

VETOES

C. A WITNESS FOR WHOM THE SUBPOENA WAS REQUESTED FAILS TO COMPLY WITH THE SUBPOENA, FOR GOOD CAUSE SHOWN, AT AN INITIAL OR SUBSEQUENT HEARING HELD WITHIN THE 45-DAY PERIOD.

(IV) IF A WITNESS IS SERVED WITH A SUBPOENA FOR A HEARING UNDER THIS SECTION, THE WITNESS SHALL COMPLY WITH THE SUBPOENA WITHIN 20 DAYS FROM THE DATE THAT THE SUBPOENA IS SERVED.

(V) IF A HEARING IS POSTPONED BEYOND THE 45-DAY PERIOD UNDER THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE ADMINISTRATION SHALL STAY THE SUSPENSION AND ISSUE A TEMPORARY LICENSE THAT AUTHORIZES THE PERSON TO DRIVE ONLY UNTIL THE DATE OF THE RESCHEDULED HEARING.

(VI) TO THE EXTENT POSSIBLE, THE ADMINISTRATION SHALL EXPEDITIOUSLY RESCHEDULE A HEARING THAT IS POSTPONED UNDER THIS SUBSECTION.

(6) (I) AT THE HEARING UNDER THIS SECTION, THE PERSON HAS THE RIGHTS DESCRIBED IN § 12-206 OF THIS ARTICLE, BUT AT THE HEARING THE ONLY ISSUES SHALL BE:

1. WHETHER THE POLICE OFFICER WHO STOPS OR DETAINS A PERSON HAD REASONABLE GROUNDS TO BELIEVE THE PERSON WAS DRIVING OR ATTEMPTING TO DRIVE WHILE INTOXICATED, WHILE UNDER THE INFLUENCE OF ALCOHOL, OR IN VIOLATION OF AN ALCOHOL RESTRICTION;

2. WHETHER THERE WAS EVIDENCE OF ALCOHOL CONSUMPTION;

3. WHETHER THE POLICE OFFICER REQUESTED A TEST TO DETERMINE ALCOHOL CONCENTRATION AFTER THE PERSON WAS FULLY ADVISED OF THE ADMINISTRATIVE SANCTIONS THAT SHALL BE IMPOSED;

4. WHETHER THE PERSON REFUSED TO TAKE A TEST FOR ALCOHOL UNDER SUBSECTION (B) OF THIS SECTION; OR

5. WHETHER THE PERSON DROVE OR ATTEMPTED TO DRIVE A MOTOR VEHICLE WHILE HAVING AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING.

(II) 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.

(7) (I) AFTER THE HEARING, THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE OF THE PERSON CHARGED UNDER SUBSECTION (B) OR (C) OF THIS SECTION IF: