

VETOES

DRIVE--AND--THE--LICENSE--SUSPENSION--SHALL--BECOME--EFFECTIVE--UPON--THE
EXPIRATION--OF--THE--45--DAY--PERIOD.

(iii)--IF--THE--ADMINISTRATION--CANNOT--PROVIDE--A
HEARING--WITHIN--THE--PRESCRIBED--PERIOD,--THE--SUSPENSION--SHALL--BE
STAYED--UNTIL--A--HEARING--CAN--BE--PROVIDED.

(iii)--A--POSTPONEMENT--OF--A--HEARING--SHALL--EXTEND
THE--PERIOD--FOR--WHICH--THE--PERSON--IS--AUTHORIZED--TO--DRIVE--IF:

1.--BOTH--THE--PERSON--AND--THE--ADMINISTRATION
AGREE--TO--THE--POSTPONEMENT;--OR

2.--THE--ADMINISTRATION--CANNOT--PROVIDE--A
HEARING--WITHIN--THE--PERIOD--REQUIRED--UNDER--THIS--SUBSECTION.

(5) (6) (i)--THE--PERSON--MAY--BE--REPRESENTED--BY--AN
ATTORNEY--AND--OFFER--EVIDENCE--AND--TESTIMONY--AT--THE--HEARING.---THE
ONLY--ISSUES--AT--THE--HEARING--SHALL--BE--WHETHER--THE--PERSON:

1: (i) REFUSED--TO--TAKE--A--TEST--FOR--ALCOHOL
OR--DRUGS--OR--BOTH--UNDER--SUBSECTION--(B)--OF--THIS--SECTION;--OR

2: (ii) DROVE--OR--ATTEMPTED--TO--DRIVE--A
MOTOR--VEHICLE--WHILE--HAVING--AN--ALCOHOL--CONCENTRATION--OF--0.10--OR
MORE--AT--THE--TIME--OF--TESTING.

(ii) 1.--THE--SWORN--STATEMENT--OF--THE--POLICE
OFFICER--AND--OF--THE--TEST--TECHNICIAN--OR--ANALYST--SHALL--BE--PRIMA
FACIE--EVIDENCE--OF--A--TEST--REFUSAL--OR--A--TEST--RESULTING--IN--AN
ALCOHOL--CONCENTRATION--OF--0.10--OR--MORE--AT--THE--TIME--OF--TESTING.

2.--THE--SWORN--STATEMENT--SHALL--BE
ADMISSIBLE--IN--EVIDENCE--AND--THE--POLICE--OFFICER--AND--TEST--TECHNICIAN
OR--ANALYST--NEED--NOT--BE--PRESENT--OR--GIVE--TESTIMONY.

(6) (7) (i)--AFTER--THE--HEARING,--THE--ADMINISTRATION
SHALL--SUSPEND--THE--DRIVER'S--LICENSE--OR--PRIVILEGE--TO--DRIVE--IF--THE
ADMINISTRATION--DETERMINES--THAT--THE--PERSON--CHARGED--AS--SET--FORTH--IN
SUBSECTION--(B)--OR--(C)--OF--THIS--SECTION--EITHER:

1.--REFUSED--TO--TAKE--A--TEST--OR--TESTS;--OR

2.--A--TEST--WAS--TAKEN--AND--THE--TEST--RESULT
INDICATED--AN--ALCOHOL--CONCENTRATION--OF--0.10--OR--MORE--AT--THE--TIME--OF
TESTING.

(ii) IN--THE--ABSENCE--OF--A--COMPELLING--REASON--FOR
FAILURE--TO--ATTEND--THE--HEARING,--FAILURE--OF--A--PERSON--TO--ATTEND--THE
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--THE--DRIVER'S--LICENSE--OR--PRIVILEGE--TO--DRIVE.