

(2) Who has not been convicted of, or been granted probation before judgment for:

(i) A violation of § 20-102 of this article;

(ii) A violation of § 21-902 of this article; or

(iii) A moving violation identical or substantially similar to § 20-102 or § 21-902 of this article; and

(3) Whose license or privilege to drive never has been suspended or revoked.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE ADMINISTRATION MAY NOT EXPUNGE ANY DRIVING RECORDS BEFORE THE EXPIRATION OF THE TIME THEY ARE REQUIRED TO BE RETAINED UNDER § 16-819 OF THIS TITLE.

16-205.1.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for 45 days; or

B. For a second or subsequent offense, suspend the driver's license for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the driver's license for 90 days; or