

§2472. Juvenile provisional license

1. Licensee not yet 21 years of age. A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

A license of a person who has not yet attained 21 years of age includes the condition that the person not operate a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. When a person who has not yet attained 21 years of age operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath, the provisions of section 1251, subsection 1, paragraph B apply.

[PL 2009, c. 447, §57 (AMD).]

2. Suspension terms for moving violations. If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license, the Secretary of State shall suspend the license:

- A. For 30 days on the 1st offense; [PL 2003, c. 286, §6 (AMD).]
- B. For 180 days on the 2nd offense; and [PL 2011, c. 654, §10 (AMD).]
- C. For one year on the 3rd or subsequent offense. [PL 2011, c. 654, §10 (AMD).]

If requested, the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable. After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. An individual who has not yet attained the age of 18 years does not have a right to a hearing.

[PL 2011, c. 654, §10 (AMD).]

2-A. Driver improvement program. A person whose license is suspended pursuant to subsection 2 shall complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State before the suspension may be terminated.

[PL 2011, c. 654, §11 (NEW); PL 2011, c. 654, §16 (AFF).]

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

[PL 2017, c. 229, §36 (AMD).]

3. Suspension for OUI conviction, certain alcohol level or operating under the influence of drugs. The Secretary of State shall suspend, without preliminary hearing, a juvenile provisional license of a person who:

- A. Receives an OUI conviction; [PL 2011, c. 335, §6 (AMD).]
- B. Operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; or [PL 2011, c. 335, §6 (AMD).]
- C. Operates a motor vehicle under the influence of drugs. [PL 2011, c. 335, §6 (NEW).]

[PL 2011, c. 335, §6 (AMD).]

3-A. Juvenile provisional license; suspension for OUI conviction or certain alcohol level. Unless a longer period of suspension applies, the Secretary of State shall suspend, without a preliminary hearing, a juvenile provisional license pursuant to subsection 3 for the following periods:

- A. One year for a first offense; and [PL 1997, c. 737, §18 (NEW).]
- B. Two years for a 2nd offense. [PL 1997, c. 737, §18 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed. [PL 2009, c. 447, §59 (AMD).]

4. Duty to submit to test. A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or while under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs. The provisions of subchapter 4 apply, except the suspension is:

- A. Eighteen months for the first refusal; and [PL 1997, c. 737, §19 (NEW).]
- B. Thirty months for a 2nd or subsequent refusal. [PL 1997, c. 737, §19 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed. [PL 2011, c. 335, §7 (AMD).]

5. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 3, paragraph B or C is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

- A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or while under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs; [PL 2011, c. 335, §8 (AMD).]
- B. The person operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or with a confirmed positive blood or urine test for a drug or its metabolite and was under the influence of the confirmed drug; and [PL 2011, c. 335, §8 (AMD).]
- C. The person was under 21 years of age. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2011, c. 335, §8 (AMD).]

6. Restoration of license. If a person's license has been suspended under subsection 3 for a first offense, the Secretary of State may issue a license if:

- A. One half of the suspension period has expired; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
- B. The Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services. [PL 2011, c. 657, Pt. AA, §80 (AMD).]

A 2nd or subsequent offender may be issued a license following the completion of the period of suspension if the Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services. [PL 2011, c. 657, Pt. AA, §80 (AMD).]

7. Reinstatement fee for suspensions for major offenses. Before a suspension issued to the holder of a license issued pursuant to this section resulting from a conviction or adjudication listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, is terminated

and a license reinstated, a fee of \$200 must be paid to the Secretary of State and the holder must complete any community service imposed by a court, up to 60 hours.

[PL 2011, c. 654, §13 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 26, §§1,2 (AMD). PL 1997, c. 737, §§15-20 (AMD). PL 1997, c. 737, §22 (AFF). PL 2001, c. 511, §6 (AMD). PL 2003, c. 286, §6 (AMD). PL 2005, c. 433, §26 (AMD). PL 2005, c. 433, §28 (AFF). PL 2007, c. 383, §30 (AMD). PL 2009, c. 447, §§57-62 (AMD). PL 2011, c. 335, §§6-8 (AMD). PL 2011, c. 654, §§10-13 (AMD). PL 2011, c. 654, §16 (AFF). PL 2011, c. 657, Pt. AA, §80 (AMD). PL 2013, c. 496, §16 (AMD). PL 2017, c. 229, §36 (AMD).

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