

§5603. License suspension

1. Grounds for suspension. A department or agency of the State may suspend a license, permit or certificate issued by that department or agency if the person holding the license, permit or certificate is convicted or adjudicated of violating a law or rule administered by that department or agency. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Effective date of suspension. For violations having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license, permit or certificate holder must surrender the license, permit or certificate immediately to the issuing department or agency of the State. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the department or agency. The license holder must surrender that license, permit or certificate to the department or agency upon receipt of a notice of suspension and is entitled to a hearing under subsection 3. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Hearing. A person receiving a notice of suspension under subsection 2 may request a hearing on that suspension. A request for a hearing must be in writing and must be made not later than 30 days after receipt of the suspension notice required under subsection 2. The department or agency of the State that issued the suspension notice shall notify the person of the date and location of the hearing.

A. A person may present evidence at a hearing concerning the violation that might justify reinstatement of the license, permit or certificate or the reduction of the suspension period. If the person denies any of the facts contained in the record, the person has the burden of proof. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. Decisions of the department or agency must be in writing. Except as provided in paragraph C, the department or agency may reinstate the license, permit or certificate or reduce the suspension period if the department or agency finds that the person has not been convicted or adjudicated, or that reinstatement of the license, permit or certificate or reduction of the suspension period would be in the best interests of justice. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

C. The department or agency may not waive or reduce any mandatory minimum suspension period established in statute. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Supplement; superseded. The authority conferred by this section is in addition to the authority a department or agency of the State has to enforce violations under other provisions of law. Statutes that provide specific authority for a department or agency to suspend or revoke a license, permit or certificate supersede this section.

This section may not be construed to create any right to a hearing when such a hearing otherwise would be within the discretion of the department or agency in accordance with law. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2001, c. 421, §A1 (NEW). PL 2001, c. 421, §C1 (AFF).

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