

WILLIAM DONALD SCHAEFER, Governor

qualified medical person to withdraw blood for a chemical test for alcohol to determine the alcohol [content] CONCENTRATION of the individual's blood.

(2) If an individual regains consciousness or otherwise becomes capable of refusing before the taking of a chemical test to determine the alcohol [content] CONCENTRATION of the individual's blood, the police officer shall follow the procedure set forth in subsection (b) or (c) of this section.

(e) (1) The chemical tests for alcohol may be administered by an individual who has been examined and is certified by the Maryland State Police as sufficiently equipped and trained to administer the tests.

(2) The Maryland State Police may adopt rules and regulations for the examination and certification of individuals trained to administer chemical tests for alcohol.

(f) (1) On receipt of the sworn statement of a police officer filed under subsection (b) or (c) of this section, the Administration shall give reasonable notice to the driver, in accordance with Title 12, Subtitle 2 of this article, to attend a hearing on a date specified in the notice and show cause why:

(I) [the] THE driver's license or privilege to drive should not be suspended; AND

(II) IF THE DRIVER WAS DETAINED IN A COMMERCIAL MOTOR VEHICLE, WHY THE DRIVER SHOULD NOT BE DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE.

(2) The Administration shall set the hearing for a date within 30 days of the driver's detention. However, the hearing may be held at any other time on agreement of the driver and the Administration.

(3) At the hearing, the driver may present evidence about the driver's refusal to take the test and may be represented by an attorney.

(4) [After] SUBJECT TO PARAGRAPHS (5), (6), (7), AND (8) OF THIS SUBSECTION, AFTER the hearing, the Administration shall suspend the driver's license or privilege to drive if the Administration determines that the driver was charged as set forth in subsection (b) or (c) of this section and refused to take a chemical test for alcohol. [Failure of the driver to attend the hearing is prima facie evidence of the driver's inability to answer the sworn statement of the police officer, and the Administration summarily shall suspend the driver's license or privilege to drive.] The suspension imposed may be not less than 60 days nor more than 6 months for a first offense