

WILLIAM DONALD SCHAEFER, Governor

IN VIOLATION OF 49 CFR § 392.5, OR IN VIOLATION OF § 16-813 OF THIS TITLE;

(III) THE POLICE OFFICER DID NOT HAVE REASONABLE GROUNDS TO BELIEVE THE DRIVER WAS DRIVING WHILE INTOXICATED, OR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL; AND

(IV) THE DRIVER REFUSED TO TAKE A CHEMICAL TEST FOR ALCOHOL.

(8) (I) A DISQUALIFICATION IMPOSED UNDER PARAGRAPH (6) OR (7) OF THIS SUBSECTION SHALL BE FOR A PERIOD OF 1 YEAR FOR A FIRST OFFENSE, 3 YEARS FOR A FIRST OFFENSE WHICH OCCURS WHILE TRANSPORTING HAZARDOUS MATERIAL REQUIRED TO BE PLACARDED, AND LIFE FOR A SECOND OR SUBSEQUENT OFFENSE WHICH OCCURS WHILE OPERATING ANY COMMERCIAL MOTOR VEHICLE.

(II) A DISQUALIFICATION OF A COMMERCIAL DRIVER'S LICENSE IS NOT SUBJECT TO ANY MODIFICATIONS, NOR MAY A RESTRICTED COMMERCIAL DRIVER'S LICENSE BE ISSUED IN LIEU OF A DISQUALIFICATION.

(III) A DISQUALIFICATION FOR LIFE MAY BE REDUCED IF PERMITTED BY § 16-812(D) OF THIS SUBTITLE TITLE.

(9) FAILURE OF THE DRIVER TO ATTEND A HEARING UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE DRIVER'S INABILITY TO ANSWER THE SWORN STATEMENT OF THE POLICE OFFICER, AND THE ADMINISTRATION SUMMARILY SHALL:

(I) SUSPEND THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE; AND

(II) IF THE DRIVER IS DETAINED IN A COMMERCIAL MOTOR VEHICLE, DISQUALIFY THE DRIVER FROM DRIVING A COMMERCIAL MOTOR VEHICLE.

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

16-208.1.

(A) IN ADDITION TO ANY SUSPENSIONS OR REVOCATIONS OF AN INDIVIDUAL'S LICENSE OR PRIVILEGE TO DRIVE PROVIDED FOR IN THIS TITLE, IF THE INDIVIDUAL HOLDS A CLASS A, B, C, OR D LICENSE ISSUED UNDER § 16-104 OF THIS TITLE, THE ADMINISTRATION SHALL DISQUALIFY THE INDIVIDUAL FROM OPERATING A COMMERCIAL MOTOR VEHICLE IF THE CONVICTIONS RESULTED FROM AN OFFENSE INVOLVING A COMMERCIAL MOTOR VEHICLE AND THE OFFENSES WOULD SUBJECT THE INDIVIDUAL TO DISQUALIFICATION UNDER § 16-812 OF THIS TITLE.