

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this subsection:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing held within the 45-day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing held within the 45-day period.

(iv) If a witness is served with a subpoena for a hearing under this section, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this subsection.

(6) (i) At the hearing under this section, the person has the rights described in § 12-206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while intoxicated, while under the influence of alcohol, [or] in violation of an alcohol restriction, ~~IN VIOLATION OF 49 CFR § 392.5, OR IN VIOLATION OF § 16-813 OF THIS TITLE;~~

2. Whether there was evidence of alcohol consumption;

3. Whether the police officer requested a test to determine alcohol concentration after the person was fully advised of the administrative sanctions that shall be imposed;

4. Whether the person refused to take [a] THE test [for alcohol under subsection (b) of this section]; ~~or~~

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.10 or more at the time of testing; ~~OR~~

6. IF THE HEARING INVOLVES DISQUALIFICATION OF A COMMERCIAL DRIVER'S LICENSE, WHETHER THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE.