

1 HOUSE BILL NO. 571
 2 INTRODUCED BY [Signature]
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE REFERENCES
 6 TO THE DRIVER IMPROVEMENT PROGRAM WITHIN THE STATUTES
 7 CONCERNING HABITUAL TRAFFIC OFFENDERS; TO PROVIDE FOR AN
 8 ADDITIONAL REVOCATION OF THE DRIVER'S LICENSE OR DRIVING
 9 PRIVILEGE OF A PERSON CONVICTED AS A HABITUAL OFFENDER
 10 OPERATING A MOTOR VEHICLE; TO REPEAL THE REQUIREMENT THAT
 11 CERTAIN HIGH MISDEMEANORS BE CERTIFIED TO DISTRICT COURT;
 12 AMENDING SECTIONS 61-11-211, 61-11-212, AND 61-11-213, MCA;
 13 AND REPEALING SECTION 61-11-214, MCA."

14
 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
 24 department shall remove from that individual's record those
 25 habitual offender points which that were certified to the

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

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 an 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 a
 9 habitual traffic offender, subject to the provisions of
 10 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

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 "61-11-213. Habitual traffic offender operating motor
 19 vehicle guilty of misdemeanor. Any A person found to be an a
 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
 23 effect, ~~shall be~~ is guilty of a misdemeanor, and upon
 24 conviction thereof shall be imprisoned for a period of not
 25 more than 1 year or fined not more than \$1,000, or both, and



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1 the department, upon receiving a record of the conviction of
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
8 a violation under this part."

9 NEW SECTION. Section 4. Repealer. Section 61-11-214,
10 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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24 department shall remove from that individual's record those
25 habitual offender points which that were certified to the

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

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 an a habitual traffic offender ~~shall~~ may not be
5 issued a license to operate a motor vehicle in this state
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17 **Section 3.** Section 61-11-213, MCA, is amended to read:
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23 effect, ~~shall be~~ is guilty of a misdemeanor, and upon
24 conviction thereof shall be imprisoned for a period of not
25 more than 1 year or fined not more than \$1,000, or both, and

SECOND READING

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1 the department, upon receiving a record of the conviction of
2 a person under this section, shall extend the period of
3 revocation for an additional 1 year. However, in cases
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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."

9 NEW SECTION. Section 4. Repealer. Section 61-11-214,
10 MCA, is repealed.

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 24 department shall remove from that individual's record those
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1 county attorney in the certification required by 61-11-204."

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

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9 NEW SECTION. Section 4. Repealer. Section 61-11-214,
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1 HOUSE BILL NO. 571

2 INTRODUCED BY J. RICE

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