

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way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter or former Title 29, chapter 18-A and that person: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

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