

~~REASONABLE--GROUNDS--TO--BELIEVE--THE--DRIVER--WAS--DRIVING--WHILE--INTOXICATED,--OR--DRIVING--WHILE--UNDER--THE--INFLUENCE--OF--ALCOHOL,--THE--ADMINISTRATION--SHALL--DISQUALIFY--THE--DRIVER--IN--ACCORDANCE--WITH--PARAGRAPH--(6)--OF--THIS--SUBSECTION,--BUT--MAY--NOT--IMPOSE--A--SUSPENSION--UNDER--PARAGRAPH--(4)--OF--THIS--SUBSECTION.~~

(7) IF THE DRIVER IS LICENSED TO DRIVE A COMMERCIAL MOTOR VEHICLE, THE ADMINISTRATION SHALL DISQUALIFY THE DRIVER IN ACCORDANCE WITH PARAGRAPH (6) OF THIS SUBSECTION, BUT MAY NOT IMPOSE A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION, IF:

(I) THE DRIVER WAS DETAINED WHILE DRIVING A COMMERCIAL MOTOR VEHICLE;

(II) THE POLICE OFFICER HAD REASONABLE GROUNDS TO BELIEVE THE DRIVER WAS IN VIOLATION OF AN ALCOHOL RESTRICTION, IN VIOLATION OF 49 CFR § 392.5, OR IN VIOLATION OF § 16-813 OF THIS TITLE;

(III) 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

(IV) THE DRIVER REFUSED TO TAKE A CHEMICAL TEST FOR ALCOHOL.

(8) (I) A DISQUALIFICATION IMPOSED UNDER PARAGRAPH (6) OR (7) 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 PLACARDED, AND LIFE FOR A SECOND OR SUBSEQUENT OFFENSE WHICH OCCURS WHILE OPERATING ANY COMMERCIAL MOTOR VEHICLE.

(II) A DISQUALIFICATION OF A COMMERCIAL DRIVER'S LICENSE IS NOT SUBJECT TO ANY MODIFICATIONS, NOR MAY A RESTRICTED COMMERCIAL DRIVER'S LICENSE BE ISSUED IN LIEU OF A DISQUALIFICATION.

(III) A DISQUALIFICATION FOR LIFE MAY BE REDUCED IF PERMITTED BY § 16-812(D) OF THIS SUBTITLE TITLE.

(9) FAILURE OF THE DRIVER TO ATTEND A HEARING UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE DRIVER'S INABILITY TO ANSWER THE SWORN STATEMENT OF THE POLICE OFFICER, AND THE ADMINISTRATION SUMMARILY SHALL:

(I) SUSPEND THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE; AND