

§2389. Illegal transportation of drugs by minor

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Drug" means a schedule W, X, Y or Z drug as defined in Title 17-A, section 1102. [PL 1997, c. 382, §1 (NEW).]

B. "Minor" means a person who has not attained 21 years of age. [PL 1997, c. 382, §1 (NEW).]
[PL 1997, c. 382, §1 (NEW).]

2. Minor may not transport drugs. Unless possession of the drug is expressly authorized by this Title or Title 32, a minor may not:

A. Knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control; [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A after having previously violated this subsection; or [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. K, §19 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Violation. A minor who violates this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. A forfeiture of not less than \$200 must be adjudged for a 2nd offense and a forfeiture of not less than \$400 must be adjudged for a 3rd or subsequent offense, none of which may be suspended.
[PL 1997, c. 382, §1 (NEW).]

4. License suspension. The court shall suspend the operator's license or right to operate or right to obtain a license of a minor found in violation of this section as follows:

A. Thirty days for the first offense; [PL 1997, c. 382, §1 (NEW).]

B. Ninety days for the 2nd offense; and [PL 1997, c. 382, §1 (NEW).]

C. One year for any subsequent offense. [PL 1997, c. 382, §1 (NEW).]

The court shall immediately forward the license to the Secretary of State together with the record of adjudication. Immediately upon receipt of the record, the Secretary of State shall suspend the license or right to operate or right to obtain a license of the minor for the required period without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.

[PL 1997, c. 382, §1 (NEW).]

5. Execution of suspension stayed during appeal. If any person adjudicated to be in violation of this section appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license or right to operate a motor vehicle in the State must be stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn.
[PL 1997, c. 382, §1 (NEW).]

6. Penalty. If a minor is charged with a violation of this section, the minor may not be charged with a violation of section 2383 or Title 17-A, chapter 45.
[PL 1997, c. 382, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 382, §1 (NEW). PL 2003, c. 452, §K19 (AMD). PL 2003, c. 452, §X2 (AFF).

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