

3. The police officer did not have reasonable grounds to believe the driver was driving while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, driving 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, or while [under the influence of] IMPAIRED BY a controlled dangerous substance; and

4. The driver refused to take a test.

(v) The suspension imposed shall be:

1. For a test result indicating an alcohol concentration of [0.10] 0.08 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.

(h) Notwithstanding any other provision of this section, if a driver's license is suspended based on multiple administrative offenses of refusal to take a test, or a test to determine alcohol concentration taken that indicated an alcohol concentration of [0.10] 0.08 or more at the time of testing, or any combination of these administrative offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall suspend the driver's license for the administrative offense that results in the lengthiest period of suspension; and

(2) May not impose any additional periods of suspension for the remainder of the administrative offenses.

16-205.2.

(a) A police officer who has reasonable grounds to believe that an individual is or has been driving or attempting to drive a motor vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while [under the influence of] IMPAIRED BY alcohol may, without making an arrest and prior to the issuance of a citation, request the individual to submit to a preliminary breath test to be administered by the officer using a device approved by the State Toxicologist.