

TITLE 9: VEHICLE CODE
DIVISION 7: SERIOUS TRAFFIC OFFENSES AND PENALTIES

§ 7108. Hearing and Appeal.

(a) A suspension or revocation of a license under 9 CMC § 7106 shall not become effective until the person is notified in writing and given an opportunity for hearing.

(b) The hearing shall be held within 30 days after receipt of a request for a hearing. A record of all hearings shall be made.

(c) At the hearing, the court may not rescind its order of revocation or suspension, but if good cause appears, the court may modify its order to permit a person convicted of a first offense under this division the limited privilege to operate a motor vehicle if driving is required for that person to maintain his or her livelihood. No limited driving privilege shall be available to any person on a second or subsequent conviction under this division within a period of five years.

(d) In a hearing under 9 CMC § 7106, the issues at the hearing are whether a police officer had reasonable grounds to believe the person had been driving upon the highways while under the influence of alcohol or any drug, whether the person was placed under arrest, whether the person refused to submit to the test upon request of the officer, and whether the person was warned that a refusal to submit to the test would result in revocation of his or her license for six months.

(e) The standard of proof required in a hearing on a suspension or revocation of a license under 9 CMC § 7106 shall be a preponderance of the evidence.

Source: PL 3-61, § 1 (§ 708); amended by PL 9-44, §§ 2, 3, modified.