HOUSE BILL NO. 571

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 25, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
FEBRUARY 26, 1991	SECOND READING, DO PASS.
FEBRUARY 27, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 92; NOES, 7.
	TRANSMITTED TO SENATE.
	IN THE SENATE
MARCH 4, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE
MARCH 4, 1991 MARCH 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE
MARCH 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 25, 1991 MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 25, 1991 MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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3	BY REQUEST OF THE DEPARTMENT OF JUSTICE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE REFERENCES
TO THE DRIVER IMPROVEMENT PROGRAM WITHIN THE STATUTES
CONCERNING HABITUAL TRAFFIC OFFENDERS; TO PROVIDE FOR AN
ADDITIONAL REVOCATION OF THE DRIVER'S LICENSE OR DRIVING
PRIVILEGE OF A PERSON CONVICTED AS A HABITUAL OFFENDER
OPERATING A MOTOR VEHICLE; TO REPEAL THE REQUIREMENT THAT
CERTAIN HIGH MISDEMEANORS BE CERTIFIED TO DISTRICT COURT;
AMENDING SECTIONS 61-11-211, 61-11-212, AND 61-11-213, MCA;
AND REPEALING SECTION 61-11-214, MCA."

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

Section 1. Section 61-11-211, MCA, is amended to read:

"61-11-211. Department to revoke license of habitual offender -- method of removal of points upon revocation. Upon receipt of a court order declaring an individual a habitual offender, the department shall revoke the driver's license or driving privilege of the individual named in the order for a period of 3 years from the date of the order, subject to the provisions of 61-2-302. Additionally, the department shall remove from that individual's record those habitual offender points which that were certified to the

Montana Legislative Council

county attorney in the certification required by 61-11-204."

Section 2. Section 61-11-212, MCA, is amended to read:

3 "61-11-212. Penalties. No A person who has been 4 adjudged an a habitual traffic offender shall may not be 5 issued a license to operate a motor vehicle in this state 4 until:

- (1) a period of 3 years has elapsed from the date of the final order of the court adjudging the person an a habitual traffic offender, subject to the provisions of 61-2-302;
- 11 (2) the person has met all the requirements of all 12 applicable laws and rules relating to the licensing of motor 13 vehicle operators in this state; and
 - (3) the person files with the department, and maintains for a period of 3 years, proof of his financial responsibility in the limits required by law."

"61-11-213. Habitual traffic offender operating motor

17 Section 3. Section 61-11-213, MCA, is amended to read:

vehicle guilty of misdemeanor. Any A person found to be an a habitual traffic offender under this part, and who thereafter operates a motor vehicle in this state while the order of the court prohibiting such the operation remains in

23 effect,--shall--be is guilty of a misdemeanor, and upon

conviction thereof shall be imprisoned for a period of not

more than 1 year or fined not more than \$1,000, or both, and

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the department, upon receiving a record of the conviction of 1 2 a person under this section, shall extend the period of 3 revocation for an additional 1 year. However, in cases 4 wherein in which the prohibited operation of a motor vehicle 5 by an a habitual traffic offender is necessitated in a 6 situation of extreme emergency in order to save life, limb, 7 or property, he shall may not be deemed considered guilty of a violation under this part." 8 NEW SECTION. Section 4. Repealer. Section 61-11-214, 9

-End-

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MCA, is repealed.

House BILL NO. 571 1 2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF JUSTICE 3

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE REFERENCES TO THE DRIVER IMPROVEMENT PROGRAM WITHIN THE STATUTES CONCERNING HABITUAL TRAFFIC OFFENDERS: TO PROVIDE FOR AN ADDITIONAL REVOCATION OF THE DRIVER'S LICENSE OR DRIVING PRIVILEGE OF A PERSON CONVICTED AS A HABITUAL OFFENDER OPERATING A MOTOR VEHICLE: TO REPEAL THE REQUIREMENT THAT CERTAIN HIGH MISDEMEANORS BE CERTIFIED TO DISTRICT COURT; AMENDING SECTIONS 61-11-211, 61-11-212, AND 61-11-213, MCA; AND REPEALING SECTION 61-11-214, MCA."

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county attorney in the certification required by 61-11-204."

Section 2. Section 61-11-212, MCA, is amended to read:

"61-11-212. Penalties. No A person who adjudged an a habitual traffic offender shall may not be issued a license to operate a motor vehicle in this state until:

(1) a period of 3 years has elapsed from the date of the final order of the court adjudging the person an a habitual traffic offender, subject to the provisions of 10 61-2-302;

11 (2) the person has met all the requirements of all applicable laws and rules relating to the licensing of motor 12 13 vehicle operators in this state; and

14 (3) the person files with the department, and maintains 15 for a period of 3 years, proof of his financial responsibility in the limits required by law." 16

17 Section 3. Section 61-11-213, MCA, is amended to read:

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"61-11-213. Habitual traffic offender operating motor

2.3 effect; -- shall--be is quilty of a misdemeanor; and upon conviction thereof shall be imprisoned for a period of not

more than I year or fined not more than \$1,000, or both, and 25

SECOND READING

LC 0875/01

a person under this section, shall extend the period of revocation for an additional 1 year. However, in cases wherein in which the prohibited operation of a motor vehicle by an a habitual traffic offender is necessitated in a situation of extreme emergency in order to save life, limb, or property, he shall may not be deemed considered guilty of a violation under this part."

NEW SECTION. Section 4. Repealer. Section 61-11-214,

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MCA, is repealed.

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CONCERNING HABITUAL TRAFFIC OFFENDERS; TO PROVIDE FOR AN

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Section 1. Section 61-11-211, MCA; is amended to read:

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Section 2. Section 61-11-212, MCA, is amended to read:

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3 "61-11-212. Penalties. No A person who has been
4 adjudged an a habitual traffic offender shall may not be
5 issued a license to operate a motor vehicle in this state
6 until:

- (1) a period of 3 years has elapsed from the date of the final order of the court adjudging the person an a habitual traffic offender, subject to the provisions of 61-2-302;
- 12 applicable laws and rules relating to the licensing of motor
 13 vehicle operators in this state; and
- 14 (3) the person files with the department, and maintains 15 for a period of 3 years, proof of his financial 16 responsibility in the limits required by law."

Section 3. Section 61-11-213, MCA, is amended to read:

"61-11-213. Habitual traffic offender operating motor vehicle guilty of misdemeanor. Any A person found to be an a habitual traffic offender under this part, and who thereafter operates a motor vehicle in this state while the order of the court prohibiting such the operation remains in effect, shall—be is guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for a period of not

more than 1 year or fined not more than \$1,000, or both, and

- 1 the department, upon receiving a record of the conviction of 2 a person under this section, shall extend the period of revocation for an additional 1 year. However, in cases 3 wherein in which the prohibited operation of a motor vehicle 5 by an a habitual traffic offender is necessitated in a 6 situation of extreme emergency in order to save life, limb, 7 or property, he shall may not be deemed considered guilty of 8 a violation under this part." NEW SECTION. Section 4. Repealer. Section 61-11-214, 9
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 61-11-211, MCA, is amended to read:
17	"61-11-211. Department to revoke license of habitual
18	offender method of removal of points upon revocation.
19	Upon receipt of a court order declaring an individual a
20	habitual offender, the department shall revoke the driver's
21	license or driving privilege of the individual named in the
22	order for a period of 3 years from the date of the order,
23	subject to the provisions of 61-2-302. Additionally, the
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25	department shall remove from that individual's record those habitual offender points which that were certified to the
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2	Section 2. Section 61-11-212, MCA, is amended to read:
3	"61-11-212. Penalties. No A person who has been
4	adjudged am a habitual traffic offender shall may not be
5	issued a license to operate a motor vehicle in this state
6	until:
7	(1) a period of 3 years has elapsed from the date of
8	the final order of the court adjudging the person an $\underline{\mathtt{a}}$
9	habitual traffic offender, subject to the provisions of
10	<u>61-2-302;</u>
11	(2) the person has met all the requirements of all
12	applicable laws and rules relating to the licensing of motor
13	vehicle operators in this state; and
14	(3) the person files with the department, and maintains
15	for a period of 3 years, proof of his financial
16	responsibility in the limits required by law."
17	Section 3. Section 61-11-213, MCA, is amended to read:
18	<pre>"61-11-213. Habitual traffic offender operating motor</pre>
19	vehicle guilty of misdemeanor. Any \underline{A} person found to be $\underline{a}\underline{n}$
20	habitual traffic offender under this part, and who
21	thereafter operates a motor vehicle in this state while the
22	order of the court prohibiting such the operation remains in
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