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## **An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 29-A MRSA §2411, sub-§5-A**, as enacted by PL 1995, c. 368, Pt. AAA, §9, is amended to read:

**5-A. Notice and custody.** The court shall give notice of a license suspension and shall take physical custody of the driver's license, except when the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.

**Sec. 2. 29-A MRSA §2434, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Stay of suspension.** The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension, in which case the court may stay a suspension for up to 7 days.

### **SUMMARY**

This bill corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, this bill allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.