

§15223. Criminal operation of elevator or tramway

1. Prohibition. An owner of an elevator or tramway is guilty of criminal operation of an elevator or tramway if that owner operates that elevator or tramway without a current and valid inspection certificate.

[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

2. Strict liability. Criminal operation of an elevator or tramway is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

3. Specific number of days of criminal operation. Each day of criminal operation does not constitute a separate crime.

[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

4. Class of crime; enhanced fine. Criminal operation of an elevator or tramway is a Class E crime. However, notwithstanding Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5, the court may impose an enhanced fine. The fine amount above that authorized under Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5 is based solely on the number of days of criminal operation pleaded and proved by the State. For each day of criminal operation pleaded and proved, the court may increase the fine amount by up to \$100 for each of those days.

[PL 2019, c. 113, Pt. C, §85 (AMD).]

5. Imposition of sentence without enhanced fine. Nothing in subsection 3 or 4 may be construed to restrict a court, in imposing any authorized sentencing alternative, including a fine in an amount authorized under Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5, from considering the number of days of illegal operation, along with any other relevant sentencing factor, which need not be pleaded or proved by the State.

[PL 2019, c. 113, Pt. C, §86 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2001, c. 573, §B27 (RPR). PL 2001, c. 573, §B36 (AFF). PL 2019, c. 113, Pt. C, §§85, 86 (AMD).

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