

§10908. Guide license revocation

1. Conditions for revocation, suspension, denial. The commissioner may suspend or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or the District Court may revoke or suspend a guide license:

A. If the guide fails to meet the standards of competency established pursuant to section 12851; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. If the guide fails to meet the qualifications for a guide license, including, but not limited to, failure to pass a reexamination conducted pursuant to section 12855, subsection 4; [PL 2017, c. 204, §1 (AMD).]

C. If the guide is found to be incompetent, negligent or neglectful in the conduct of guiding activities, including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed; or [PL 2017, c. 204, §1 (AMD).]

D. If the guide or an applicant for a guide license has been convicted of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more or has been found not criminally responsible by reason of insanity of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more.

(1) A person whose license is revoked, suspended or denied under this paragraph may request a hearing before the commissioner. Following the hearing, the commissioner may issue a guide license or reinstate a guide license that has been revoked, suspended or denied if the commissioner determines that the applicant has been sufficiently rehabilitated from the conviction to warrant the public trust or the nature of the conviction or the circumstances surrounding it do not warrant disqualification from licensure. The request for a hearing under this paragraph must be made within 30 days of receipt of the revocation, suspension or denial of the guide license.

(2) An applicant for a guide license or the holder of a guide license must notify the department of a conviction or a finding of not criminally responsible that is grounds under this paragraph for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding. Failure to notify the department is grounds for a permanent denial or revocation of a guide license. [PL 2017, c. 204, §1 (NEW).]

[PL 2017, c. 204, §1 (AMD).]

2. Mandatory revocation. The commissioner shall revoke for a period of 3 years the guide license of a guide who is convicted of violating a provision of this Part punishable by a mandatory fine of not less than \$1,000 and at least 3 days in jail. The commissioner shall provide notice of revocation as provided in section 10904. A person whose license has been revoked under this subsection may, within 30 days of the effective date of the revocation, petition the commissioner for a hearing to show cause why the license should not have been revoked. If, after the hearing, the commissioner finds that the person has not been convicted or that the conditions of this subsection do not apply, the revocation is rescinded. If the commissioner finds that the person has been convicted and that the conditions of this subsection apply, the revocation remains in effect.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §107 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B107 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 204, §1 (AMD).

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