

[(i)] 1. For a test result indicating an alcohol concentration of 0.10 or more at the time of testing:

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

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

[(ii)] 2. For a test refusal:

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

[2.] B. For a second offense or subsequent offense, for 1

year; ~~OR~~ 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 and surrenders the driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this section does not extend the period for which the person is authorized to drive and the suspension AND, IF APPLICABLE, THE DISQUALIFICATION shall become effective on the expiration of the 45-day period.

(iii) A postponement of a hearing shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this subsection; or