§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 This section does not apply to a person whose license has been revoked under the laws in subchapter V governing habitual offenders.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).

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