§2453-A. Suspension on administrative determination; operating under the influence of drugs

1. Purpose. The purpose of this section is:

A. To provide maximum safety for all persons who travel on or otherwise use the public ways; and [PL 2011, c. 335, §5 (NEW).]

B. To remove quickly from public ways those persons who have shown themselves to be a safety hazard by operating a motor vehicle while under the influence of drugs. [PL 2011, c. 335, §5 (NEW).]

[PL 2011, c. 335, §5 (NEW).]

2. Report of drug recognition expert. A drug recognition expert certified in accordance with section 2526 who has probable cause to believe that a person was operating a motor vehicle under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs shall send to the Secretary of State a report, under oath on a form approved by the Secretary of State, of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person who is the subject of the report; and [PL 2011, c. 335, §5 (NEW).]

B. The grounds the drug recognition expert had for probable cause to believe the person operated a motor vehicle while under the influence of drugs. [PL 2011, c. 335, §5 (NEW).]

Section 2481, subsections 2 and 3 apply to the report submitted by the drug recognition expert.
[PL 2011, c. 335, §5 (NEW).]

3. Drug test. The person who analyzed the drug or its metabolite in the blood or urine of the person who is the subject of the drug recognition expert's report under subsection 2 shall send a copy of a confirmed positive test result certificate to the Secretary of State.
[PL 2011, c. 335, §5 (NEW).]

4. Suspension. The Secretary of State shall immediately suspend a license of a person determined to have operated a motor vehicle under the influence of drugs.
[PL 2011, c. 335, §5 (NEW).]

5. Period of suspension. The following periods of suspension apply.

A. The same suspension period applies as if the person were convicted for OUI. [PL 2011, c. 335, §5 (NEW).]

B. If a person's license is also suspended for an OUI conviction arising out of the same occurrence, the period of time the license has been suspended pursuant to this section prior to the conviction must be deducted from the period of time of a court-imposed suspension. [PL 2011, c. 335, §5 (NEW).]

[PL 2011, c. 335, §5 (NEW).]

6. Stay of suspension. If, within 10 days from the effective date of the suspension, the Secretary of State receives a request in writing for a hearing in accordance with section 2483, the suspension is stayed until a hearing is held and a decision is issued.
[PL 2011, c. 335, §5 (NEW).]

7. Hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle with a confirmed positive blood or urine test for a drug or its metabolite; [PL 2011, c. 335, §5 (NEW).]

B. There was probable cause to believe that the person was operating a motor vehicle while under the influence of a specific category of drug, a combination of specific categories of drugs or a

combination of alcohol and one or more specific categories of drugs; and [PL 2011, c. 335, §5 (NEW).]

C. The person operated a motor vehicle under the influence of the confirmed drug. [PL 2011, c. 335, §5 (NEW).]

[PL 2011, c. 335, §5 (NEW).]

8. Restoration of license. Restoration of any license or permit to operate, right to operate a motor vehicle and right to apply for or obtain a license suspended under this section must be in accordance with sections 2502 to 2506.

[PL 2011, c. 335, §5 (NEW).]

SECTION HISTORY

PL 2011, c. 335, §5 (NEW).

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