CHAPTER 23

MAJOR OFFENSES - SUSPENSION AND REVOCATION

SUBCHAPTER 1

GENERAL PROVISIONS

§2401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Alcohol and drug program. "Alcohol and drug program" means the alcohol and other drug education, evaluation and treatment program administered by the Department of Health and Human Services under Title 5, chapter 521, subchapter 5.
[PL 2011, c. 657, Pt. AA, §77 (AMD).]

2. Alcohol level. "Alcohol level" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
[PL 2009, c. 447, §32 (AMD).]

3. Chemical test or test. "Chemical test" or "test" means a test or tests used to determine alcohol level or the presence of a drug or drug metabolite by analysis of blood, breath or urine.
[PL 2013, c. 459, §1 (AMD).]

4. Drugs. "Drugs" means scheduled drugs as defined under Title 17-A, section 1101. The term "drugs" includes any natural or artificial chemical substance that, when taken into the human body, can impair the ability of the person to safely operate a motor vehicle.
[PL 1995, c. 145, §1 (AMD).]

5. Failure to submit to a test, fails to submit to a test or failed to submit to a test. "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" means failure to comply with the duty to submit to and complete a chemical test under section 2521 or 2525.
[PL 1995, c. 368, Pt. AAA, §4 (AMD).]

5-A. Ignition interlock device. "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.
[PL 2007, c. 531, §1 (REEN); PL 2007, c. 531, §10 (AFF).]

6. Operating. "Operating," in any form, means operating or attempting to operate a motor vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. OAS. "OAS" means to operate after the Secretary of State or a court has suspended the driver's license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. OUI. "OUI" means operating under the influence of intoxicants or with an excessive alcohol level under section 2411, 2453, 2453-A, 2454, 2456, 2457 or 2472.
[PL 2011, c. 335, §2 (AMD).]

9. OUI conviction. "OUI conviction" means a conviction for:

A. A violation of section 2411; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A violation of a juvenile crime defined in Title 15, section 3103, subsection 1, paragraph A for conduct that, if committed by an adult, would be considered criminal under section 2411 or defined as Class B or C crimes under this Title; [PL 2025, c. 431, §25 (AMD).]

C. Violation of former Title 29, section 1312, subsection 10 or section 1312-B; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. In a jurisdiction that is a party to the Driver License Compact established in chapter 11, subchapter V, an offense described in the compact, section 1454, subsection 1, paragraph B, or an offense that is similar as provided by section 1454, subsection 3; [PL 1995, c. 65, Pt. A, §113 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

E. In a tribal court of the Penobscot Nation or the Passamaquoddy Tribe, a court of the United States or a court of a state that is not a party to the compact, an offense for which punishment includes the possibility of incarceration, whether or not actually imposed, and the elements of the offense as provided in the law of that jurisdiction include operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol, intoxicating liquor or drugs or with a level of alcohol sufficient for conviction under the laws of that jurisdiction; or [PL 2009, c. 447, §35 (AMD).]

F. An adjudication or other determination made under the juvenile laws of this State or of another jurisdiction for conduct that, if committed by an adult, would have been a conviction included in this subsection, including the conduct described in paragraph B. [PL 2025, c. 431, §26 (AMD).]

[PL 2025, c. 431, §§25, 26 (AMD).]

10. OUI offender. "OUI offender" means a person who receives an OUI conviction.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

11. OUI offense. "OUI offense" means an OUI conviction or suspension for failure to submit to a test.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

12. OUI suspension. "OUI suspension" means the suspension of a driver's license for an OUI conviction.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

13. Under the influence of intoxicants. "Under the influence of intoxicants" means being under the influence of alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A113,114 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 145, §1 (AMD). PL 1995, c. 368, §§AAA3-5 (AMD). PL 1995, c. 482, §A26 (AMD). PL 1999, c. 470, §27 (AMD). PL 2007, c. 531, §1 (AMD). PL 2007, c. 531, §10 (AFF). PL 2009, c. 447, §§32-35 (AMD). PL 2011, c. 335, §2 (AMD). PL 2011, c. 657, Pt. AA, §77 (AMD). PL 2013, c. 459, §1 (AMD). PL 2025, c. 431, §§25, 26 (AMD).

§2402. Calculating prior convictions

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date the sentence is imposed is 10 years or less from the date of the new conduct. [PL 2013, c. 604, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA6 (AMD). PL 2013, c. 604, §1 (AMD).

§2403. Period of administrative suspension deducted from court-imposed suspension

Except for a suspension for failure to submit to a test, the period of time of an administrative suspension ordered by the Secretary of State prior to an OUI conviction that arose out of the same occurrence is deducted from the period of time of any court-imposed suspension. If the suspension is for failure to submit to a test, a period of suspension imposed by the court or by the Secretary of State for an OUI conviction is consecutive to the period of suspension imposed for failure to submit to a test. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2404. Owner liable for damage by impaired operator

An owner or person having control over a motor vehicle who, having knowledge or reason to know that a person under the influence of intoxicants has an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person. This section is not in derogation of, does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law. [PL 2009, c. 447, §36 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 447, §36 (AMD).

§2405. Optional reporting of drivers operating under the influence of intoxicating liquor or drugs

1. Persons who may report. If, while acting in a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician associate, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to believe that a person has been operating a motor vehicle, hunting or operating a snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicants and that motor vehicle, snowmobile, all-terrain vehicle or watercraft or a hunter has been involved in an accident, that person may report those facts to a law enforcement official.
[RR 2025, c. 1, Pt. B, §8 (COR).]

2. Immunity from liability. A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from criminal or civil liability for the act of reporting or participating in the proceeding.

Nothing in this section may be construed to bar criminal or civil action regarding perjury.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Privileged or confidential communications. The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224 and Title 32, section 18393 are abrogated in relation to required reporting or other proceeding.
[PL 2015, c. 429, §16 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 679, §16 (AMD). PL 2015, c. 429, §16 (AMD). RR 2025, c. 1, Pt. B, §8 (COR).

SUBCHAPTER 2

JUDICIAL ACTIONS

ARTICLE 1

OFFENSES

§2411. Criminal OUI

1. Offense.

[PL 2003, c. 452, Pt. Q, §77 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Offense. A person commits OUI if that person:

A. Operates a motor vehicle:

(1) While under the influence of intoxicants; or

(2) While having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §37 (AMD).]

B. Violates paragraph A and:

(1) Has one previous OUI offense within a 10-year period;

(2) Has 2 previous OUI offenses within a 10-year period; or

(3) Has 3 or more previous OUI offenses within a 10-year period; [PL 2003, c. 452, Pt. Q, §78 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Violates paragraph A, failed to submit to a test at the request of a law enforcement officer and:

(1) Has no previous OUI offenses within a 10-year period;

(2) Has one previous OUI offense within a 10-year period;

(3) Has 2 previous OUI offenses within a 10-year period; or

(4) Has 3 previous OUI offenses within a 10-year period; or [PL 2003, c. 452, Pt. Q, §78 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, section 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time. [RR 2015, c. 2, §18 (COR).]

[RR 2015, c. 2, §18 (COR).]

2. Pleading and proof. The alternatives outlined in subsection 1-A, paragraph A may be pleaded in the alternative. The State is not required to elect between the alternatives prior to submission to the fact finder. In a prosecution under subsection 1-A, paragraph D, the State need not prove that the defendant's condition of being under the influence of intoxicants or having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath caused the serious bodily injury or death alleged. The State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply Title 17-A, section 33 in assessing any causation under this section.
[PL 2009, c. 447, §39 (AMD).]

3. Investigation. After a person has been charged with OUI, the officer shall investigate whether the charged person has prior OUI offenses. As part of the investigation, the officer shall make necessary inquiries of the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Arrest. A law enforcement officer may arrest, without a warrant, a person the officer has probable cause to believe has operated a motor vehicle while under the influence of intoxicants if the arrest occurs within a period following the offense reasonably likely to result in the obtaining of probative evidence of an alcohol level or the presence of a drug or drug metabolite.
[PL 2013, c. 459, §2 (AMD).]

5. Penalties. Except as otherwise provided in this section and section 2508, violation of this section is a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 10-year period:

(1) A fine of not less than $500, except that if the person failed to submit to a test, a fine of not less than $600;

(2) A court-ordered suspension of a driver's license for a period of 150 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

(i) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(ii) Was exceeding the speed limit by 30 miles per hour or more;

(iii) Eluded or attempted to elude an officer; or

(iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer; [PL 2013, c. 389, §1 (AMD); PL 2013, c. 389, §7 (AFF).]

B. For a person having one previous OUI offense within a 10-year period:

(1) A fine of not less than $700, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than $900;

(2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;

(3) A court-ordered suspension of a driver's license for a period of 3 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [PL 2007, c. 531, §2 (AMD); PL 2007, c. 531, §10 (AFF).]

C. For a person having 2 previous OUI offenses within a 10-year period, which is a Class C crime:

(1) A fine of not less than $1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than $1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 6 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [PL 2007, c. 531, §2 (AMD); PL 2007, c. 531, §10 (AFF).]

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

(1) A fine of not less than $2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than $2,500;

(2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;

(3) A court-ordered suspension of a driver's license for a period of 8 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [PL 2013, c. 187, §1 (AMD).]

D-1. A violation of subsection 1-A, paragraph D, subparagraph (1) is a Class C crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than $2,100 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended; [PL 2005, c. 606, Pt. A, §2 (AMD).]

D-2. A violation of subsection 1-A, paragraph D, subparagraph (1-A) or (2) is a Class B crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than $2,100 and a court-ordered suspension of a driver's license for a period of 10 years. These penalties may not be suspended; [PL 2005, c. 606, Pt. A, §3 (NEW).]

E. If a law enforcement officer failed to provide the warnings required by section 2521, subsection 3, the increase in minimum penalties required because of a refusal to submit to a test is not mandatory; [PL 1997, c. 737, §9 (AMD).]

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program of the Department of Health and Human Services. The court may waive the program pursuant to Title 5, section 20073-B, if the court finds that the defendant has completed an alcohol or other drug treatment program subsequent to the date of the offense; and [PL 2011, c. 657, Pt. AA, §78 (AMD).]

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C, D, D-1 or D-2 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age. [PL 2005, c. 606, Pt. A, §4 (AMD).]

[PL 2013, c. 187, §1 (AMD); PL 2013, c. 389, §1 (AMD); PL 2013, c. 389, §7 (AFF).]

5-A. Notice. The court shall give notice of a license suspension.

[PL 2025, c. 173, §20 (AMD).]

5-B. Additional period of suspension. The Secretary of State may impose an additional period of suspension under section 2451, subsection 3 or may extend a period of suspension until satisfaction of any conditions imposed pursuant to chapter 23, subchapter III, article 4.
[PL 1995, c. 368, Pt. AAA, §9 (NEW).]

6. Aggravated punishment category.

[PL 2003, c. 452, Pt. Q, §83 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Surcharge. A surcharge must be charged for a conviction under this section. The surcharge is $30, except that, when the person operated or attempted to operate a motor vehicle while under the influence of drugs or a combination of liquor and drugs, the surcharge is $125. For the purposes of collection procedures, the surcharge is considered a fine. Notwithstanding section 2602, this surcharge accrues to the Highway Fund for the purpose of covering the costs associated with the administration and analysis of alcohol level tests.
[PL 2009, c. 447, §42 (AMD).]

8. Juvenile crime. References in this Title to this section include the juvenile crime in Title 15, section 3103, subsection 1, paragraph A for conduct that, if committed by an adult, would be considered criminal under this section, and the disposition, including a suspension, for that juvenile crime in Title 15, section 3314, subsection 3-C, except as otherwise provided or except where the context clearly requires otherwise.
[PL 2025, c. 431, §27 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A115 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 368, §§AAA7-10 (AMD). PL 1995, c. 645, §B18 (AMD). PL 1997, c. 737, §§8-11 (AMD). PL 1999, c. 703, §1 (AMD). PL 2001, c. 332, §1 (AMD). PL 2001, c. 511, §3 (AMD). PL 2003, c. 452, §§Q77-83 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 633, §8 (AMD). PL 2003, c. 673, §§TT3,4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §§B7,8 (AFF). PL 2005, c. 438, §1 (AMD). PL 2005, c. 606, §§A1-4 (AMD). PL 2007, c. 531, §2 (AMD). PL 2007, c. 531, §10 (AFF). PL 2009, c. 447, §§37-42 (AMD). PL 2011, c. 81, §1 (AMD). PL 2011, c. 159, §1 (AMD). PL 2011, c. 657, Pt. AA, §78 (AMD). PL 2013, c. 187, §1 (AMD). PL 2013, c. 389, §1 (AMD). PL 2013, c. 389, §7 (AFF). PL 2013, c. 459, §2 (AMD). PL 2013, c. 604, §2 (AMD). RR 2015, c. 2, §18 (COR). PL 2017, c. 99, §1 (AMD). PL 2025, c. 173, §20 (AMD). PL 2025, c. 431, §27 (AMD).

§2412. Operating while license suspended or revoked

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A116,C11 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 368, §AAA11 (RP). PL 1995, c. 625, §A34 (AMD).

§2412-A. Operating while license suspended or revoked

1. Offense; penalty.

[PL 2003, c. 452, Pt. Q, §84 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Offense; penalty. A person commits operating while license suspended or revoked if that person:

A. Operates a motor vehicle on a public way or in a parking area when that person's license has been suspended or revoked, and that person:

(1) Has received written notice of a suspension or revocation from the Secretary of State or a court;

(2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;

(3) Has actual knowledge of the suspension or revocation;

(4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or

(5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608; [PL 2003, c. 452, Pt. Q, §85 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violates paragraph A and the suspension was for OUI or an OUI offense; [PL 2003, c. 452, Pt. Q, §85 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Violates paragraph A and the suspension was for OUI or an OUI offense, the person was subject to the mandatory minimum sentence and the person:

(1) Has one prior conviction for violating this section;

(2) Has 2 prior convictions for violating this section; or

(3) Has 3 or more prior convictions for violating this section; or [PL 2003, c. 452, Pt. Q, §85 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the person has one or more prior convictions for violating this section. [PL 2003, c. 452, Pt. Q, §85 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

Except for an offense under subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2009, c. 297, §1 (AMD).]

2. Exception. This section does not apply to a person whose license has been revoked under the laws in subchapter V governing habitual offenders.
[PL 1995, c. 368, Pt. AAA, §12 (NEW).]

3. Minimum mandatory sentences for certain suspension. If the suspension was for OUI or an OUI offense, the court shall impose a minimum fine of $600, a term of imprisonment of 7 consecutive days and a suspension of license of not less than one year nor more than 3 years consecutive to the original suspension. The penalties may not be suspended except as provided in subsection 3-A.

A. If the person has a prior conviction for violating this section within a 10-year period and was subject to the minimum mandatory sentences, then the following minimum penalties, which may not be suspended by the court, apply in the event the suspension was for OUI:

(1) A minimum fine of $1,000, a term of imprisonment of 30 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of one prior conviction;

(2) A minimum fine of $2,000, a term of imprisonment of 60 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 2 prior convictions; or

(3) A minimum fine of $3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is Class C. [PL 2019, c. 113, Pt. B, §18 (AMD).]

B. For all other suspensions, the minimum fine for a first offense is $250, which may not be suspended by the court. The minimum fine for 2nd and subsequent offenses is $500, which may not be suspended by the court. [PL 2003, c. 673, Pt. TT, §5 (AMD).]

A separate reading of the allegation and a separate trial are not required under this subsection.
[PL 2019, c. 113, Pt. B, §18 (AMD).]

3-A. Finding by court necessary to impose other than minimum fine. In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 3 or impose a fine less than the minimum fine specified in subsection 3 if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the offender and the offender's family and dependents; [PL 2019, c. 113, Pt. B, §19 (NEW).]

B. Reliable evidence of special needs of the offender or the offender's family and dependents; [PL 2019, c. 113, Pt. B, §19 (NEW).]

C. Reliable evidence of the offender's income and future earning capacity and the offender's assets and financial resources from whatever source; [PL 2019, c. 113, Pt. B, §19 (NEW).]

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [PL 2019, c. 113, Pt. B, §19 (NEW).]

E. The impact of imposition of the mandatory fine on the offender's reasonable ability to pay restitution under Title 17-A, chapter 69. [PL 2019, c. 113, Pt. B, §19 (NEW).]
[PL 2019, c. 113, Pt. B, §19 (NEW).]

4. Suspension of license. The following provisions apply when a person's license is required to be suspended under this section.

A. The court shall give notice of the suspension as provided in section 2434. [PL 2025, c. 173, §21 (AMD).]

B. If the court fails to impose a suspension as provided in subsection 3, the Secretary of State shall impose the minimum one-year suspension. [PL 1995, c. 368, Pt. AAA, §12 (NEW).]

C. The minimum mandatory sentences of subsection 3 apply only to the original period of suspension imposed by the court or the Secretary of State or as extended by the Secretary of State. The minimum mandatory sentences of subsection 3 do not apply to any extension of the original suspension imposed to compel a person's compliance with conditions for the restoration of a license or for failure to pay a reinstatement fee for a license. [PL 1995, c. 368, Pt. AAA, §12 (NEW).]
[PL 2025, c. 173, §21 (AMD).]

5. Prior convictions. For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.
[PL 2013, c. 604, §3 (AMD).]

6. Ignition interlock device.

[PL 1999, c. 470, §29 (RP).]

7. Ignition interlock device. As a condition of license reinstatement, the Secretary of State, pursuant to section 2508, may require a person subject to the minimum mandatory sentencing provisions of subsection 3 to have installed in the motor vehicle the person operates for a period of up to 2 years an ignition interlock device approved by the Secretary of State.
[PL 2007, c. 531, §3 (NEW); PL 2007, c. 531, §10 (AFF).]

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the sole basis for the suspension is:

A. Failure to pay a fine; [PL 2009, c. 297, §2 (NEW).]

B. Failure to pay a license reinstatement fee; [PL 2023, c. 312, §1 (AMD).]

C. Suspension for a dishonored check; [PL 2023, c. 312, §1 (AMD).]

D. Failure to provide proof of insurance to the Secretary of State; [PL 2023, c. 312, §1 (NEW).]

E. Failure to pay child support; [PL 2023, c. 312, §1 (NEW).]

F. Failure to appear in court; or [PL 2023, c. 312, §1 (NEW).]

G. Failure to submit to an examination or to provide information as requested by the Secretary of State in accordance with section 1258, subsection 5. [PL 2023, c. 312, §1 (NEW).]

[PL 2023, c. 312, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 368, §AAA12 (NEW). PL 1995, c. 645, §B19 (AMD). PL 1999, c. 196, §3 (AMD). PL 1999, c. 470, §§28,29 (AMD). PL 1999, c. 743, §5 (AMD). PL 2003, c. 452, §§Q84,85 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 673, §TT5 (AMD). PL 2007, c. 531, §3 (AMD). PL 2007, c. 531, §10 (AFF). PL 2009, c. 297, §§1, 2 (AMD). PL 2009, c. 493, §3 (AMD). PL 2013, c. 604, §3 (AMD). PL 2019, c. 113, Pt. B, §§18, 19 (AMD). PL 2023, c. 312, §1 (AMD). PL 2025, c. 173, §21 (AMD).

§2413. Driving to endanger

1. Definition. A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1-A. Aggravated punishment category. Notwithstanding subsection 1, a person commits a Class C crime if, with criminal negligence as defined in Title 17-A, section 35, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven, and causes serious bodily injury, as defined in Title 17-A, section 2, subsection 23, to another person.
[PL 2005, c. 441, §1 (NEW).]

2. Allegation of facts. In pleading under this section, it is not necessary to allege specifically the facts that constitute criminal negligence.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Penalties. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1 for not less than 30 days nor more than 180 days, which minimum may not be suspended. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1-A for not less than 180 days nor more than 2 years, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension. The court shall impose a sentencing alternative that involves a fine of not less than $575, which may not be suspended. If a person's license is suspended under section 2453 or 2453-A arising out of the same occurrence, the period of time the license has been suspended under section 2453 or 2453-A prior to conviction must be deducted from the period of suspension under this subsection.
[PL 2017, c. 107, §1 (AMD).]

4. Exception. This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. On private land to which the public does not have access when used by or with authorization of the landowner. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Notice. The court shall give notice of the suspension as provided in section 2434.
[PL 2025, c. 173, §22 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 12, §JJ2 (AMD). PL 2005, c. 441, §§1,2 (AMD). PL 2005, c. 683, §B23 (AMD). PL 2017, c. 107, §1 (AMD). PL 2025, c. 173, §22 (AMD).

§2413-A. Motor vehicle violation resulting in death or serious bodily injury

1. Offense. A person commits the civil violation of motor vehicle violation resulting in death or serious bodily injury if that person, while operating a motor vehicle and committing a traffic infraction, causes the death or serious bodily injury of another person.
[PL 2025, c. 302, §1 (AMD).]

2. Pleading and proof. The State must prove that the defendant's committing a traffic infraction while operating a motor vehicle caused the death or serious bodily injury under subsection 1. The court shall apply Title 17-A, section 33 in assessing any causation under this section.
[PL 2025, c. 302, §1 (AMD).]

3. Penalties. A person who violates this section commits a civil violation for which a fine of not more than $5,000 may be adjudged. Any portion of the fine adjudged may be satisfied by a court-ordered requirement of community service work. The court shall also impose a license suspension of no less than 14 days and up to 4 years.
[PL 2009, c. 182, §1 (NEW).]

4. Definition. As used in this section, "serious bodily injury" has the same meaning as in Title 17-A, section 2, subsection 23.
[PL 2025, c. 302, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 182, §1 (NEW). PL 2025, c. 302, §1 (AMD).

§2414. Refusing to stop for a law enforcement officer

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Roadblock" means a vehicle, a physical barrier or other obstruction placed on a way at the direction of a law enforcement officer. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. "Signal" includes, but is not limited to, the use of a hand signal, siren or flashing emergency lights. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Failure to stop. A person commits a Class E crime if that person fails or refuses to stop a motor vehicle on request or signal of a uniformed law enforcement officer.
[PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §12 (AMD); PL 1995, c. 65, Pt. C, §15 (AFF).]

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a motor vehicle at a reckless rate of speed that results in a high-speed chase between the operator's motor vehicle and a law enforcement vehicle using a blue light and siren.
[PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §12 (AMD); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Passing a roadblock. A person commits a Class C crime if the person, without authorization, operates or attempts to operate a motor vehicle past a clearly identifiable police roadblock.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. High-speed chase policies. All state, county and municipal law enforcement agencies must adopt written policies on high-speed chases.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Aggravating factor; eluding an officer. A person commits a Class B crime if that person attempts to elude a law enforcement officer and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.
[PL 2003, c. 452, Pt. Q, §86 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Aggravating factor; passing roadblock. A person commits a Class B crime if that person passes or attempts to pass a roadblock and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.
[PL 2003, c. 452, Pt. Q, §87 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §C12 (AMD). PL 2003, c. 452, §§Q86,87 (AMD). PL 2003, c. 452, §Q87 (AMD). PL 2003, c. 452, §X2 (AFF).

§2415. Operating under foreign license during suspension or revocation in State prohibited

Any resident or nonresident whose license has been suspended or revoked as provided in this Title commits the offense defined in section 2412-A if that person operates a motor vehicle during that suspension or revocation under a license or permit issued by any other jurisdiction. This section does not apply to a person whose license has been revoked pursuant to the provisions in subchapter V. [PL 2001, c. 361, §31 (RPR).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2001, c. 361, §31 (RPR).

§2416. Registration suspension by court

1. Required registration suspension; return of certificate and plates. The court shall suspend the right to register a motor vehicle and all registration certificates and plates issued by the Secretary of State to any person convicted for a violation of section 2411 who has a previous conviction for OUI within the 10-year period defined by section 2402. The Secretary of State shall return the certificate of registration and plates to the defendant when the defendant's license and registration privileges have been restored.
[PL 1995, c. 368, Pt. AAA, §13 (AMD).]

2. Exception for hardship. Notwithstanding subsection 1, if a spouse or other family member regularly using a vehicle subject to suspension of registration establishes to the satisfaction of the court that hardship will result from that suspension, the court need not suspend the registration certificates and plates or the right to register that vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Reissuance of registration. Notwithstanding a court order suspending a registration, the Secretary of State may restore a registration certificate and plates without fee during the remaining term of the registration to a spouse or other family member upon receipt of an affidavit authorizing the spouse or other family member to register the vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA13 (AMD).

§2417. Suspended registration

A person commits a Class E offense if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2418. Other court suspension of driver's license

1. Court suspension. In addition to or instead of any other penalty provided in this Title, the court may suspend a driver's license for a period not exceeding 60 days.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Judicial recommendations. A judge may make a recommendation to the Secretary of State on suspension of licenses and certificates of registration as the judge considers to be in furtherance of justice.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

ARTICLE 2

FORFEITURE

§2421. Forfeiture of motor vehicles for OUI

1. Forfeiture. After notice and hearing, a motor vehicle must be forfeited to the State when a defendant is:

A. The sole owner-operator of that vehicle; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Convicted of:

(1) OUI; and

(2) A simultaneous offense of operating after suspension when the underlying suspension was imposed for a prior OUI conviction. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The court shall order the forfeiture unless another person satisfies the court prior to the judgment and by a preponderance of the evidence that the other person had a right to possess that motor vehicle, to the exclusion of the defendant, at the time of the offense.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Seizure of vehicle of owner-operator. A motor vehicle operated by a sole owner is subject to seizure by a law enforcement officer when:

A. The owner-operator operates or attempts to operate that motor vehicle under the influence of intoxicating liquor or drugs or while having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; and [PL 2009, c. 447, §43 (AMD).]

B. The owner-operator is under suspension or revocation as a result of a previous conviction of operating under influence of alcohol or drugs or while having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §43 (AMD).]

[PL 2009, c. 447, §43 (AMD).]

3. Lienholders. A forfeiture of a motor vehicle encumbered by a perfected bona fide security interest is subject to the interest of the secured party if the party did not have knowledge of the act on which the forfeiture is based.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Preliminary order. At the request of the State, the court may issue, ex parte, a preliminary order to seize or secure a motor vehicle subject to forfeiture and to provide for custody.

That order may include an order to a financial institution or to any fiduciary or bailee to impound the vehicle in its possession or control and to release the vehicle only on further order of the court.

The court may issue an order only on a showing of probable cause and after criminal complaints of OUI and OAS have been filed against the owner-operator.

The application, issuance, execution and return of an order are subject to applicable state law.

A law enforcement officer may seize a motor vehicle without court order when:

A. The seizure is incident to an arrest with probable cause for an OUI by the sole owner and the officer has probable cause to believe the vehicle is subject to forfeiture; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The vehicle has been subject of a prior judgment in favor of the State in a forfeiture proceeding under this section or any other provision of law. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Reports. An officer, department or agency seizing a vehicle shall file a report of seizure with the Attorney General or a district attorney having jurisdiction over the vehicle. The report must be:

A. Filed within 21 days of the date of seizure; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Labeled "Vehicle Report" and include, without limitation:

(1) A description of the vehicle;

(2) The place and date of seizure;

(3) The name and address of the owner or operator of the vehicle at the time of seizure; and

(4) The name and address of any other person who appears to have an ownership interest in the vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Storage of seized motor vehicles. A seized motor vehicle must be held in secure storage by the seizing agency or at the direction of the prosecuting official until disposition of the underlying criminal charges. The State shall assume all costs of storage of a vehicle not forfeited.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Records of seized motor vehicles. An officer, department or agency having custody of a motor vehicle subject to forfeiture or having disposed of the vehicle shall maintain complete records showing:

A. From whom the motor vehicle was received; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Under what authority the motor vehicle was held, received or disposed of; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. To whom the motor vehicle was delivered; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The date and manner of destruction or disposition of the motor vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Rules. The Attorney General shall adopt rules in accordance with Title 5, chapter 375, for the disposition to state, county and municipal agencies of forfeited motor vehicles.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 447, §43 (AMD).

§2422. Impoundment of motor vehicles for OUI

1. Impoundment of vehicle. A motor vehicle may be seized if it is used by a person arrested for a violation of:

A. Section 2411; or [PL 1997, c. 417, §1 (NEW).]

B. Section 2412-A, when the suspension or revocation was for OUI or an OUI offense. [PL 1997, c. 417, §1 (NEW).]

[PL 1997, c. 417, §1 (NEW).]

2. Storage. If a motor vehicle is seized, it must be held in secure storage by the seizing agency or at the direction of the arresting law enforcement officer.

[PL 1997, c. 417, §1 (NEW).]

3. Release of vehicle. The motor vehicle may be released after at least an 8-hour period and payment of any towing and storage fees.

[PL 1997, c. 417, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 368, §AAA14 (NEW). PL 1997, c. 417, §1 (RPR).

ARTICLE 3

JUDICIAL PROCEDURES

§2431. Evidentiary rules

1. Test results. Test results showing a confirmed positive drug or metabolite presence in blood or urine or alcohol level at the time alleged are admissible in evidence. Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result in the exclusion of evidence of alcohol level or confirmed positive drug or metabolite presence, unless the evidence is determined to be not sufficiently reliable.

[PL 2011, c. 335, §3 (AMD).]

2. Analysis of blood, breath and urine. The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence.

A. A laboratory certified or licensed in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug or drug metabolite may issue a certificate stating the results of the analysis. [PL 2019, c. 368, §1 (AMD).]

B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may issue a certificate stating the results of an analysis of a test that the person administered. [PL 2021, c. 204, §1 (AMD).]

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

(2) Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results;

(3) Materials required to be approved by the Department of Health and Human Services were in fact approved;

(4) The sample tested was in fact the same sample taken from the defendant; and

(5) The alcohol level or the presence of a drug or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate. [PL 2019, c. 368, §2 (AMD).]

D. With 10 days written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence of those matters. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. A person drawing a specimen of blood may issue a certificate that states that the person is in fact qualified under section 2524 and that the proper procedure for drawing a specimen of blood was followed. That certificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify. [PL 2013, c. 459, §3 (AMD).]

F. Evidence that the urine sample was in a sealed carton bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [PL 2013, c. 459, §3 (AMD).]

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of an alcohol level. [PL 2009, c. 447, §47 (AMD).]

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Health and Human Services is prima facie evidence that the materials were of the composition and quality stated. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are admissible, if sufficient evidence is offered to satisfy paragraphs H and I. [PL 2001, c. 361, §32 (AMD).]

[PL 2021, c. 204, §1 (AMD).]

3. Failure as evidence. Failure of a person to submit to a chemical test is admissible in evidence on the issue of whether that person was under the influence of intoxicants.

If the law enforcement officer fails to give the required warnings, the failure of the person to submit to a chemical test is not admissible.

If a failure to submit to a chemical test is not admitted into evidence, the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing to submit to a chemical test, the unavailability and the reason are admissible in evidence.

[PL 2021, c. 608, Pt. A, §3 (AMD).]

4. Statements by accused. A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under section 2411, section 2412-A, former section 2557, section 2557-A or section 2558, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

[PL 2005, c. 606, Pt. B, §5 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A117 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 368, §AAA15 (AMD). PL 1997, c. 776, §§45,46 (AMD). PL 2001, c. 361, §32 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 606, §B5 (AMD). PL 2009, c. 447, §§44-47 (AMD). PL 2011, c. 335, §3 (AMD). PL 2013, c. 459, §3 (AMD). PL 2019, c. 368, §§1, 2 (AMD). PL 2021, c. 204, §1 (AMD). PL 2021, c. 608, Pt. A, §3 (AMD).

§2432. Alcohol level; confirmed positive drug or metabolite test results; evidentiary weight

1. Level less than 0.05 grams. If a person has an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath, it is prima facie evidence that that person is not under the influence of alcohol.

[PL 2009, c. 447, §48 (AMD).]

2. Level greater than 0.05 grams and less than 0.08 grams. If a person has an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath, it is admissible evidence, but not prima facie, indicating whether or not that person is under the influence of intoxicants to be considered with other competent evidence, including evidence of a confirmed positive drug or metabolite test result.

[PL 2011, c. 335, §4 (AMD).]

3. Level of 0.08 grams or greater. In proceedings other than under section 2411, a person is presumed to be under the influence of intoxicants if that person has an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

[PL 2009, c. 447, §48 (AMD).]

4. Confirmed presence of drug or drug metabolite. If a person has a trace amount of any drug or the metabolites of any drug within the person's blood or urine in accordance with the drug reporting rules, standards, procedures and protocols adopted by the Department of Health and Human Services, it is admissible evidence, but not prima facie, indicating whether that person is under the influence of intoxicants to be considered with other competent evidence, including evidence of alcohol level.
[PL 2013, c. 459, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 447, §48 (AMD). PL 2011, c. 335, §4 (AMD). PL 2013, c. 459, §4 (AMD).

§2433. Sentencing procedures

1. Permissible considerations. Notwithstanding the provisions of Title 17-A, section 9-A, in determining the appropriate sentence, the court shall consider whether the defendant operated with a passenger under 16 years of age, the record of convictions for criminal traffic offenses, adjudications of traffic infractions or suspensions of license for failure to submit to a test.

In determining the appropriate sentence, the court may rely on oral representations based on records maintained by the courts, the State Bureau of Identification or the Secretary of State, including telecommunications of records maintained by the Secretary of State.

If the defendant disputes the accuracy of a representation concerning a conviction or adjudication, the court shall grant a continuance to determine the accuracy of the record.
[PL 1999, c. 196, §4 (AMD).]

2. Instructions at time of sentencing. At the time of sentencing, the court shall provide the defendant with written instructions prepared by the Division of Driver Education Evaluation. The instructions must be written in plain and readable language and at a minimum include the following explanations:

A. The circumstances under which the Secretary of State may suspend a driver's license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The different components of the process to have a driver's license restored, including a description of the components provided by state agencies and those provided by practitioners and counselors not employed by the State; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The role of the Driver Education Evaluation Program Appeals Board and the circumstances for an appeal to the board; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The differences between the procedures applicable to first offenders and multiple offenders and adults and those under 21 years of age; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. When the Secretary of State may stay a suspension and grant a work-restricted license or other restricted or provisional license; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. The conditions of license restoration. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 196, §4 (AMD).

§2434. Notice of suspension by court

The following provisions apply to any conviction for OUI or for any offense for which the court suspends a license or registration. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Notification by court. The court shall inform the defendant of the suspension.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Acknowledgement of receipt of notice. The defendant shall acknowledge this notice in writing on a form provided by the court.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Physical custody of license. The court may take physical custody of a license issued by another state, foreign country or province if the person is not residing or employed in this State.
[PL 2025, c. 173, §23 (AMD).]

4. Stay of suspension. The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 or 2453-A for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension, in which case the court may stay a suspension for up to 7 days.
[PL 2017, c. 99, §2 (AMD).]

5. Forward documents to Secretary of State. The court shall forward a copy of the sentence and the acknowledgement of notice to the Secretary of State.
[PL 2025, c. 173, §24 (AMD).]

6. Order return of certificate and plates. The court shall order the return of the suspended registration certificate and plates to the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Additional time to surrender license.
[PL 2025, c. 173, §25 (RP).]

8. Commencement of suspension. Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence.
[PL 2025, c. 173, §26 (AMD).]

9. Waiver of reinstatement fee. On motion and for good cause shown, the court ordering a suspension under section 2605 or 2608 may waive the reinstatement fee.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

10. Failure to sign acknowledgment of notice. A person commits a Class E crime if that person:

A. Refuses to sign the acknowledgment of notice. [PL 2025, c. 173, §27 (AMD).]

B. [PL 2025, c. 173, §27 (RP).]

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2025, c. 173, §27 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 452, §Q88 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 81, §2 (AMD). PL 2015, c. 158, §3 (AMD). PL 2017, c. 99, §2 (AMD). PL 2025, c. 173, §§23-27 (AMD).

§2435. Stay pending appeal

If a person's license is suspended as a result of a conviction of a crime other than under section 2411, or is suspended as a result of an adjudication of a traffic infraction and the person appeals from the conviction or adjudication, the execution of a suspension of the person's license must be stayed until disposition on appeal or withdrawal of the appeal, unless good cause is shown why the person should not be allowed to retain a license or right to operate. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

SUBCHAPTER 3

ADMINISTRATIVE ACTIONS

ARTICLE 1

SUSPENSION AND REVOCATION

§2451. Suspensions for OUI

1. Recording and notice by Secretary of State. On receipt of an attested copy of the court record of a suspension of a license for OUI, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose license has been suspended.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Court failure to suspend.
[PL 1995, c. 368, Pt. AAA, §16 (RP).]

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

A. One hundred fifty days, if the person has one OUI conviction within a 10-year period; [PL 2015, c. 329, Pt. A, §17 (RPR).]

B. Three years, if the person has 2 OUI offenses within a 10-year period; [PL 2015, c. 329, Pt. A, §17 (RPR).]

C. Six years, if the person has 3 OUI offenses within a 10-year period; [PL 2017, c. 229, §35 (AMD).]

D. [PL 2009, c. 54, §3 (RP); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; or [PL 2017, c. 229, §35 (AMD).]

F. Ten years, if the person has a prior conviction for a Class B or Class C OUI offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2). [PL 2017, c. 229, §35 (NEW).]

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or imposition of sentence. The 10-year limitation does not apply to a prior conviction for a Class B or Class C OUI offense; the conviction may have occurred at any time.
[PL 2017, c. 229, §35 (AMD).]

4. Consecutive suspensions. A suspension under this section is consecutive to a suspension for failure to submit to a test required by this chapter.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Additional period of suspension for transporting passengers under 21 years of age. Unless a court orders an additional period of license suspension of 275 days pursuant to section 2411, subsection 5, paragraph G, the Secretary of State shall impose an additional suspension period of 275 days for any failure to submit to a chemical test or for OUI if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.
[PL 1997, c. 737, §12 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §B22 (AMD). PL 1995, c. 368, §§AAA16,17 (AMD). PL 1997, c. 737, §12 (AMD). PL 2009, c. 54, §§1-3 (AMD). PL 2009, c. 54, §7 (AFF). PL 2009, c. 415, Pt. C, §§2, 3 (AFF). PL 2013, c. 459, §5 (AMD). PL 2013, c. 604, §4 (AMD). PL 2015, c. 329, Pt. A, §17 (AMD). PL 2017, c. 229, §35 (AMD).

§2452. Suspension or revocation of school bus operator endorsement

The Secretary of State shall: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Permanent revocation. Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school bus, private school activity bus or multifunction school activity bus, as defined in section 2301, during the commission of the offense;
[PL 2013, c. 484, §3 (AMD).]

2. Suspend for at least 3 years. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted of a first OUI violation. The person whose school bus operator endorsement has been suspended for a first OUI violation may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any conditions, restrictions or terms determined to be in the interest of highway safety; and
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Suspend for at least 6 years. Suspend for a period of at least 6 years the school bus operator endorsement of any person convicted of a 2nd or subsequent OUI violation within a 10-year period as defined by section 2402.
[PL 1995, c. 368, Pt. AAA, §18 (AMD).]

This section applies to offenses that occur after the effective date of this section. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA18 (AMD). PL 2013, c. 484, §3 (AMD).

§2453. Suspension on administrative determination; excessive alcohol level

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 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. To remove quickly from public ways those persons who have shown themselves to be a safety hazard by operating a motor vehicle with an excessive alcohol level. [PL 2009, c. 447, §49 (AMD).]
[PL 2009, c. 447, §49 (AMD).]

2. Definition. For the purposes of this section, "operating a motor vehicle with an excessive alcohol level" means operating a motor vehicle with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.
[PL 2009, c. 447, §49 (AMD).]

3. Suspension. The Secretary of State shall immediately suspend a license of a person determined to have operated a motor vehicle with an excessive alcohol level.
[PL 2009, c. 447, §49 (AMD).]

4. Drug and alcohol program. The Secretary of State may not suspend a license solely because a person has not satisfactorily completed an alcohol and drug program, as defined in subchapter 1. This limitation does not affect statutory restoration authority.
[PL 2009, c. 447, §49 (AMD).]

5. Stay. 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 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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

A. The same suspension period applies as if the person were convicted of OUI. [PL 2003, c. 434, §29 (AMD); PL 2003, c. 434, §37 (AFF).]

B. [PL 1997, c. 737, §13 (RP).]

C. 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 under this section prior to the conviction must be deducted from the period of time of a court-imposed suspension. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The period of suspension is a minimum and the Secretary of State may suspend the license for an additional period under section 2451, subsection 3. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2003, c. 434, §29 (AMD); PL 2003, c. 434, §37 (AFF).]

7. Restoration of license. The Secretary of State may issue a license or permit as follows.

A. 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 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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

A. The person operated a motor vehicle with an excessive alcohol level; and [PL 2009, c. 447, §49 (AMD).]

B. There was probable cause to believe that the person was operating a motor vehicle with an excessive alcohol level. [PL 2009, c. 447, §49 (AMD).]
[PL 2009, c. 447, §49 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 737, §13 (AMD). PL 2003, c. 434, §29 (AMD). PL 2003, c. 434, §37 (AFF). PL 2009, c. 447, §49 (AMD).

§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).

§2454. Homicide; revocation of license

1. Minimum revocation. Subject to the longer period of revocation provided in subsection 2, the license of any person who, as a result of the operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of criminal homicide or an attempt of criminal homicide, or who is adjudicated to have committed a juvenile offense of criminal homicide or an attempt of criminal homicide, must be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing, for a period of at least 5 years as long as the attested copy of court records is received within one year of the date of conviction.

[PL 2023, c. 257, §16 (AMD).]

2. While under influence of alcohol or drugs. The license of any person who, as a result of the operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of criminal homicide or an attempt of criminal homicide, or who is adjudicated to have committed a juvenile offense of criminal homicide or an attempt of criminal homicide, must be permanently revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing, if the report by the district attorney pursuant to section 2455 shows the person was under the influence of intoxicants at the time of the offense.

[PL 1995, c. 368, Pt. AAA, §19 (NEW).]

3. Appeal. Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

[PL 1995, c. 368, Pt. AAA, §19 (NEW).]

4. Pleas. For the purposes of this section and section 2411, a person is deemed to have been convicted of criminal homicide or an attempt of criminal homicide if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction or, in the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of criminal homicide or an attempt of criminal homicide if the juvenile admits or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

[PL 1995, c. 368, Pt. AAA, §19 (NEW).]

5. Petition for license reinstatement. A person whose license is permanently revoked under subsection 2 may petition the Secretary of State for relicensure 10 years after the date the person is no longer incarcerated. The Secretary of State shall make the person's petition for relicensure known to the family of any victims of the person's offense and shall consider the family's testimony in determining whether to reissue the person a driver's license.

[PL 1995, c. 368, Pt. AAA, §19 (NEW).]

6. Conviction following license reinstatement. The license of a person whose license is reinstated pursuant to subsection 5 who is subsequently convicted for the offense defined in section 2411 must be revoked permanently by the Secretary of State and the Secretary of State may not relicense that person.

[PL 1995, c. 368, Pt. AAA, §19 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA19 (RPR). PL 2023, c. 257, §16 (AMD).

§2455. Provisions regarding revocation when homicide is alcohol or drug related

1. Report by district attorney. The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of that person's operation of a motor vehicle when:

A. The person was operating under the influence of intoxicating liquor or drugs, or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §50 (AMD).]

B. The person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §50 (AMD).]

C. There was probable cause to believe that the person was operating under the influence of intoxicating liquor or drugs and failed to comply with that person's duty to submit to and complete required chemical testing; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. There was probable cause to believe that the person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath and failed to comply with the duty to submit to and complete a test to determine alcohol level. [PL 2009, c. 447, §50 (AMD).]

[PL 2009, c. 447, §50 (AMD).]

2. Content of report. The report required in subsection 1 must contain all relevant facts that formed the basis for the conviction or adjudication, including chemical test results if available.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Substance use disorder programs. Upon receipt of the report required in subsection 1, the Secretary of State shall require that the following conditions be met before that person may be licensed or permitted to operate a motor vehicle:

A. Satisfactory completion of the Driver Education and Evaluation Programs of the Department of Health and Human Services; [PL 2011, c. 657, Pt. AA, §79 (AMD).]

B. When required, satisfactory completion of a substance use disorder treatment program or rehabilitation program approved or licensed by the Department of Health and Human Services; and [PL 2017, c. 407, Pt. A, §117 (AMD).]

C. When required, attendance at an after-care program arranged by the approved treatment or rehabilitation program. [PL 2001, c. 511, §4 (AMD).]

[PL 2017, c. 407, Pt. A, §117 (AMD).]

4. Alcohol or drug programs following incarceration. Any of the alcohol or drug programs required in subsection 3 may begin only upon release from a county jail or from a facility operated by the Department of Corrections.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 645, §B20 (AMD). PL 2001, c. 511, §4 (AMD). RR 2003, c. 1, §31 (COR). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §50 (AMD). PL 2011, c. 657, Pt. AA, §79 (AMD). PL 2017, c. 407, Pt. A, §117 (AMD).

§2456. Negligently causing death; administrative suspension

1. Suspension. The Secretary of State shall immediately suspend the license of a person who negligently operates a motor vehicle in a manner as to cause the death of a person:

A. While under the influence of intoxicants; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. While having an alcohol level of more than 0.08 grams per 100 milliliters of blood or 210 liters of breath; or [PL 2009, c. 447, §51 (AMD).]

C. Who subsequently fails to submit to a test subject to penalty under section 2521. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2009, c. 447, §51 (AMD).]

2. Period of suspension. The period of suspension is 3 years, consecutive to any suspension imposed by the Secretary of State for failure to take a test. If a suspended license is subsequently revoked under section 2454 on charges arising out of the same occurrence, the length of suspension actually served under this section is deducted from the period of revocation imposed pursuant to that section.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Hearing issues. A person whose license has been suspended under this section may request a hearing pursuant to section 2483. The scope of the hearing must include whether:

A. The person operated a motor vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The person, at that time, had an excessive alcohol level, or was under the influence of intoxicants or may be penalized for failure to submit to required chemical testing; and [PL 2009, c. 447, §52 (AMD).]

C. The person's negligent operation caused the death of another person. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2009, c. 447, §52 (AMD).]

4. Civil proceeding. On receipt of a certified copy of the civil tort judgment that the person did not negligently cause the death of the other person, the Secretary of State shall terminate the suspension.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 447, §§51, 52 (AMD).

§2457. Conditional license holder; OUI

1. Suspension. The Secretary of State shall suspend for a minimum period of one year, without preliminary hearing, the conditional license issued pursuant to section 2506 of a person who while holding a conditional license:

A. Receives an OUI conviction; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. As the Secretary of State determines, has operated a motor vehicle while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §53 (AMD).]

[PL 2009, c. 447, §53 (AMD).]

2. Duty to submit to test. A person who operates a motor vehicle with a conditional license shall submit to a test if there is probable cause to believe that person holds a conditional license and operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. The other provisions of subchapter 4 apply, except the suspension must be for a period of not less than 2 years.
[PL 2009, c. 447, §54 (AMD).]

3. Period of suspension. The following provisions apply to suspensions of conditional licenses.

A. When a license is also suspended for an OUI conviction arising out of the same occurrence, the duration of the suspension under this section prior to the conviction is deducted from the period of a court-imposed suspension unless suspension was for failure to submit to a test. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. If the suspension is for failure to submit to a test, the period of suspension for an OUI conviction must be consecutive to the period of suspension imposed for refusal. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. If a person is determined to have operated a motor vehicle with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath and both this section and section 2453 apply, the longer period of suspension applies. [PL 2009, c. 447, §55 (AMD).]
[PL 2009, c. 447, §55 (AMD).]

4. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 1, paragraph B is stayed pending the outcome of the hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §56 (AMD).]

B. There was probable cause to believe that the person was operating with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; and [PL 2009, c. 447, §56 (AMD).]

C. The person held a conditional license. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2009, c. 447, §56 (AMD).]

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State determines advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the Driver Education and Evaluation Program established in Title 5, section 20072 and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the Department of Health and Human Services.
[PL 2001, c. 511, §5 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §§AAA20-22 (AMD). PL 2001, c. 511, §5 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §§53-56 (AMD).

§2458. Suspension or revocation of license, title, registration or fuel use decal

1. Suspension or revocation after hearing. The Secretary of State, after hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or privilege to operate a commercial motor vehicle for any cause considered by the Secretary of State to be sufficient.
[PL 2009, c. 598, §43 (AMD).]

2. Suspension or revocation without hearing. The Secretary of State, without preliminary hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or privilege to operate a commercial motor vehicle of a person on showing by the Secretary of State's records or other sufficient evidence that the person:

A. Has committed an offense for which mandatory suspension or revocation of license or registration is required; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Has been convicted or adjudicated for offenses against traffic regulations governing the movement of vehicles with such frequency as to indicate a disrespect for traffic laws and disregard for the safety of other persons on public ways; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Is a reckless or negligent driver of a motor vehicle, as established by the demerit point system authorized by subsection 3, a record of accidents or other evidence; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Is incompetent to drive a motor vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Has permitted an unlawful or fraudulent use of a license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Has committed an offense in a jurisdiction of the United States or a province that, if committed in this State, would be grounds for suspension or revocation; [PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. B, §23 (AMD); PL 1995, c. 65, Pt. C, §15 (AFF).]

G. Has been convicted of failing to stop for a police officer; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

H. Has been convicted of reckless driving or driving to endanger under section 2413; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

I. Has failed to appear in court on the day specified, either in person or by counsel, after being ordered to do so to answer any violation of chapter 5, subchapter 2; [PL 2009, c. 598, §44 (AMD).]

J. Has failed to provide sufficient proof of ownership or other documentation in support of the person's title claim; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

K. Is subject to action of the Secretary of State pursuant to section 154 or section 668; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

L. Has failed to provide proof of payment of the use tax imposed by the United States Internal Revenue Code of 1954, Section 4481, within time periods established by federal statute and regulations; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

M. Has violated a provision of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, or rules and regulations promulgated and adopted under that Act; [PL 1995, c. 65, Pt. A, §118 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

N. Has failed to surrender to the Secretary of State a commercial driver's license that has been suspended or revoked; [PL 1997, c. 776, §47 (AMD).]

O. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or a province; [PL 2003, c. 25, §1 (AMD).]

P. Has failed to provide a valid social security number pursuant to section 1301; [PL 2003, c. 434, §30 (AMD); PL 2003, c. 434, §37 (AFF).]

Q. Has, as a condition of bail pursuant to Title 15, chapter 105-A or, if a juvenile, as a condition of release pursuant to Title 15, chapter 505, been ordered not to operate a motor vehicle. If the conditions of bail or release allow a person to operate a motor vehicle only under certain conditions or with restrictions on time, place or purpose, the Secretary of State may, without hearing, issue a restricted license reflecting the restrictions imposed; [PL 2005, c. 433, §22 (AMD); PL 2005, c. 433, §28 (AFF).]

R. Is not in compliance with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272; [PL 2005, c. 433, §23 (AMD); PL 2005, c. 433, §28 (AFF).]

S. Has failed to deliver or assign the certificate of title upon the request of the Secretary of State; [PL 2005, c. 433, §24 (NEW); PL 2005, c. 433, §28 (AFF).]

T. Has failed to comply with the provisions of Title 36, chapter 459; [PL 2017, c. 327, §19 (AMD).]

U. Has failed to provide the information required in section 401, subsection 2; or [PL 2017, c. 327, §20 (AMD).]

V. Has exceeded the motor carrier adverse safety limits established by the Secretary of State using the methodology developed by the bureau. [PL 2019, c. 634, §6 (AMD).]

[PL 2019, c. 634, §6 (AMD).]

2-A. Minimum suspension for negligent operation. The Secretary of State without preliminary hearing shall suspend for a period of at least one year a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the issuance of the suspension, the Secretary of State shall notify any immediate family of the victim and shall consider written or oral statements received from the immediate family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483. If a person whose license is suspended under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

[PL 2023, c. 257, §17 (AMD).]

3. Demerit point system. For the purpose of identifying reckless or negligent operators and habitual or frequent violators of traffic regulations, the Secretary of State shall adopt rules establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or rules governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B.

The rules must include a designated level of point accumulation that identifies those drivers.

The Secretary of State may assess points for convictions or adjudications in other states or provinces of offenses that, if committed in this State, would be grounds for assessment.

Notice of assessment of points must be given when the point accumulation reaches 50% of the number at which suspension is authorized.

Points may not be assessed for violating a provision of this Title or a municipal ordinance regulating standing, parking, equipment, size or weight.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Notice of hearing. Upon suspending or revoking a certificate of title, certificate of registration, license or fuel use decal pursuant to subsection 2, the Secretary of State shall notify that person of opportunity for hearing as provided in section 2483, except when:

A. The suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation; [PL 2003, c. 434, §33 (NEW); PL 2003, c. 434, §37 (AFF).]

B. The basis of the Secretary of State's action is a condition of bail or conditional release pursuant to subsection 2, paragraph Q; or [PL 2003, c. 434, §33 (NEW); PL 2003, c. 434, §37 (AFF).]

C. The suspension or revocation is required by federal statute or regulation. [PL 2003, c. 434, §33 (NEW); PL 2003, c. 434, §37 (AFF).]

[PL 2003, c. 434, §33 (AMD); PL 2003, c. 434, §37 (AFF).]

5. Penalty. A person commits a Class E crime if that person:

A. Recklessly or with criminal negligence fails upon request to disclose to the Secretary of State information required under subsection 6; [PL 2003, c. 452, Pt. Q, §89 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. After notice of suspension, revocation or cancellation fails to obey an order of the Secretary of State under this section. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [PL 2003, c. 452, Pt. Q, §89 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended, revoked or cancelled by proper authority. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. Q, §89 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. Q, §89 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Suspension and revocation of related entities. If the license or authority to engage in a business or commercial activity is suspended, the suspension applies to any related individual or related entity unless the requirements of paragraph C are met.

A. For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Entity" means a corporation, firm, partnership, sole proprietorship, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

(2) "Related entity" includes:

(a) All entities owned, operated or controlled by the person or named entity, by related individuals, by any person who is an officer or director of the named entity or by shareholders of the named entity;

(b) Any entity that has as an officer, director or partner an individual whose license or authority to engage in the business or commercial activity has been suspended;

(c) Any entity that has an officer, partner or 25% of its directors in common with the named entity; and

(d) Any entity in which 25% of the outstanding shares are owned or controlled by the suspended person or by an individual, related individual or entity who, taken together, also owned 25% or more of the outstanding shares of the named entity.

(3) "Related individual" means a spouse, domestic partner, parent, grandparent, sibling, child or grandchild, whether by blood or marriage, of a person whose license or authority to engage in the business or commercial activity has been suspended.

(4) "Suspension" means a suspension or revocation. [PL 2015, c. 473, §19 (AMD).]

B. [PL 2019, c. 634, §7 (RP).]

C. If the related entity is able to satisfy the Secretary of State, by a preponderance of the evidence, that it is not, in fact, controlled by the suspended person, by related individuals, or by the named entity or its officers, partners or shareholders or that the actual operation of the related entity does not pose a risk to public safety, the Secretary of State shall exclude the related entity from the suspension. [PL 1997, c. 111, §2 (NEW).]

D. The Secretary of State may require individuals and entities subject to suspension and the officers, directors and partners of those entities to disclose, under oath, the relationships between the individual or the entity, its officers, directors, partners and shareholders and those of other entities. [PL 1997, c. 111, §2 (NEW).]

E. Any entity that would have been suspended as a related entity but for the failure or refusal of the suspended person or named entity or its officers, directors or partners to disclose the required information is nevertheless suspended and subject to the same penalties and sanctions as the suspended person or the named entity for violation of the suspension. If an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend, the Secretary of State may immediately suspend the related entity. [PL 2019, c. 634, §8 (AMD).]

[PL 2019, c. 634, §§7, 8 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A118,B23, 24 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 482, §A27 (AMD). PL 1997, c. 111, §§1,2 (AMD). PL 1997, c. 776, §§47-49 (AMD). PL 1999, c. 414, §3 (AMD). PL 2003, c. 25, §§1-4 (AMD). PL 2003, c. 434, §§30-33 (AMD). PL 2003, c. 434, §37 (AFF). PL 2003, c. 452, §Q89 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 433, §§22-25 (AMD). PL 2005, c. 433, §28 (AFF). PL 2007, c. 438, §3 (AMD). PL 2007, c. 486, §1 (AMD). PL 2009, c. 598, §§43, 44 (AMD). PL 2015, c. 13, §1 (AMD). PL 2015, c. 473, §19 (AMD). PL 2017, c. 327, §§19-21 (AMD). PL 2019, c. 467, §1 (AMD). PL 2019, c. 634, §§6-8 (AMD). PL 2023, c. 257, §17 (AMD).

§2459. Suspension for failure to meet family financial responsibility

1. Compliance with support orders. In addition to other qualifications and conditions established by this Title, the right of an individual to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of Title 19-A, section 2202.
[PL 1995, c. 694, Pt. D, §54 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Certification of noncompliance. Upon receipt of a written certification from the Commissioner of Health and Human Services, as provided for in Title 19-A, section 2202, subsection 7, that a support obligor who owns or operates a motor vehicle is not in compliance with a court order of support, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a court order of support until the Commissioner of Health and Human Services issues a release that states the obligor is in compliance with a court order of support or the court orders reinstatement.
[PL 1995, c. 694, Pt. D, §54 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF); PL 2003, c. 689, Pt. B, §7 (REV).]

3. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 2, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Department of Health and Human Services. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in Superior Court within

30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

4. Temporary license. Upon being presented with a conditional release issued by the Commissioner of Health and Human Services and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §7 (REV).]

5. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Costs. The Department of Health and Human Services shall indemnify the Secretary of State for legal expenses incurred in defending the Secretary of State's actions to comply with the requirements of this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

7. Agreement. The Secretary of State and the Department of Health and Human Services may enter into an agreement to carry out the requirements of this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 694, §D54 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 689, §§B6,7 (REV).

§2459-A. Suspension of license for failure to meet family financial responsibility; Penobscot Nation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Penobscot Nation" means the Penobscot Nation Tribal Court or the entity authorized by the governing body of the Penobscot Nation pursuant to Title 30, section 6209-B to exercise jurisdiction over child support enforcement matters. [PL 2013, c. 479, §1 (NEW).]

B. "Support obligor" means an individual who owes a duty of support and over whom the Penobscot Nation has jurisdiction. [PL 2013, c. 479, §1 (NEW).]

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [PL 2013, c. 479, §1 (NEW).]
[PL 2013, c. 479, §1 (NEW).]

2. Compliance with support orders. In addition to other qualifications and conditions established by this Title, the right of an individual subject to the jurisdiction of the Penobscot Nation to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of this section.
[PL 2013, c. 479, §1 (NEW).]

3. Certification of noncompliance. Upon receipt of a written certification from the Penobscot Nation that a support obligor who owns or operates a motor vehicle is not in compliance with a support order, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a support order until the Penobscot Nation issues a release that states the support obligor is in compliance with the support order or the Penobscot Nation orders reinstatement.
[PL 2013, c. 479, §1 (NEW).]

4. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 3, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Penobscot Nation. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in the Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.
[PL 2013, c. 479, §1 (NEW).]

5. Temporary license. Upon being presented with a conditional release issued by the Penobscot Nation and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.
[PL 2013, c. 479, §1 (NEW).]

6. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 479, §1 (NEW).]

7. Agreement. The Secretary of State and the Penobscot Nation may enter into an agreement to carry out the requirements of this section.
[PL 2013, c. 479, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 479, §1 (NEW).

§2460. Reciprocity

1. Resident driver's license. The Secretary of State may suspend a resident driver's license or certificate of registration and plates if the resident has failed to:

A. Respond to a traffic citation issued by another state or province; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Appear in court in another state or province at the time specified by the court; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Comply with a court order issued by another state or province. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Suspension by another jurisdiction. If the Secretary of State is notified by another jurisdiction that a resident has had a license or registration suspended, revoked or annulled, the Secretary of State may suspend license or registration granted to that person in this State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Nonresident violator compacts. The Secretary of State may enter into and carry out the provisions of a nonresident violator compact with any jurisdiction of the United States or province.
[PL 1995, c. 65, Pt. A, §119 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A119 (AMD). PL 1995, c. 65, §§A153,C15 (AFF).

§2461. Suspension for nonresident owner or operator

1. Suspension by Secretary of State. The Secretary of State may suspend the right of a nonresident owner or operator to operate a vehicle in this State for the same cause and under the same condition and in the same manner as that action could be taken against a resident owner or operator of a vehicle registered in this State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Effect of suspension. Upon suspension, the right of the nonresident owner or operator to operate a vehicle in this State terminates. The nonresident is subject to the same penalties as a resident who operates without a license or registration.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Notice of suspension. Notice of the suspension of a nonresident's right to operate must be sent to the motor vehicle department of the jurisdiction that issued the license or registration.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2462. Administrative extension of suspension

The Secretary of State may impose an additional period of suspension under section 2451, subsection 3, or may extend a period of suspension until satisfaction of any conditions imposed pursuant to article 4. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2463. Revocations upon conviction of certain crimes under Maine Criminal Code

1. Recording; notice by the Secretary of State. On receipt of an attested copy of the court record of any person who, as a result of the operation of a motor vehicle in such a manner as to cause serious bodily injury or bodily injury to any person or create a substantial risk of serious bodily injury or place another person in fear of imminent bodily injury, has been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, or who has been adjudicated to have committed the juvenile offenses of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, the Secretary of State shall immediately revoke the person's license without further hearing for an indefinite period of time.
[PL 2001, c. 14, §1 (NEW).]

2. Appeal. Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.
[PL 2001, c. 14, §1 (NEW).]

3. Pleas. For the purposes of this section, a person is deemed to have been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a

court of competent jurisdiction. In the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the juvenile admits to the juvenile offense or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.
[PL 2001, c. 14, §1 (NEW).]

4. Notification. The court shall send an attested copy of the record of any person convicted of a crime enumerated in this section to the Secretary of State.
[PL 2001, c. 14, §1 (NEW).]

5. Petition for relicensure. A person whose license is revoked pursuant to this section may petition the Secretary of State for relicensure:

A. Three years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of the person's conviction or adjudication for a Class A, B or C crime or juvenile offense; [PL 2001, c. 14, §1 (NEW).]

B. Two years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class D crime or juvenile offense; or [PL 2001, c. 14, §1 (NEW).]

C. One year after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class E crime or juvenile offense. [PL 2001, c. 14, §1 (NEW).]

[PL 2001, c. 14, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 14, §1 (NEW).

§2464. Causing serious bodily injury or death while license is suspended or revoked

1. Accident involving injury; penalty. A person who, while knowingly operating with a suspended or revoked license, in fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person commits a Class C crime.
[PL 2005, c. 606, Pt. A, §5 (NEW).]

2. Accident involving death; penalty. A person who, while knowingly operating with a suspended or revoked license, in fact causes the death of another person commits a Class B crime.
[PL 2005, c. 606, Pt. A, §5 (NEW).]

3. Pleading and proof. The State must prove that the defendant's operation of the motor vehicle caused the serious bodily injury under subsection 1 or death under subsection 2. The court shall apply Title 17-A, section 33 in assessing any causation under this section.
[PL 2005, c. 606, Pt. A, §5 (NEW).]

4. License suspension. Upon receipt of notice of conviction, the Secretary of State shall immediately suspend the license of a person who violates subsection 1 or 2. Notwithstanding any provision of law that imposes a period of license suspension shorter than that specified in this subsection, a person who violates this section is subject to the following period of license suspension:

A. For a violation of subsection 1, 5 years; and [PL 2005, c. 606, Pt. A, §5 (NEW).]

B. For a violation of subsection 2, 10 years. [PL 2005, c. 606, Pt. A, §5 (NEW).]

The period of suspension imposed pursuant to this subsection is consecutive to any suspension previously imposed by the Secretary of State or the court pursuant to this chapter.
[PL 2005, c. 606, Pt. A, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 606, §A5 (NEW).

ARTICLE 2

PROVISIONAL LICENSE

§2471. Adult provisional license

1. Adult provisional license. An original license issued to a new applicant 21 years of age or older is a provisional license for a period of one year following the date of issue. That license remains in force as a nonprovisional license to the next normal expiration date.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Suspension terms. If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license:

A. For 30 days on the 1st offense; [PL 2003, c. 286, §5 (AMD).]

B. For 60 days on the 2nd offense; and [PL 2003, c. 286, §5 (AMD).]

C. For 90 days on the 3rd or subsequent offense. [PL 2007, c. 383, §29 (AMD).]

If requested, the Secretary of State shall provide an opportunity for a hearing on the suspension as soon as practicable. After the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.
[PL 2013, c. 381, Pt. B, §29 (AMD).]

SECTION HISTORY

PL 1993, c. 683, Pt. A, §2 (NEW). PL 1993, c. 683, Pt. B, §5 (AFF). PL 1997, c. 737, §14 (AMD). PL 2003, c. 286, §5 (AMD). PL 2007, c. 383, §29 (AMD). PL 2013, c. 381, Pt. B, §29 (AMD).

§2472. Juvenile provisional license

1. Licensee not yet 21 years of age. A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

A license of a person who has not yet attained 21 years of age includes the condition that the person not operate a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. When a person who has not yet attained 21 years of age operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath, the provisions of section 1251, subsection 1, paragraph B apply.
[PL 2009, c. 447, §57 (AMD).]

2. Suspension terms for moving violations. If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license, the Secretary of State shall suspend the license:

A. For 30 days on the 1st offense; [PL 2003, c. 286, §6 (AMD).]

B. For 180 days on the 2nd offense; and [PL 2011, c. 654, §10 (AMD).]

C. For one year on the 3rd or subsequent offense. [PL 2011, c. 654, §10 (AMD).]

If requested, the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable. After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. An individual who has not yet attained the age of 18 years does not have a right to a hearing.
[PL 2011, c. 654, §10 (AMD).]

2-A. Driver improvement program. A person whose license is suspended pursuant to subsection 2 shall complete a driver improvement program approved by the Secretary of State before the suspension may be terminated.
[PL 2021, c. 216, §47 (AMD).]

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.
[PL 2017, c. 229, §36 (AMD).]

3. Suspension for OUI conviction, certain alcohol level or operating under the influence of drugs. The Secretary of State shall suspend, without preliminary hearing, a juvenile provisional license of a person who:

A. Receives an OUI conviction; [PL 2011, c. 335, §6 (AMD).]

B. Operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; or [PL 2011, c. 335, §6 (AMD).]

C. Operates a motor vehicle under the influence of drugs. [PL 2011, c. 335, §6 (NEW).]
[PL 2011, c. 335, §6 (AMD).]

3-A. Juvenile provisional license; suspension for OUI conviction or certain alcohol level. Unless a longer period of suspension applies, the Secretary of State shall suspend, without a preliminary hearing, a juvenile provisional license pursuant to subsection 3 for the following periods:

A. One year for a first offense; and [PL 1997, c. 737, §18 (NEW).]

B. Two years for a 2nd offense. [PL 1997, c. 737, §18 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed.
[PL 2009, c. 447, §59 (AMD).]

4. Duty to submit to test. A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or 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. The provisions of subchapter 4 apply, except the suspension is:

A. Eighteen months for the first refusal; and [PL 1997, c. 737, §19 (NEW).]

B. Thirty months for a 2nd or subsequent refusal. [PL 1997, c. 737, §19 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed.
[PL 2011, c. 335, §7 (AMD).]

5. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 3, paragraph B or C is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or 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; [PL 2011, c. 335, §8 (AMD).]

B. The person operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or with a confirmed positive blood or urine test for a drug or its metabolite and was under the influence of the confirmed drug; and [PL 2011, c. 335, §8 (AMD).]

C. The person was under 21 years of age. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2011, c. 335, §8 (AMD).]

6. Restoration of license. If a person's license has been suspended under subsection 3 for a first offense, the Secretary of State may issue a license if:

A. One half of the suspension period has expired; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services. [PL 2011, c. 657, Pt. AA, §80 (AMD).]

A 2nd or subsequent offender may be issued a license following the completion of the period of suspension if the Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services.

[PL 2011, c. 657, Pt. AA, §80 (AMD).]

7. Reinstatement fee for suspensions for major offenses. Before a suspension issued to the holder of a license issued pursuant to this section resulting from a conviction or adjudication listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, is terminated and a license reinstated, a fee of $200 must be paid to the Secretary of State and the holder must complete any community service imposed by a court, up to 60 hours.

[PL 2011, c. 654, §13 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 26, §§1,2 (AMD). PL 1997, c. 737, §§15-20 (AMD). PL 1997, c. 737, §22 (AFF). PL 2001, c. 511, §6 (AMD). PL 2003, c. 286, §6 (AMD). PL 2005, c. 433, §26 (AMD). PL 2005, c. 433, §28 (AFF). PL 2007, c. 383, §30 (AMD). PL 2009, c. 447, §§57-62 (AMD). PL 2011, c. 335, §§6-8 (AMD). PL 2011, c. 654, §§10-13 (AMD). PL 2011, c. 654, §16 (AFF). PL 2011, c. 657, Pt. AA, §80 (AMD). PL 2013, c. 496, §16 (AMD). PL 2017, c. 229, §36 (AMD). PL 2021, c. 216, §47 (AMD).

ARTICLE 3

ADMINISTRATIVE PROCEDURES

§2481. Administrative procedures for suspension

1. Report of officer. A law enforcement officer who has probable cause to believe a person has violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense shall send to the Secretary of State a report of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person charged; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The ground that the officer had for probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A certificate of the results of alcohol level tests conducted on a self-contained breath-alcohol testing apparatus; and [PL 2009, c. 447, §63 (AMD).]

D. If a person fails to submit to a test, the law enforcement officer's report may be limited to a written statement under oath stating that the officer had probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license, or committed an OUI offense and failed to submit to a test. [RR 1995, c. 2, §73 (COR).]

The report must be under oath and on a form approved by the Secretary of State.

If the alcohol level test was not analyzed by a law enforcement officer, the person who analyzed the results shall send a copy of that certificate to the Secretary of State.
[PL 2009, c. 447, §63 (AMD).]

2. Time. The report must be submitted to the Secretary of State within 72 hours of the offense, excluding Saturdays, Sundays and holidays. If the report is not sent within this time period, the Secretary of State shall impose the suspension, unless the delay has prejudiced the person's ability to prepare or participate in the hearing.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Determination. The Secretary of State shall make a determination on the basis of the information required in the report.

This determination is final unless a hearing is requested and held.

If a hearing is held, the Secretary of State shall review the matter and make a final determination on the basis of evidence received at the hearing.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §73 (COR). PL 2009, c. 447, §63 (AMD).

§2482. Notice of suspension or revocation of license

1. Notification by Secretary of State. Upon determining that a person is subject to license suspension or revocation, the Secretary of State shall immediately notify the person, in writing, of the license suspension or revocation. The notice:

A. Must be sent to the last name and address provided under section 1407 or, if the person has not applied for a license, on record with the Secretary of State; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Must be sent to the address provided in the report of the law enforcement officer if that address differs from the address of record; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. May be served in hand. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2001, c. 361, §33 (AMD).]

2. Notice contents. The notice must clearly state:

A. The reason and statutory grounds for the suspension or revocation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The effective date of the suspension or revocation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Unless the suspension or revocation is ordered by a court or rests solely upon a conviction or adjudication in court of an offense that is, by statute, expressly made grounds for that suspension or revocation, the right of the person to request a hearing and the procedure for requesting a hearing; and [PL 2011, c. 335, §9 (AMD).]

D. [PL 1997, c. 776, §50 (RP).]

E. [PL 1997, c. 776, §50 (RP).]

F. If the suspension or revocation is based on a report under section 2453-A or 2481, that a copy of the report of the law enforcement officer and any alcohol test certificate and the confirmed positive drug or metabolite test result and the report of the drug recognition expert will be provided to the person upon request to the Secretary of State. [PL 2011, c. 335, §10 (AMD).]

[PL 2011, c. 335, §§9, 10 (AMD).]

3. Receipt date. The notice is deemed received 3 days after mailing, unless returned by postal authorities.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Effective date. A suspension or revocation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of suspension by the Secretary of State.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 776, §50 (AMD). PL 2001, c. 361, §33 (AMD). PL 2003, c. 434, §34 (AMD). PL 2003, c. 434, §37 (AFF). PL 2009, c. 447, §64 (AMD). PL 2011, c. 335, §§9, 10 (AMD).

§2483. Hearing request

1. Request for hearing. A person may make a written request for a hearing to review the determination of the Secretary of State. The request must be made within 10 days from the effective date of the suspension.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Issuance of decision. The Secretary of State shall conduct a hearing and issue a decision within 30 days of receipt of a written request for hearing.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Delayed requests. If a request is made after the 10-day period and the Secretary of State finds that the person was unable to make a timely request due to lack of actual notice of the suspension or due to factors of physical incapacity, the Secretary of State shall waive the period of limitation, reopen the matter and grant the hearing request, except a stay may not be granted.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Stay. Any stay must continue until a decision is issued. Notwithstanding any other provision to the contrary, a stay does not apply during a delay caused or requested by the petitioner, except that, if the petitioner is unable to attend the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written request for delay, stating the circumstances, at least 24 hours before the scheduled hearing. A request for a hearing does not stay a suspension unless specifically provided for in this chapter.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4-A. Stay after failure to submit to test. When a hearing is requested by a petitioner under this section and the petitioner is not entitled to a stay of the suspension pending the hearing due to failure to submit to a test at the request of a law enforcement officer, if the hearing is postponed or otherwise continued by a person other than the petitioner or a cause not attributable to the petitioner, the suspension must be stayed until a hearing is held and a decision is issued. A stay does not apply during a delay caused or requested by the petitioner.
[PL 2011, c. 143, §1 (NEW).]

5. Suspensions during appeal. If a person appeals an OUI conviction or administrative determination, the suspension remains in effect during the appeal, unless the court orders otherwise or the Secretary of State restores the license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2011, c. 143, §1 (AMD).

§2484. Hearing procedures

In addition to the general hearing procedures set forth in chapter 1, hearings held under this chapter are governed by the following provisions. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Evidence. Evidence admissible in a court under section 2431 is admissible in a hearing.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Official notice. The Secretary of State may take official notice of the transcript or abstract of the records maintained by the Secretary of State's office or of any court.

If the name and date of birth of the person requesting the hearing is the same as the name and date of birth of the person named in the transcript or abstracts, then the abstracts are presumed to be those of that person.

A transcript or abstract is prima facie evidence that the person named was convicted or adjudicated of each offense shown by the transcript or abstract.

A person denying a fact appearing on a transcript or abstract, or the identification has the burden of proving that the fact is untrue.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Evidentiary standard. Unless otherwise provided, the Secretary of State shall make a determination by a preponderance of the evidence.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2485. Decision; appeal

1. Decision. After hearing, the Secretary of State may rescind, continue, modify or extend the suspension of a license.
[PL 1995, c. 65, Pt. A, §121 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

2. Surrender and return of license.
[PL 2025, c. 173, §28 (RP).]

3. Removal of suspension. If it is determined after hearing that there was not the requisite probable cause for the required elements of the offense, the Secretary of State shall immediately remove the suspension and delete any record of the suspension and the offense from the record.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Collateral effect. The determination of facts by the Secretary of State is independent of the determination of the same or similar facts in an adjudication of civil or criminal charges arising out of the same occurrence. The disposition of those charges may not affect a suspension ordered by the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Appeal; judicial review. The person whose license is suspended or other party may, within 30 days after receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to delete any record of the suspension.
[PL 1995, c. 65, Pt. A, §122 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A120-122 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2025, c. 173, §28 (AMD).

§2486. Reinstatement fee

1. Reinstatement fee for suspensions other than for OUI or failure to submit to a test. Except as provided in section 2472, subsection 7, before a suspension for any reason other than OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of $50 must be paid to the Secretary of State. The total reinstatement fee for all court-ordered suspensions under sections 2605 and 2608 that may be in effect against any one person at one time is $50.
[PL 2023, c. 363, §1 (AMD).]

1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test. Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of $50 must be paid to the Secretary of State.
[PL 2013, c. 459, §6 (AMD).]

2. Allocation of fee. A reinstatement fee paid for a court-ordered suspension under section 2605 and 2608 must be deposited equally between the Highway Fund and the General Fund. For all other suspensions, 85% of the reinstatement fee paid pursuant to subsection 1 accrues to the Highway Fund and 15% accrues to the General Fund.
[PL 2009, c. 598, §46 (AMD).]

3. Application. This section does not apply to a suspension set aside by the Secretary of State or a court.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Electronic payment. A person electronically transmitting the fee pursuant to this section shall pay the fee associated with that transmittal.
[PL 2005, c. 433, §27 (NEW); PL 2005, c. 433, §28 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 25, §Q2 (AMD). PL 1997, c. 25, §Q3 (AFF). PL 2001, c. 463, §3 (AMD). PL 2001, c. 463, §7 (AFF). PL 2005, c. 433, §27 (AMD). PL 2005, c. 433, §28 (AFF). PL 2007, c. 531, §§4, 5 (AMD). PL 2007, c. 531, §10 (AFF). PL 2009, c. 213, Pt. YYYY, §§2, 3 (AMD). PL 2009, c. 598, §46 (AMD). PL 2011, c. 654, §§14, 15 (AMD). PL 2013, c. 389, §2 (AMD). PL 2013, c. 459, §6 (AMD). PL 2023, c. 363, §1 (AMD).

§2487. Proof of financial responsibility

A person with an OUI conviction within the 10-year period as defined by section 2402 may not have a license reinstated until that person has complied with the financial responsibility provisions of section 1605. [PL 1995, c. 368, Pt. AAA, §23 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA23 (AMD).

ARTICLE 4

SPECIAL LICENSES

§2501. Restricted license

1. Eligibility. Unless otherwise provided, the Secretary of State may issue a restricted license to a first-time OUI offender if:

A. Two thirds of the suspension period has expired; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State has received notice that that person has completed the alcohol and drug program. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Restrictions. A restricted license issued pursuant to subsection 1 is subject to the following conditions and restrictions:

A. Use is limited to travelling to a treatment program or to employment for a minimum of 90 days after the original suspension date; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Any other conditions or restrictions the Secretary of State considers advisable for the safety of the public and the welfare of the operator. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Failure to submit to test. The Secretary of State may issue a restricted license to a person whose license was suspended for a first failure to submit to a test, if the condition of subsection 1, paragraph B is met and at least 180 days have elapsed since the date of suspension. This subsection does not apply to a commercial driver's license, provisional license or conditional license.
[PL 1995, c. 368, Pt. AAA, §24 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA24 (AMD).

§2502. Special licenses for driver education evaluation program; suspension

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2453-A, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program pursuant to Title 5, section 20073-B. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of 3 treatment sessions provided by a counselor or agency approved by the Department of Health and Human Services. A special license or permit may not be issued under this section to 2nd and subsequent offenders.
[PL 2011, c. 657, Pt. AA, §81 (AMD).]

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program pursuant to Title 5, section 20073-B within 3 months after receiving a special license, the Secretary of State, following notice of that refusal or failure, shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Department of Health and Human Services that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter 4. The sole issue at the hearing is whether the person has written notification from the Department of Health and Human Services establishing that the person has satisfactorily completed all components of that program pursuant to Title 5, section 20073-B.
[PL 2011, c. 657, Pt. AA, §81 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A123 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 448, §§11,12 (AMD). PL 2001, c. 511, §7 (AMD). PL 2009, c. 435, §22 (AMD). PL 2011, c. 335, §11 (AMD). PL 2011, c. 657, Pt. AA, §81 (AMD).

§2503. Work-restricted license

1. Administrative suspension; work-restricted license. On receipt of a petition for a work-restricted license from a person under suspension pursuant to section 2453, section 2453-A or section 2472, subsection 3, paragraph B or C for a first offense, the Secretary of State may stay a suspension during the statutory suspension period and issue a work-restricted license, if the petitioner shows by clear and convincing evidence that:

A. As determined by the Secretary of State, a license is necessary to operate a motor vehicle:

(1) Between the residence and a place of employment or in the scope of employment, or both; or

(2) Between the residence and an educational facility attended by the petitioner if the suspension is under section 2472, subsection 3, paragraph B or C for a first offense; [PL 2011, c. 335, §12 (AMD).]

B. No alternative means of transportation is available; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The petitioner has not, within 10 years, been under suspension for an OUI offense or pursuant to section 2453 or 2453-A. [PL 2011, c. 335, §12 (AMD).]
[PL 2011, c. 335, §12 (AMD).]

2. Suspension. The Secretary of State shall suspend, without preliminary hearing, the work-restricted license of a person who:

A. Is adjudicated or convicted of any violation of the provisions of this Title committed during the period when a work-restricted license has been issued; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Violates any restriction or condition of the license; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Has not completed the alcohol and drug program by the end of the statutory suspension period. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA25 (AMD). PL 1997, c. 737, §21 (AMD). PL 2011, c. 335, §12 (AMD).

§2504. Conditional or restricted license upon completion of alcohol and drug program

Following the expiration of the total period of suspension and on receipt of written notice that the person has satisfactorily completed the alcohol and drug program required by Title 5, section 20073-B, the Secretary of State may issue a license subject to the conditions, restrictions or terms that the Secretary of State considers advisable for the safety of the public and the welfare of the operator. [PL 1999, c. 448, §13 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 448, §13 (AMD).

§2505. Special restricted license for participation in education and treatment programs

Notwithstanding other limitations, the Secretary of State may issue a restricted license to a person for the purpose of allowing that person to participate in an alcohol and drug program or other treatment program determined appropriate by the Department of Health and Human Services. [PL 2011, c. 657, Pt. AA, §82 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2011, c. 657, Pt. AA, §82 (AMD).

§2506. Conditional license

A license, including a nonresident's operating privilege, issued to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath for the following periods from the license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 10 years. The provisions of sections 1251, subsection 1 and 2457 apply. [PL 2009, c. 447, §65 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA26 (AMD). PL 2001, c. 671, §31 (AMD). PL 2009, c. 447, §65 (AMD).

§2507. Ignition interlock device

(REPEALED)

SECTION HISTORY

PL 1995, c. 368, §AAA27 (NEW). PL 1997, c. 437, §45 (AMD). PL 1999, c. 470, §30 (RP).

§2508. Ignition interlock device

1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person

convicted of a violation of section 2411, except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.

A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has been served if the person has installed an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates for the length of suspension time remaining. [PL 2021, c. 216, §48 (AMD).]

A-1. The license of a person with one OUI offense may be reinstated after 30 days of the suspension period has been served if the person has installed for the length of time remaining for the suspension an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [PL 2021, c. 216, §48 (AMD).]

B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has been served if the person has installed for the length of time remaining for the suspension an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [PL 2021, c. 216, §48 (AMD).]

C. The license of a person with 4 or more OUI offenses may be reinstated after 4 years of the suspension period has been served if the person has installed for the length of time remaining for the suspension an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [PL 2021, c. 216, §48 (AMD).]

D. The license of a person convicted of a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1) or a person whose driver's license is suspended by the Secretary of State pursuant to section 2453 or 2453-A for a period specified by section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension period has been served if the person has installed for the length of time remaining for the suspension an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [PL 2021, c. 216, §48 (AMD).]

A person whose license is reinstated pursuant to this subsection shall pay an administrative fee of $50 to the Secretary of State, in addition to the fee required by section 2486, subsection 1-A.
[PL 2021, c. 216, §48 (AMD).]

1-A. Ignition interlock device; discount. A person certified by the Secretary of State to install ignition interlock devices shall provide for a reduction of costs, inclusive of the total fees and charges assessed to the individual having the ignition interlock device installed, of at least 50% if the individual demonstrates, using the individual's most recent federal income tax return, that the individual has an adjusted gross household income of not more than 150% of the poverty guidelines for the relevant tax year as established by the United States Department of Health and Human Services for that individual's family size.
[PL 2013, c. 389, §4 (NEW).]

2. Crime; penalty. A person whose license is reinstated pursuant to section 2412-A, subsection 7 or this section may not:

A. Operate a motor vehicle without an ignition interlock device; or [PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

B. Tamper with, disconnect or disable an ignition interlock device or circumvent the operation of an ignition interlock device. [PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

Violation of this subsection is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 7 days and a fine of not less than $500. These penalties may not be suspended.
[PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

3. Other restrictions; penalty. Other restrictions are set out in this subsection.

A. A person whose license is reinstated pursuant to section 2412-A, subsection 7 or this section may not request or solicit another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle. [PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

B. A person may not:

(1) Rent, lease or lend a motor vehicle without an ignition interlock device to another person the person knows or should know is restricted to the operation of a motor vehicle with an ignition interlock device;

(2) Blow into or otherwise activate an ignition interlock device for the purpose of providing a person restricted to the operation of a motor vehicle with an ignition interlock device with an operable motor vehicle; or

(3) Tamper with or circumvent the operation of an ignition interlock device. [PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

[PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

4. Penalty. Notwithstanding section 1251, a violation of subsection 3 is a traffic infraction. The Secretary of State shall suspend the license of any person reinstated pursuant to section 2412-A, subsection 7 or this section who is adjudicated of the traffic infraction described in this section or whom the Secretary of State determines has violated any condition or restriction of license reinstatement. The periods of license suspension are:

A. For a person reinstated pursuant to section 2412-A, subsection 7, one year; and [PL 2007, c. 531, §6 (NEW); PL 2007, c. 531, §10 (AFF).]

B. For a person reinstated pursuant to this section, one year if the person has one OUI offense, 2 years if the person has 2 OUI offenses, 4 years if the person has 3 OUI offenses or is reinstated pursuant to subsection 1, paragraph D and 6 years if the person has 4 or more OUI offenses. [PL 2013, c. 389, §5 (AMD).]

A person whose license is suspended as a result of a conviction or adjudication pursuant to this subsection is not entitled to the issuance of any type of license until the suspension period has expired.
[PL 2013, c. 389, §5 (AMD).]

SECTION HISTORY

PL 2007, c. 531, §6 (NEW). PL 2007, c. 531, §10 (AFF). PL 2009, c. 54, §4 (AMD). PL 2009, c. 54, §7 (AFF). PL 2009, c. 415, Pt. C, §§2, 3 (AFF). PL 2009, c. 482, §1 (AMD). PL 2011, c. 335, §13 (AMD). PL 2013, c. 187, §2 (AMD). PL 2013, c. 389, §§3-5 (AMD). PL 2013, c. 389, §7 (AFF). PL 2021, c. 216, §48 (AMD).

SUBCHAPTER 4

IMPLIED CONSENT

§2521. Implied consent to chemical tests

1. Mandatory submission to test. If there is probable cause to believe a person has operated a motor vehicle while under the influence of intoxicants, that person shall submit to and complete a test to determine an alcohol level and the presence of a drug or drug metabolite by analysis of blood, breath or urine.
[PL 2013, c. 459, §7 (AMD).]

2. Type of test. A law enforcement officer shall administer a breath test unless, in that officer's determination, a breath test is unreasonable.

If a breath test is determined to be unreasonable, another chemical test must be administered in place of a breath test.

For a blood test the operator may choose a physician, if reasonably available.
[PL 2013, c. 459, §8 (AMD).]

3. Warnings. Neither a refusal to submit to a test nor a failure to complete a test may be used for any of the purposes specified in paragraph A, B or C unless the person has first been told that the refusal or failure will:

A. Result in suspension of that person's driver's license for a period up to 6 years; [PL 1995, c. 368, Pt. AAA, §28 (AMD).]

B. Be admissible in evidence at a trial for operating under the influence of intoxicants; and [PL 1995, c. 368, Pt. AAA, §28 (AMD).]

C. Be considered an aggravating factor at sentencing if the person is convicted of operating under the influence of intoxicants that, in addition to other penalties, will subject the person to a mandatory minimum period of incarceration. [PL 1995, c. 368, Pt. AAA, §29 (NEW).]
[PL 1997, c. 357, §1 (AMD).]

4. Exclusion as evidence. A test result may not be excluded as evidence in a proceeding before an administrative officer or court solely as a result of the failure of the law enforcement officer to comply with the notice of subsection 3.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Suspension for refusal. The Secretary of State shall immediately suspend the license of a person who fails to submit to and complete a test.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Period of suspension. Except when a longer period of suspension is otherwise provided by law, the suspension is for a period of 275 days for the first refusal, 18 months for a 2nd refusal, 4 years for a 3rd refusal and 6 years for a 4th refusal.
[PL 1995, c. 645, Pt. B, §21 (AMD); PL 1995, c. 645, Pt. B, §24 (AFF).]

6-A. Suspension for refusal when probable cause exists to believe death has occurred or will occur. Except when a longer period of suspension is otherwise provided by law, if, in addition to the probable cause set forth in subsection 1, there is also probable cause to believe that death occurred or will occur, the suspension is for a period of one year for a first refusal.
[PL 2021, c. 608, Pt. A, §4 (NEW).]

7. Decision. A suspension must be removed if, after hearing pursuant to section 2483, it is determined that the person would not have failed to submit but for the failure of the law enforcement officer to give the warnings required by subsection 3.
[PL 1995, c. 368, Pt. AAA, §31 (AMD).]

8. Issues. If a hearing is requested in accordance with section 2483, in addition to specific issues required by a specific offense, the scope of the hearing must include whether:

A. There was probable cause to believe the person operated a motor vehicle while under the influence of intoxicants; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

A-1. For the purposes of subsection 6-A, there is probable cause to believe that death has occurred or will occur; [PL 2021, c. 608, Pt. A, §5 (NEW).]

B. The person was informed of the consequences of failing to submit to a test; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The person failed to submit to a test. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2021, c. 608, Pt. A, §5 (AMD).]

9. Results of test. On request, full information concerning a test must be made available to the person tested or that person's attorney by the law enforcement officer.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §§AAA28-31 (AMD). PL 1995, c. 645, §B21 (AMD). PL 1995, c. 645, §B24 (AFF). PL 1997, c. 357, §1 (AMD). PL 2009, c. 447, §66 (AMD). PL 2013, c. 459, §§7, 8 (AMD). PL 2021, c. 608, Pt. A, §§4, 5 (AMD).

§2522. Accidents

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 565, §1 (AMD). PL 2009, c. 447, §67 (AMD). PL 2013, c. 459, §9 (AMD). PL 2021, c. 608, Pt. A, §6 (RP).

§2523. Implied consent; commercial operators

1. Mandatory submission to test. A person who operates a commercial motor vehicle shall submit to a test to determine that person's alcohol level or the presence of a drug or drug metabolite if there is probable cause to believe that the person has operated a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of drugs.

[PL 2013, c. 459, §10 (AMD).]

2. Period of suspension. The suspension for failure to submit to a test under subsection 1 is for one year.

A. If the person was operating a commercial motor vehicle containing hazardous materials, then the suspension is for a period of 3 years. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. For 2nd or subsequent failure to submit to a test, the suspension is permanent. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Hearing; issues. If a hearing is requested pursuant to section 2483, the scope of the hearing must include whether:

A. There is probable cause to believe the person operated a commercial motor vehicle while under the influence of drugs or with an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §69 (AMD).]

B. The person was informed of the consequences of failing to submit to a test; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The person failed to submit to a test. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2009, c. 447, §69 (AMD).]

4. Concurrent suspensions. If a person's commercial driver's license is suspended under this section and is also suspended for an OUI conviction arising out of the same occurrence, the period of suspension under this section prior to the conviction must be deducted from the period of suspension of the commercial driver's license for the OUI conviction.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 447, §§68, 69 (AMD). PL 2013, c. 459, §10 (AMD).

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, licensed physician associate, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite.

[PL 2019, c. 627, Pt. B, §8 (AMD); PL 2025, c. 316, §3 (REV).]

2. Laboratories qualified to analyze blood for blood tests. A laboratory conducting an analysis of blood-alcohol level or the presence of a drug or drug metabolite must either be certified by the Department of Health and Human Services or be licensed to do so under the laws of this State or any other state and also certified by the United States Department of Health and Human Services under the federal Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, Section 263a (2018) or be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

[PL 2023, c. 498, §1 (AMD).]

3. Persons qualified to operate and analyze breath tests. A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Chemical tests on blood and urine specimens. A sample specimen of blood or urine may be submitted to the Department of Health and Human Services or to a laboratory qualified pursuant to subsection 2 for the purpose of conducting chemical tests to determine alcohol level or the presence of a drug or drug metabolite.

[PL 2019, c. 368, §4 (AMD).]

5. Equipment for taking specimens. For purposes of this section, collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of blood or urine. A sample specimen of blood or urine may also be taken in any collection tube of the type normally used in a laboratory qualified pursuant to subsection 2. The fact that a laboratory qualified pursuant to subsection 2 supplied the collection tube is prima facie evidence that the collection tube is the type of tube normally used in such a laboratory. Alternatively, a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

[PL 2019, c. 368, §5 (AMD).]

6. Procedures for operation and testing of testing apparatus. The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus used in laboratories certified by the Department of Health and Human Services.
[PL 2019, c. 368, §6 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 32, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §§70, 71 (AMD). PL 2013, c. 459, §11 (AMD). PL 2019, c. 368, §§3-6 (AMD). PL 2019, c. 627, Pt. B, §8 (AMD). PL 2023, c. 498, §1 (AMD). PL 2025, c. 316, §3 (REV).

§2525. Drug impairment assessment

1. Submission to test required. If a drug recognition expert has probable cause to believe that a person is 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, that person must submit to a blood or urine test selected by the drug recognition expert to confirm that person's category of drug use and determine the presence of the drug.
[PL 2011, c. 335, §14 (AMD).]

2. Admissibility of evidence. If a law enforcement officer certified as a drug recognition expert by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Test results showing a confirmed positive drug or metabolite in the blood or urine are admissible as evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.
[PL 2011, c. 335, §14 (AMD).]

3. Payment for tests. A person authorized to take specimens of blood at the direction of a law enforcement officer or to perform tests on specimens of blood or breath must be paid from the Highway Fund.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Repeal.
[PL 1995, c. 145, §2 (RP).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 145, §2 (AMD). PL 2011, c. 335, §14 (AMD).

§2526. Drug recognition experts

1. Training program. The board of trustees of the Maine Criminal Justice Academy shall establish:

A. A program that meets the National Highway Traffic Safety Administration guidelines for training and certification of drug recognition experts; and [PL 2011, c. 335, §15 (AMD).]

B. Eligibility standards for admission of law enforcement officers to the program that are consistent with National Highway Traffic Safety Administration guidelines and that ensure that trainees are:

(1) Law enforcement officers who have demonstrated proficiency and experience in standardized field sobriety testing and the ability to complete the training and function as drug recognition experts; and

(2) Employed by law enforcement agencies that have the facilities, equipment and other resources necessary for the effective functioning of drug recognition experts. [PL 2011, c. 335, §15 (AMD).]

[PL 2011, c. 335, §15 (AMD).]

2. Selection of trainees. The Commissioner of Public Safety shall select for training as drug recognition experts members of the State Police and other law enforcement officers who meet the eligibility requirements.

[PL 2011, c. 335, §15 (AMD).]

3. Qualifications. Only those law enforcement officers who successfully complete the training and certification program established under this section may conduct drug impairment assessments and offer testimony as drug recognition experts under section 2525.

[PL 2011, c. 335, §15 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2011, c. 335, §15 (AMD).

§2527. Rules regulating sample collection and testing procedures

The Department of Health and Human Services shall adopt rules regulating sample collection and testing procedures to ensure accurate and reliable testing and to protect the privacy of the person providing the sample. The rules may include, but are not limited to: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

1. Standards. Standards for determining when a sample is to be reported as negative, based upon standards specific to the type and sensitivity of the test and the drug or category of drug screened;

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Urine samples. A requirement that only a law enforcement officer or law enforcement agency employee of the same sex as the person providing the sample, or a health care practitioner, may observe the giving of a urine sample, and that it may be collected only within a law enforcement or health care facility; and

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Sample for defendant. A requirement that, at the request and expense of the person charged, the department shall segregate a portion of the sample collected for that person's own testing.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The department may establish rules governing the format in which the test results are reported. At the time of adoption, the department shall furnish a copy of these rules to the joint standing committee of the Legislature having jurisdiction over legal affairs for review. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 689, §B6 (REV).

§2528. Liability

A physician; physician associate; registered nurse; other health care provider; other person whose occupational license or training allows that person to draw blood, including but not limited to an emergency medical services person or law enforcement officer; hospital; emergency medical service; or law enforcement agency in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter. [PL 2019, c. 189, §1 (AMD); PL 2019, c. 368, §7 (AMD); PL 2025, c. 316, §3 (REV).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 689, §B6 (REV). PL 2013, c. 459, §12 (AMD). PL 2019, c. 189, §1 (AMD). PL 2019, c. 368, §7 (AMD). PL 2025, c. 316, §3 (REV).

SUBCHAPTER 5

HABITUAL OFFENDER

§2551. Habitual offender

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 368, §AAA32 (AMD). PL 1995, c. 645, §B22 (AMD). PL 2001, c. 514, §1 (AMD). PL 2005, c. 606, §A6 (RP).

§2551-A. Habitual offender

1. Habitual offender defined. An habitual offender is a person whose record, as maintained by the Secretary of State, shows that:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described in this paragraph arising out of separate acts committed within a 5-year period:

(1) Homicide resulting from the operation of a motor vehicle;

(2) OUI conviction;

(3) Driving to endanger, in violation of section 2413;

(4) Operating after suspension or revocation, in violation of section 2412-A;

(5) Operating without a license;

(6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;

(7) Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;

(8) A Class A, B, C or D offense in which a motor vehicle is used;

(9) Leaving the scene of an accident involving injury or death, in violation of section 2252;

(10) Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;

(11) Eluding an officer, in violation of section 2414;

(12) Passing a roadblock, in violation of section 2414, subsection 4;

(13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and

(14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or [PL 2013, c. 381, Pt. B, §30 (AMD).]

B. The person has accumulated 10 or more convictions or adjudications for moving violations arising out of separate acts committed within a 5-year period. [PL 2005, c. 606, Pt. A, §7 (NEW).]

[PL 2013, c. 381, Pt. B, §30 (AMD).]

2. Inclusions. The offenses included in subsection 1 include offenses under former Title 29, a federal law, a law of another state and a municipal ordinance substantially conforming to the statutory violations.

[PL 2005, c. 606, Pt. A, §7 (NEW).]

3. Offenses not included. The following convictions are not included under subsection 1, paragraph A:

A. A conviction of operating a motor vehicle without a license if the license had expired and was not suspended or revoked; [PL 2009, c. 58, §1 (AMD).]

B. A conviction of operating after suspension when the suspension is based upon a failure to pay child support; [PL 2009, c. 297, §3 (AMD).]

C. A conviction of operating after suspension when the suspension is based solely on a failure to pay the reinstatement fee required by section 2486; and [PL 2009, c. 297, §3 (AMD).]

D. An adjudication for the traffic infraction of operating after suspension under section 2412-A, subsection 8. [PL 2009, c. 297, §3 (NEW).]

[PL 2009, c. 297, §3 (AMD).]

4. Multiple offenses or violations. For the purposes of this section, when more than one offense or violation described in this section arises from the same incident, the offenses or violations are treated as one offense or violation.

[PL 2005, c. 606, Pt. A, §7 (NEW).]

SECTION HISTORY

PL 2005, c. 606, §A7 (NEW). PL 2007, c. 531, §7 (AMD). PL 2007, c. 531, §10 (AFF). PL 2009, c. 58, §§1-3 (AMD). PL 2009, c. 297, §3 (AMD). PL 2013, c. 381, Pt. B, §30 (AMD).

§2552. Immediate revocation; duration of revocation

Notwithstanding Title 4, section 152, subsection 9 and Title 5, sections 10003 and 10051, the Secretary of State shall immediately revoke, without preliminary hearing, the license to operate a motor vehicle of an habitual offender. [PL 1999, c. 547, Pt. B, §49 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

The revocation under this section is indefinite. A license may not be issued to an habitual offender until after the minimum periods specified in section 2554. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A124 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 547, §B49 (AMD). PL 1999, c. 547, §B80 (AFF).

§2553. Hearing procedure

1. Hearing on request. Any person whose license, permit or privilege to operate has been revoked pursuant to section 2552 may, within 30 days of notice of revocation, request a hearing to show cause why the license should not be revoked.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Issues. The only issues that are properly raised at a hearing are:

A. Whether the person whose license has been revoked is the same person named in the transcript or abstract; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Whether the person's record brings that person within the definition of an habitual offender. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Other procedures. Except as specifically provided in this section, the hearing procedures set forth in subchapter III, article 3 apply to hearings under this section.

[PL 1995, c. 65, Pt. A, §125 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A125 (AMD). PL 1995, c. 65, §§A153,C15 (AFF).

§2554. Relief from habitual offender status

1. Petition for relief. After 3 years from the date of revocation, a person may petition for relief from habitual offender status. The petition must be presented to the Secretary of State.

[PL 2001, c. 514, §2 (AMD).]

2. Grant of relief by Secretary of State. If public safety will not be endangered and the person has complied with the financial responsibility requirements chapter 13, subchapter II, the Secretary of State may relieve the person from status as an habitual offender and restore the person's license on appropriate terms and conditions.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Operating after habitual offender revocation. The Secretary of State may not restore a license if a charge under former section 2557, section 2557-A or section 2558 is pending. If the Secretary of State subsequently determines that a license has been restored when a charge under former section 2557, section 2557-A or section 2558 was pending, the Secretary of State shall, without hearing, immediately reinstate the revocation and provide notice of the reinstatement. A license may not be issued to a person who has been convicted of a violation of former section 2557, section 2557-A or section 2558 for a period of at least one year following the conviction or longer as provided under former section 2557, section 2557-A or section 2558.

[PL 2005, c. 606, Pt. A, §8 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2001, c. 514, §2 (AMD). PL 2005, c. 606, §A8 (AMD).

§2555. Revocation following restoration

The Secretary of State shall revoke the license of a person whose license has been restored pursuant to section 2554 when: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. New convictions. Within a 5-year period of the restoration, the person commits a new offense under section 2551-A, subsection 1, paragraph A; or

[PL 2005, c. 606, Pt. B, §6 (AMD).]

2. Continued liability. The person commits a new offense under section 2551-A, subsection 1, paragraph A and, within 5 years preceding the date of that new offense, the person's record shows accumulated convictions or adjudications, including the new offense, which results in that person's being defined as an habitual offender under section 2551-A, subsection 1, paragraph A.

[PL 2005, c. 606, Pt. B, §6 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 606, §B6 (AMD).

§2556. Work-restricted license for habitual offender

1. Definition. For purposes of this section, a "work-restricted license" is a license to operate a motor vehicle between a residence and a place of employment, in the scope of employment, or both, as determined by the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Petition. An habitual offender whose license has been revoked pursuant to section 2552 may petition the Secretary of State for a work-restricted license only after the expiration of 18 months from the date the license was revoked pursuant to section 2552.
[PL 2001, c. 514, §3 (AMD).]

3. Stay. On receipt of the petition, the Secretary of State may stay the revocation and issue a work-restricted license. In deciding whether to issue a work-restricted license, the Secretary of State may consider the petitioner's need.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Ineligibility. A person is not eligible for a work-restricted license if habitual offender status is based on a conviction or adjudication under former section 2551, section 2551-A, subsection 1, paragraph A, subparagraph (1), former section 2557, section 2557-A or section 2558 or the revocation is issued pursuant to section 2555.
[PL 2005, c. 606, Pt. A, §9 (AMD).]

5. Eligibility. If a conviction is based on former section 2551 or section 2551-A, subsection 1, paragraph A, subparagraph (2), the person must have completed the period of suspension required for the OUI conviction and the Secretary of State must have received written notice that the person has satisfactorily completed the alcohol and drug program.
[PL 2013, c. 381, Pt. A, §5 (AMD).]

6. Revocation of work-restricted license. The Secretary of State shall revoke, without preliminary hearing, the license of a person who is adjudicated or convicted of a violation of the provisions of this Title committed during the period of a work-restricted license or who violates a restriction or condition of the license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Stay vacated. On revocation of the work-restricted license, the stay of revocation issued pursuant to this section is immediately vacated.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Hearing. An habitual offender whose work-restricted license has been revoked may request a hearing within 30 days of the revocation.

A stay of revocation may not be issued pending a hearing.

If, after the hearing, the Secretary of State finds that the person is not the same person named in the transcript or abstract, the revocation must be stayed and a work-restricted license must be reissued.

If the Secretary of State finds that the person is the same person named in the transcript or abstract, the revocation must be invoked.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. New offense. An habitual offender who is adjudicated or convicted of a violation of the provisions of this Title while operating under a work-restricted license is not entitled to any further relief during the remaining term of the revocation.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 641, §1 (AMD). PL 2001, c. 514, §3 (AMD). PL 2005, c. 606, §§A9,B7 (AMD). PL 2013, c. 381, Pt. A, §5 (AMD).

§2557. Operating after habitual offender revocation

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §§C13,14 (AMD). PL 1997, c. 476, §1 (AMD). PL 1997, c. 776, §51 (AMD). PL 2003, c. 452, §§Q90-92 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 673, §§TT6,7 (AMD). PL 2005, c. 606, §A10 (RP).

§2557-A. Operating after habitual offender revocation

1. Operating after habitual offender revocation. A person commits operating after habitual offender revocation if that person:

A. Operates a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter or former Title 29, chapter 18-A and that person:

(1) Has received written notice of the revocation from the Secretary of State;

(2) Has been orally informed of the revocation by a law enforcement officer;

(3) Has actual knowledge of the revocation; or

(4) Is a person to whom written notice was sent in accordance with section 2482 or former Title 29, section 2241, subsection 4; or [PL 2005, c. 606, Pt. A, §11 (NEW).]

B. After having one or more prior convictions for violating former section 2557, this section or section 2558, violates section 2412-A. [PL 2005, c. 606, Pt. A, §11 (NEW).]

[PL 2005, c. 606, Pt. A, §11 (NEW).]

2. Penalties. The following penalties apply.

A. A person is guilty of a Class D crime if the person violates subsection 1 and:

(1) The person has not been convicted for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has not received an OUI conviction within the previous 10 years.

The minimum fine for a Class D crime under this paragraph is $500 and the minimum term of imprisonment is 30 days, neither of which may be suspended by the court. [PL 2009, c. 54, §5 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

B. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has one conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one OUI conviction within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is $1,000 and the minimum term of imprisonment is 6 months, neither of which may be suspended by the court. [PL 2009, c. 54, §5 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

C. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 2 convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 2 OUI convictions within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is $1,000 and the minimum term of imprisonment is 9 months plus a day, neither of which may be suspended by the court. [PL 2009, c. 54, §5 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

D. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 3 or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 3 or more OUI convictions within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is $1,000 and the minimum term of imprisonment is 2 years, neither of which may be suspended by the court. [PL 2009, c. 54, §5 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

[PL 2009, c. 54, §5 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2005, c. 606, Pt. A, §11 (NEW).]

4. Relief from habitual offender status. The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

[PL 2005, c. 606, Pt. A, §11 (NEW).]

5. Presumption of identity. If the name and date of birth of a person being prosecuted are the same as those of the habitual offender whose privilege to operate has been suspended, it is prima facie evidence that it is the same person.

[PL 2005, c. 606, Pt. A, §11 (NEW).]

6. Notice to Secretary of State. A law enforcement officer who has arrested a person for or charged a person with violating this section shall notify the Secretary of State of that action.

[PL 2005, c. 606, Pt. A, §11 (NEW).]

SECTION HISTORY

PL 2005, c. 606, §A11 (NEW). PL 2009, c. 54, §5 (AMD). PL 2009, c. 415, Pt. C, §§2, 3 (AFF).

§2558. Aggravated operating after habitual offender revocation

1. Crime. A person is guilty of aggravated operating after habitual offender revocation if that person violates section 2557-A and at the time of the violation the person commits one or more of the following:

A. OUI in violation of section 2411; [PL 2005, c. 606, Pt. A, §12 (NEW).]

B. Driving to endanger in violation of section 2413; [PL 2005, c. 606, Pt. A, §12 (NEW).]

C. Eluding an officer in violation of section 2414; [PL 2005, c. 606, Pt. A, §12 (NEW).]

D. Passing a roadblock in violation of section 2414, subsection 4; and [PL 2005, c. 606, Pt. A, §12 (NEW).]

E. Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. [PL 2005, c. 606, Pt. A, §12 (NEW).]

[PL 2005, c. 606, Pt. A, §12 (NEW).]

2. Penalties. The following penalties apply.

A. A person who violates subsection 1 commits a Class D crime for which a minimum fine of $500 and a minimum term of imprisonment of 6 months must be imposed, neither of which may be suspended by the court. [PL 2005, c. 606, Pt. A, §12 (NEW).]

B. A person who violates subsection 1 and at the time has one OUI conviction, one conviction for violating this section or one conviction for violating former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of $1,000 and a minimum term of imprisonment of one year must be imposed, neither of which may be suspended by the court. [PL 2009, c. 415, Pt. C, §1 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

C. A person who violates subsection 1 and at the time has 2 convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of $2,000 and a minimum term of imprisonment of 2 years must be imposed, neither of which may be suspended by the court. [PL 2005, c. 606, Pt. A, §12 (NEW).]

D. A person who violates subsection 1 and at the time has 3 or more convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of $3,000 and a term of imprisonment of 5 years must be imposed, neither of which may be suspended by the court. [PL 2005, c. 606, Pt. A, §12 (NEW).]
[PL 2009, c. 415, Pt. C, §1 (AMD); PL 2009, c. 415, Pt. C, §§2, 3 (AFF).]

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2005, c. 606, Pt. A, §12 (NEW).]

4. Relief from habitual offender status. The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.
[PL 2005, c. 606, Pt. A, §12 (NEW).]

5. Presumption of identity. If the name and date of birth of a person being prosecuted are the same as those of the habitual offender whose privilege to operate has been suspended, it is prima facie evidence that it is the same person.
[PL 2005, c. 606, Pt. A, §12 (NEW).]

6. Notice to Secretary of State. A law enforcement officer who has arrested a person for or charged a person with violating this section shall notify the Secretary of State of that action.
[PL 2005, c. 606, Pt. A, §12 (NEW).]

SECTION HISTORY

PL 2005, c. 606, §A12 (NEW). PL 2009, c. 54, §6 (AMD). PL 2009, c. 415, Pt. C, §1 (AMD). PL 2009, c. 415, Pt. C, §§2, 3 (AFF).

SUBCHAPTER 6

GENERAL ENFORCEMENT PROVISIONS

§2601. Summons and Complaint

1. Form of Uniform Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for civil violations defined in this Title and criminal traffic offenses defined in Title 23, section 1980 or this Title in the form known as the Uniform Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged

offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.
[PL 2013, c. 482, §6 (AMD).]

2. Creation of forms. The Commissioner of Public Safety is responsible for creating the forms of Uniform Summons and Complaint, subject to the approval of the forms by the Chief Judge of the District Court.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Form of Violation Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the Violation Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The form must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. The Violation Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. The form of the Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3-A. Electronic Violation Summons and Complaint. Notwithstanding subsection 3, the Chief Judge of the District Court may approve for use an electronic Violation Summons and Complaint form. The electronic Violation Summons and Complaint form must include, at a minimum, an electronic or digital signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. Personally identifying information that is contained in the electronic citation or the electronic warning database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police is confidential, except that personally identifying information that is contained in these databases may be shared with another criminal justice agency, delivered to the person under subsection 7 and transmitted to the violations bureau as required by subsection 9. For the purposes of this subsection, "personally identifying information" means an individual's name, residential and post office mailing addresses, date of birth and driver's license number, a vehicle registration plate number and any other information contained in a data field that may be used to identify a person.
[PL 2023, c. 55, §1 (AMD).]

4. Responsibility for issuance and disposition. The summons and complaint forms must be printed and distributed as follows.

A. The District Court is responsible for printing all copies of the Violation Summons and Complaint forms. The Department of Public Safety is responsible for printing all copies of the Uniform Summons and Complaint forms and issuing both types to law enforcement agencies or others. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The chief executive officer of every law enforcement agency or that chief executive officer's designee is responsible for the further issuance of summons and complaint forms to individual law enforcement officers and for the proper disposition of those forms. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Illegal disposition. It is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either or of the record of the issuance of a Violation Summons and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules adopted pursuant to this section. Any person who solicits or aids in the disposition or attempted disposition of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either in any unauthorized manner commits a Class E crime.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Uniform Summons and Complaint as summons. A Uniform Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as a summons to appear in court on the date and time specified in the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Violation Summons and Complaint as summons. The Violation Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as an order to file written answer to the complaint on or before the date specified in the summons.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a civil violation under this Title or a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.
[PL 2013, c. 482, §7 (AMD).]

9. Responsibility of law enforcement officer to file summonses and complaints with District Court. A law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of the Violation Summons and Complaint. A law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

10. Refusal to sign. A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for a civil violation unless the civil violation is an offense defined in Title 12; Title 28-A, section 2052; or this Title. Notwithstanding any other provision of law, the venue for a

violation of this subsection is the same judicial division as for the Uniform Summons and Complaint or Violation Summons and Complaint that the person refuses to sign.
[PL 1997, c. 653, §12 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 653, §12 (AMD). PL 2013, c. 112, §9 (AMD). PL 2013, c. 482, §§6, 7 (AMD). PL 2023, c. 55, §1 (AMD).

§2602. Jurisdiction

1. Traffic infractions. The District Court has original and exclusive jurisdiction over prosecutions for traffic infractions.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Other violations. The District Court has original and concurrent jurisdiction with the Superior Court over prosecutions for other violations of this Title.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Class C or greater. For Class C or greater crimes, the District Court jurisdiction is subject to Title 4, section 165 and Title 17-A, section 9.
[PL 1999, c. 731, Pt. ZZZ, §38 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

4. Fines. Except as otherwise provided in this Title, fines and forfeitures collected under this Title accrue to the General Fund, except that:

A. Six percent of fines and forfeitures collected for all traffic infractions, including fines and forfeitures collected for traffic infractions under section 561-A, accrues to the Law Enforcement Agency Reimbursement Fund established in Title 4, section 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363; [PL 2001, c. 565, Pt. F, §3 (AMD).]

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; and [PL 2003, c. 498, §6 (AMD); PL 2003, c. 498, §12 (AFF).]

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only $5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund. [PL 2003, c. 498, §6 (AMD); PL 2003, c. 498, §12 (AFF).]

[PL 2003, c. 498, §6 (AMD); PL 2003, c. 498, §12 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 750, §A3 (AMD). PL 1999, c. 731, §ZZZ38 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2001, c. 565, §F3 (AMD). PL 2003, c. 498, §6 (AMD). PL 2003, c. 498, §12 (AFF).

§2603. Speedy trial

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2011, c. 559, Pt. B, §1 (RP).

§2604. Traffic infraction; general penalty

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 584, §B11 (AMD). PL 2013, c. 381, Pt. C, §4 (RP).

§2605. Suspension on nonappearance or nonpayment of fine

1. Suspension by clerk. If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.
[PL 2019, c. 603, §7 (AMD).]

1-A. Suspension by clerk.
[PL 2019, c. 603, §8 (RP).]

2. Notification of Secretary of State. Upon suspension under subsection 1 of a person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, the court shall notify the Secretary of State that the court has ordered the suspension. The Secretary of State shall immediately record the suspension.
[PL 2005, c. 325, §3 (RPR).]

3. Effect of suspension. A court-ordered suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person appears, either in person or by counsel, or pays the fine.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Rescission of suspension. On appearances or payment of the fine, whichever was the basis for the suspension, and on the condition of payment of a $50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the $50 reinstatement fee, shall delete any record of the suspension from that person's driving record.
[PL 2009, c. 213, Pt. YYYY, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 790, §D9 (AMD). PL 2001, c. 463, §4 (AMD). PL 2001, c. 463, §7 (AFF). PL 2005, c. 325, §§2,3 (AMD). PL 2009, c. 213, Pt. YYYY, §4 (AMD). PL 2013, c. 482, §8 (AMD). PL 2017, c. 462, §§8, 9 (AMD). PL 2019, c. 603, §§7, 8 (AMD).

§2605-A. Restricted license on nonappearance or nonpayment of fine

(REPEALED)

SECTION HISTORY

PL 2017, c. 462, §10 (NEW). PL 2019, c. 603, §9 (RP).

§2606. Enforcement of suspension

1. Confiscation of certificate or plates. If a law enforcement officer, in the course of stopping or detaining a motor vehicle, obtains a suspended certificate of registration, the officer shall confiscate

the certificate or plates and transmit the confiscated items together with a report of the circumstances to the Secretary of State.
[PL 2025, c. 173, §29 (AMD).]

2. Investigation. On request of the Secretary of State, notification of the suspension must be served, and the certificate or plates must be confiscated. If the certificate or plates can not be confiscated, an investigation must be undertaken by the sheriff of the county in which that person resides, by a state or local law enforcement officer or by an employee of the Secretary of State.
[PL 2025, c. 173, §29 (AMD).]

3. Confiscation of suspended licenses.
[PL 2025, c. 173, §29 (RP).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 606, §A13 (AMD). PL 2025, c. 173, §29 (AMD).

§2607. Conviction record to Secretary of State; public record

1. Transmission of abstract. For every conviction or adjudication of a violation relative to motor vehicles or to the operation of a vehicle, a court shall transmit to the Secretary of State an abstract, duly certified, setting forth the name of the court, the docket number of the case, the names of the parties, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment and the result.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Speeding. In a case involving a violation of sections 2073 to 2075, the abstract must contain the legal speed involved and the speed of which the person was convicted.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Public records. Abstracts are open to public inspection during reasonable hours.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Electronic reporting. When a court is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State all information included in the abstract, the court may use the computer terminal or electronic data processing equipment in lieu of a written document.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2608. Suspension for failure to appear, answer or pay a fine in a traffic infraction offense

If a person fails to answer in any traffic infraction proceeding under Title 23, section 1980 or any traffic infraction provision of this Title by the date specified in the Violation Summons and Complaint, fails to appear for trial or pay a fine assessed in any traffic infraction proceeding, the clerk shall suspend the person's license or permit, right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

If a person who is not an individual fails to appear, answer or pay a fine in a traffic infraction proceeding, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The clerk shall immediately notify that person of the suspension by regular mail or personal service. The suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person answers or appears, either in person or by counsel, or pays the fine.

On answer, appearance or payment of the fine, whichever was the basis for the suspension, and on condition of payment of a $50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the $50 reinstatement fee pursuant to section 2486, subsection 1, shall delete any record of the suspension from that person's driving record. [PL 2009, c. 213, Pt. YYYY, §5 (AMD).]

Written notice is sufficient if sent by regular mail to the last known name and address provided by the person on the Violation Summons and Complaint, written answer to a Violation Summons and Complaint, a written pleading filed with the violations bureau or, if the person has not so provided an address, to the address shown on the Violation Summons and Complaint, a copy of which has been served on the person. The notice must also state that the license, permit or right to operate will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2486. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

When a court, including the violations bureau, is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State, the court may use the computer terminal or electronic data processing equipment in lieu of sending a written document to the Secretary of State. [PL 2001, c. 361, §34 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 790, §D10 (AMD). PL 2001, c. 361, §34 (AMD). PL 2001, c. 463, §5 (AMD). PL 2001, c. 463, §7 (AFF). PL 2009, c. 213, Pt. YYYY, §5 (AMD).

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