**29-250 DEPARTMENT OF THE SECRETARY OF STATE**

 **BUREAU OF MOTOR VEHICLES**

**Chapter 16: RULES FOR THE COLLECTION OF DRIVER’S LICENSE REINSTATEMENT FEES**

**Summary**: These rules implement the provisions of 29-A M.R.S.A. §§ 2472(7) and 2486, which require the Secretary of State to collect a reinstatement fee prior to the termination of a suspension or revocation and subsequent reinstatement of a driver’s license.

**1. Purposes**. The purpose of these rules is to implement the provisions of 29-A M.R.S.A. §§ 2472(7) and 2486, which require the Secretary of State to collect a reinstatement fee prior to the termination of a suspension or revocation and the reinstatement of a driver’s license. The rules establish the definition of reinstatement and procedures for calculating and collecting reinstatement fees, in order to ensure consistency in agency practice and reduce administrative fiscal penalties.

**2. Definitions**. Unless otherwise defined terms have the same meaning as defined in 29-A M.R.S.A. For the purpose of these rules the following definitions apply:

 A. Reinstatement means the act of restoring a license, permit, or privilege to operate once all statutory conditions, including payment of any fee, have been met.

 B. Court-ordered suspension means a suspension ordered pursuant to §2605 or §2608.

 C. Medical suspension means a suspension ordered pursuant to §1258(5), or pursuant to §2458(2)(D) if the driver’s incompetence is due to a medical condition as determined under §1258.

 D. A major offense on a juvenile provisional license means a conviction or adjudication of an offense listed in §2551-A(1)(A) as limited by §2551-A(3), when the individual convicted or adjudicated of the offense is the holder of a juvenile provisional license as defined by §2472(1).

 E. Administrative suspension for OUI or failure to submit to a test means a suspension under any of the following sections: 2453, 2453-A, or 2521.

**3. Reinstatement fee requirement**. Except in the case of an individual who is under suspension solely due to a medical suspension, the reinstatement of an individual’s driver’s license after suspension or revocation requires payment of a reinstatement fee to the Secretary of State, as specified in 29-A M.R.S.A. §2486.

**4.** **No reinstatement fee for medical suspension.** A medical suspension where all other requirements for reinstatement have been met shall be considered to have been set aside by the Secretary of State pursuant to 29-A MRSA §2486(3), and no reinstatement fee shall be due as a result of such a suspension.

**5. Amount of reinstatement fee.** At the time an individual pays a reinstatement fee, the Secretary of State shall determine the total reinstatement fee owed as follows:

1. If the individual is under suspension or revocation in whole or in part due to a court-ordered suspension or multiple court-ordered suspensions, the amount specified in 29-A M.R.S.A. §2486(1) shall be assessed toward the total reinstatement fee.
2. If the individual is under suspension or revocation in whole or in part for an instance or multiple instances of OUI or failure to submit to a test, the amount specified in 29-A M.R.S.A. §2486(1-A) shall be assessed toward the total reinstatement fee. If all instances were major offenses on a juvenile provisional license, however, the provisions of sub-paragraph (c) below will apply instead.
3. If the individual is under suspension or revocation in whole or in part for a major offense or multiple major offenses on a juvenile provisional license, including OUI, the amount specified in 29-A M.R.S.A. §2472(7) shall be assessed toward the total reinstatement fee.
4. If the individual is under suspension or revocation in whole or in part for any other reason or reasons that is not a medical suspension, the amount specified in 29-A M.R.S.A. §2486(1) shall be assessed toward the total reinstatement fee.

The four amounts listed in subsections (a) through (d) above may only be assessed toward the total reinstatement fee one time each, regardless of the total number of reasons the individual is suspended.

**6. Reinstatement fees for OUI or failure to submit to a test and subsequent OUI conviction**. If an individual has paid the reinstatement fee for an administrative suspension for OUI or failure to submit to a test as specified in 29-A M.R.S.A. §2486(1-A), and that individual is subsequently suspended as a result of an OUI conviction arising from the same incident, the amount that was previously paid shall be credited toward the reinstatement fee on the subsequent suspension.

**7.** **Reinstatement fees for OUI or failure to submit to a test and subsequent driving to endanger conviction.** If an individual has paid the reinstatement fee for an administrative suspension for OUI or failure to submit to a test as specified in 29-A M.R.S.A. §2486(1-A), and that individual is subsequently suspended as a result of a driving to endanger conviction arising from the same incident, the amount that was previously paid shall be credited toward the reinstatement fee on the subsequent suspension. This shall not be done, however, if the period of time the license was previously suspended has not been deducted from the new suspension period pursuant to the requirements of 29-A M.R.S.A. §2413(3).

**8. Administrative fee for reinstatement with an ignition interlock device.** The administrative fee described in 29-A M.R.S.A. §2508(1) is not a reinstatement fee and is not covered by these rules.

STATUTORY AUTHORITY:

 29-A M.R.S.A. §153

EFFECTIVE DATE:

 September 6, 2023 – filing 2023-120