcohol.

(8) (i) A disqualification imposed under paragraph (6) or (7) of this subsection shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating any commercial motor vehicle.

(ii) A disqualification of a commercial driver's license is not subject to any modifications, nor may a restricted commercial driver's license be issued in lieu of a disqualification.

(iii) A disqualification for life may be reduced if permitted by § 16-812(d) of this title.

(9) Failure of the driver to attend a hearing under this section is prima facie evidence of the driver's inability to answer the sworn statement of the police officer, and the Administration summarily shall:

(i) Suspend the driver's license or privilege to drive; and

(ii) If the driver is detained in a commercial motor vehicle, disqualify the driver from driving a commercial motor vehicle.

(g)] (1) At the time of, or within 10 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the [Motor Vehicle] Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while intoxicated [or], WHILE under the influence of alcohol, IN VIOLATION OF AN 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 [the] TO TAKE A test [for] 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, the Administration shall [make]:

(I) MAKE the suspension order effective suspending the license: