**§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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