

(d) (1) If a police officer has reasonable grounds to believe an individual has been driving or attempting to drive a motor vehicle while intoxicated or while under the influence of alcohol, and if the police officer determines the individual is unconscious or otherwise incapable of refusing to take a chemical test for alcohol, the police officer shall:

(i) Obtain prompt medical attention for the individual;

(ii) If necessary, arrange for removal of the individual to a nearby medical facility; and

(iii) If a chemical test for alcohol would not jeopardize the health or well-being of the individual, direct a qualified medical person to withdraw blood for a chemical test for alcohol to determine the alcohol content of the individual's blood.

(2) If an individual regains consciousness or otherwise becomes capable of refusing before the taking of a chemical test to determine the alcohol content of the individual's blood, the police officer shall follow the procedure set forth in subsection [(c)] (B) OR (C) of this section.

(f) (1) On receipt of the sworn statement of a police officer filed under subsection [(c)] (B) of this section, the Administration shall give reasonable notice to the driver, in accordance with Title 12, Subtitle 2 of this article, to attend a hearing on a date specified in the notice and show cause why the driver's license or privilege to drive should not be suspended.

(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) After the hearing, the Administration shall suspend the driver's license or privilege to drive for not less than 60 days nor more than 6 months if the Administration determines that the driver was charged as set forth in subsection [(c)] (B) THIS SECTION and refused to take a chemical test for alcohol. Failure of the driver to attend the hearing is prima facie evidence of the driver's inability to answer the sworn statement of the police officer, and the Administration summarily shall suspend the driver's license or privilege to drive for not less than 60 days nor more than 6 months.

(5) The Administration may modify this suspension or issue a restrictive license if: