

WILLIAM DONALD SCHAEFER, Governor

(I) THE PERSON IS ARRESTED FOR DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE INTOXICATED, OR UNDER THE INFLUENCE OF ALCOHOL, ~~WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL, OR WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE;~~ AND

(II) 1. THERE IS AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING; OR

2. THE PERSON REFUSED THE TESTS TEST FOR ALCOHOL ~~OR DRUGS OR BOTH.~~

(2) A REQUEST FOR A HEARING MADE BY MAIL SHALL BE DEEMED TO HAVE BEEN MADE ON THE DATE OF THE UNITED STATES POSTAL SERVICE POSTMARK ON THE MAIL.

~~(2)~~ (3) IF THE DRIVER'S LICENSE HAS NOT BEEN PREVIOUSLY SURRENDERED, THE LICENSE MUST BE SURRENDERED AT THE TIME THE REQUEST FOR A HEARING IS MADE.

~~(3)~~ (4) IF A HEARING REQUEST IS NOT MADE WITHIN THE ~~7-DAY~~ 10-DAY PERIOD, THE ADMINISTRATION SHALL EFFECT MAKE THE SUSPENSION ORDER EFFECTIVE SUSPENDING THE LICENSE ~~FOR 1 YEAR FOR A TEST REFUSAL OR 120 DAYS FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING.~~

(I) FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING:

1. FOR A FIRST OFFENSE, FOR 60 DAYS 45  
DAYS; OR

2. FOR A SECOND OR SUBSEQUENT OFFENSE,  
FOR 120 DAYS 90 DAYS; OR

(II) FOR A TEST REFUSAL:

1. FOR A FIRST OFFENSE, FOR 6 MONTHS 120  
DAYS; OR

2. FOR A SECOND OR SUBSEQUENT OFFENSE,  
FOR 1 YEAR.

~~(4)~~ (5) (I) IF THE PERSON REQUESTS A HEARING WITHIN THE ~~7-DAY~~ 10-DAY PERIOD AND SURRENDERS THE DRIVER'S LICENSE, THE ADMINISTRATION SHALL SET A HEARING FOR A DATE WITHIN 30 DAYS OF THE RECEIPT OF THE REQUEST.

~~(II) EXCEPT AS PROVIDED IN PARAGRAPH (III) OF THIS SUBSECTION, ANY POSTPONEMENT OF A HEARING UNDER THIS SECTION DOES NOT EXTEND THE PERIOD FOR WHICH THE PERSON IS AUTHORIZED TO~~