

(iii) If the person is licensed to drive a commercial motor vehicle, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle;
2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16-813 of this title;
3. The police officer did not have reasonable grounds to believe the driver was driving while intoxicated, driving while under the influence of alcohol, while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while under the influence of a controlled dangerous substance; and
4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a 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:

1. Suspend the driver's license or privilege to drive; and
2. If the driver is detained in a commercial motor vehicle, disqualify the person from operating a commercial motor vehicle.

(v) 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.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph 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 or attempting to operate any commercial motor vehicle.

(vii) 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.