

## 2. For a test refusal:

A. For a first offense, for 120 days; or

B. For a second offense or subsequent offense, for 1 year; and

(7) (i) At a hearing under this section, the person has the rights described in § 12-206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~ IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY 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, while ~~under the influence of~~ IMPAIRED BY a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test is ineligible for modification of a suspension or issuance of a restrictive license under subsection (n)(1) and (2) of this section;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of [0.10] 0.08 or more at the time of testing; or

6. If the hearing involves disqualification of a commercial driver's license, whether the person was operating a commercial motor vehicle.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal or a test resulting in an alcohol concentration of [0.10] 0.08 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~ IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the