

WILLIAM DONALD SCHAEFER, Governor

1. THE POLICE OFFICER WHO STOPS OR DETAINS THE 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. THERE WAS EVIDENCE OF ALCOHOL CONSUMPTION;

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

4. A. THE PERSON REFUSED TO TAKE A TEST TO DETERMINE ALCOHOL CONCENTRATION; OR

B. A TEST TO DETERMINE ALCOHOL CONCENTRATION WAS TAKEN AND THE TEST RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING.

(III) 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.

(III) THE SUSPENSION IMPOSED SHALL BE:

1. FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.10 OR MORE AT THE TIME OF TESTING:

A. FOR A FIRST OFFENSE, A SUSPENSION FOR 45 DAYS; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, A SUSPENSION FOR 90 DAYS; OR

2. FOR A TEST REFUSAL:

A. FOR A FIRST OFFENSE, A SUSPENSION FOR 120 DAYS; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, A SUSPENSION FOR 1 YEAR.

(g) If the Administration imposes a suspension after a hearing, the [individual] PERSON whose license or privilege to drive has been suspended may appeal the final order of suspension as provided in Title 12, Subtitle 2 of this article.