

§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).

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