

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; 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 hearing, failure of a person to attend [the] A hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall [suspend]:

1. SUSPEND the driver's license or privilege to drive; AND

2. IF THE DRIVER IS DETAINED IN A COMMERCIAL MOTOR VEHICLE, DISQUALIFY THE PERSON FROM OPERATING A COMMERCIAL MOTOR VEHICLE.

[(iii)]* (V) The suspension imposed shall be:

1. For a test result indicating an alcohol concentration of 0.10 or more at the time of testing:

A. For a first offense, a suspension for 45 days; or

B. For a second or subsequent offense, a suspension for 90 days; or

2. For a test refusal:

A. For a first offense, a suspension for 120 days; or

B. For a second or subsequent offense, a suspension for 1 year.

(VI) A DISQUALIFICATION IMPOSED UNDER PARAGRAPH (7)(II) OR (III) 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