

HOUSE BILL NO. 570

INTRODUCED BY J. RICE  
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

FEBRUARY 2, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FEBRUARY 4, 1991                   FIRST READING.

FEBRUARY 20, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 21, 1991                  PRINTING REPORT.

FEBRUARY 23, 1991                  SECOND READING, DO PASS.

FEBRUARY 25, 1991                  ENGROSSING REPORT.

FEBRUARY 26, 1991                  THIRD READING, PASSED.  
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 27, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 3, 1991                    SECOND READING, CONCURRED IN.

APRIL 4, 1991                    THIRD READING, CONCURRED IN.  
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 4, 1991                    RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE VARIOUS  
 6 DRIVER LICENSING STATUTES TO PROVIDE EITHER AN EXAMINATION  
 7 OR AN INVESTIGATION IN CASES OF DRIVER'S LICENSE  
 8 REEXAMINATION; TO REQUIRE THAT COURT ABSTRACTS OR REPORTS OF  
 9 CONVICTION RECEIVED BY THE DEPARTMENT NAMING INDIVIDUALS  
 10 LICENSED IN ANOTHER JURISDICTION BE FORWARDED TO THE  
 11 JURISDICTION OF LICENSURE WITHOUT ACTION AGAINST THE  
 12 DRIVER'S LICENSE OR DRIVING PRIVILEGE; TO CLARIFY AND  
 13 SIMPLIFY THE RESPONSIBILITY OF PERSONS SIGNING DRIVER'S  
 14 LICENSE APPLICATIONS FOR MINORS; AND AMENDING SECTIONS  
 15 37-2-311, 61-5-108, 61-5-207, AND 61-5-405, MCA."

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 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 **Section 1.** Section 37-2-311, MCA, is amended to read:

19 "37-2-311. Report to department of justice by  
 20 physician. (1) Any physician who diagnoses a physical or  
 21 mental condition that, in the physician's judgment, will  
 22 significantly impair a person's ability to safely operate a  
 23 motor vehicle may voluntarily report the person's name and  
 24 other information relevant to his condition to the  
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1 report, shall require the person so reported to be examined  
 2 ~~in-the-manner or investigated as provided for in 61-5-110~~  
 3 ~~and 61-5-207.~~

4 (2) (a) The physician's report may be introduced as  
 5 evidence in any proceeding involving the granting,  
 6 suspension, or revocation of the person's driver's license,  
 7 driving privilege, or commercial motor vehicle operator's  
 8 endorsement before the department or a court.

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 11 provided in this subsection, without the consent of the  
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13 **Section 2.** Section 61-5-108, MCA, is amended to read:

14 "61-5-108. Application of minors -- imputed liability.

15 (1) The application of any person under the age of 18 years  
 16 for an instruction permit or driver's license shall be  
 17 signed and verified before a person authorized to administer  
 18 oaths or an employee of the department by ~~both-the-father~~  
 19 ~~and-mother~~ a parent of the applicant, ~~if-both-are-living-and~~  
 20 ~~have-custody-of-him, or-by-the-surviving-parent, or--in--the~~  
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 22 ~~person-or-guardian-having-such-custody-or-by-an-employer--of~~  
 23 ~~such-minor, or-in-the-event-there-is-no-guardian-or-employer~~  
 24 ~~then~~ or, if none is available, by some other responsible  
 25 person adult who is willing to assume the obligation imposed

1 under this chapter upon a person signing the application of  
2 a minor.

3 (2) Any negligence or willful misconduct of a minor  
4 under the age of 18 years when driving a motor vehicle upon  
5 a highway shall be imputed to a person who has signed the  
6 application of such the minor for a permit or license, which  
7 person shall be jointly and severally liable with such the  
8 minor for any damages caused by such the negligence or  
9 willful misconduct, unless a motor vehicle liability policy,  
10 as provided for in chapter 6 of this title, covering the  
11 minor is in effect, in which case there is no imputed  
12 liability as described in this section. except-as--otherwise  
13 provided-in-subsection-(3)-of-this-section.

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25 **Section 3.** Section 61-5-207, MCA, is amended to read:

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5 endorsement, may, based on information received, investigate  
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19 **Section 4.** Section 61-5-405, MCA, is amended to read:

20 **"61-5-405. Offenses furnishing ground for suspension or**  
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22 abstracts of court records and reports of conviction. (1)  
23 Items enumerated in Article IV(1), subsections (a), (b),  
24 (c), and (d) of 61-5-401 refer specifically to 45-5-103,  
25 45-5-104, 61-8-401, 45-2-101(21), and 61-7-103,

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2 (2) In addition to convictions mentioned above the  
3 department, for the purpose of suspension, revocation, or  
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5 give the same effect to the conduct reported as it would if  
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8 affidavit relating to the ownership or operation of a motor  
9 vehicle (61-5-303); and

10 (b) three convictions of reckless driving committed  
11 within a period of 12 months (61-8-301).

12 (3) Court abstracts or reports of conviction received  
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5 endorsement, may, based on information received, investigate  
6 the licensee's record, physical or mental condition, or need  
7 for a license or, upon written notice of at least 5 days to  
8 the licensee, require him to submit to an examination. Upon  
9 the conclusion of such the investigation or examination the  
10 department shall take action as may be appropriate  
11 considering the facts reported or discovered and may suspend  
12 or revoke the license and commercial vehicle operator's  
13 endorsement or just the commercial vehicle operator's  
14 endorsement of such person or permit him to retain such  
15 license, or may issue a license subject to restrictions as  
16 permitted under 61-5-113. Refusal or neglect of the licensee  
17 to submit to such examination or investigation shall be  
18 ground for suspension or revocation of his license."

19 **Section 4.** Section 61-5-405, MCA, is amended to read:

20 **"61-5-405. Offenses furnishing ground for suspension or**  
21 **revocation of license -- return to licensing jurisdiction of**  
22 **abstracts of court records and reports of conviction.** (1)  
23 Items enumerated in Article IV(1), subsections (a), (b),  
24 (c), and (d) of 61-5-401 refer specifically to 45-5-103,  
25 45-5-104, 61-8-401, 45-2-101(21), and 61-7-103,

1 respectively.

2 (2) In addition to convictions mentioned above the  
3 department, for the purpose of suspension, revocation, or  
4 limitation of the license to operate a motor vehicle, shall  
5 give the same effect to the conduct reported as it would if  
6 such conduct had occurred in this state for:

7 (a) convictions of perjury or the making of a false  
8 affidavit relating to the ownership or operation of a motor  
9 vehicle (61-5-303); and

10 (b) three convictions of reckless driving committed  
11 within a period of 12 months (61-8-301).

12 (3) Court abstracts or reports of conviction received  
13 by the department that name an individual licensed in  
14 another jurisdiction must be forwarded to the jurisdiction  
15 of licensure. The department may not take action against the  
16 driver's license or driving privilege of the individual as  
17 may be required elsewhere in this title."

-End-