

(I) THE LICENSEE DID NOT REFUSE TO TAKE AN ALCOHOL TEST;

(II) THE LICENSEE HAS NOT HAD A LICENSE SUSPENDED UNDER THIS SECTION DURING THE PAST 5 YEARS;

(III) THE LICENSEE HAS NOT BEEN CONVICTED UNDER § 21-902 OF THIS ARTICLE DURING THE PAST 5 YEARS; AND

(IV) 1. THE LICENSEE IS REQUIRED TO DRIVE A MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT;

2. THE LICENSE IS REQUIRED FOR THE PURPOSE OF ATTENDING AN ALCOHOLIC PREVENTION OR TREATMENT PROGRAM; OR

3. IT FINDS THAT THE LICENSEE HAS NO ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A LIVING WOULD BE SEVERLY IMPAIRED.

(2) IF THE LICENSEE REFUSED TO TAKE AN ALCOHOL TEST, THE ADMINISTRATION MAY NOT MODIFY A SUSPENSION UNDER THIS SECTION OR ISSUE A RESTRICTIVE LICENSE.

16-405.

(a) [If] EXCEPT AS PROVIDED IN ~~§§ 16-205 AND 16-205.1~~ § 16-205.1 OF THIS TITLE, IF the suspension or revocation of a license would affect adversely the employment ~~or opportunity~~ for employment ~~of~~ of a licensee, the hearing officer may:

- (1) Decline to order the suspension or revocation; or
- (2) Cancel or modify the suspension or revocation.

(b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a motor vehicle in the course of his regular employment:

- (1) Suspension requires 16 points; and
- (2) Revocation requires 19 points.

(c) The provisions of subsection (b) of this section [shall] DO not apply to an individual whose current accumulation of points includes points resulting from a conviction for a violation of § 21-902 of this article.

Article 48A - Insurance Code

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