§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).

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