

§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 determination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the 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 2019, c. 467, §1 (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).

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