

HOUSE BILL NO. 751

INTRODUCED BY BOHARSKI, MANNING, MERCER, DOLEZAL,
J. RICE, DARKO, HAGER, CLARK, PINSONEAULT, STANG,
LEE, R. JOHNSON, MESSMORE, SCHYE, MCCAFFREE, STRIZICH,
KELLER, PHILLIPS, TOOLE

IN THE HOUSE

FEBRUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 18, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 19, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 82; NOES, 17.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

APRIL 3, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 6, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 751

INTRODUCED BY Wm F. Doherty, Richard Sperring
Alang Lee, D. Schuman, Missions, Selva M. Lopez
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR

SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON UNDER 21 YEARS OF AGE WHO ALTERS A DRIVER'S LICENSE OR IDENTIFICATION CARD TO OBTAIN ALCOHOL; TO PROVIDE FOR SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON WHO AUTHORIZES ANOTHER TO USE HIS DRIVER'S LICENSE OR IDENTIFICATION CARD TO OBTAIN ALCOHOL; AND AMENDING SECTION 61-5-206, MCA."

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

Section 1. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department is hereby authorized to suspend the driver's license, including the commercial vehicle operator's endorsement, or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement

of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is an habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has committed or permitted an unlawful or fraudulent use of such license as specified in 61-5-302;

(f) has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

(g) has falsified his date of birth on his application for a driver's license;

(h) is under 21 years of age and has altered his or another's driver's license or identification card to obtain alcohol; or

(i) has authorized another to use his driver's license or identification card to obtain alcohol.

(2) However, the department may, in its discretion and in lieu of such suspension of license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (1) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth

1 thereon. The licensee's driving privilege may be suspended
2 upon conviction or forfeiture of bail not vacated of any
3 traffic violation during the period of such probation. The
4 licensee shall surrender to the department all driver
5 licenses theretofore issued to him before such probationary
6 license shall be issued. His refusal or neglect to surrender
7 such licenses upon demand shall be ground for suspending all
8 such licenses. Probationary licenses may be issued for a
9 period not to exceed 12 months.

10 (3) Upon suspending the license of any person or upon
11 placing such person on probation, as hereinbefore in this
12 section authorized, the department shall immediately notify
13 the licensee in writing and upon his request shall afford
14 him an opportunity for a hearing as early as practical
15 within not to exceed 20 days after receipt of such request
16 in the county wherein the licensee resides unless the
17 department and the licensee agree that such hearing may be
18 held in some other county. Upon such hearing the department
19 through its duly authorized agent may administer oaths and
20 may issue subpoenas for the attendance of witnesses and the
21 production of relevant books and papers and may require a
22 reexamination of the licensee. Upon such hearing the
23 department shall either rescind its order of suspension or
24 probation, or, good cause appearing therefor, may affirm,
25 reduce, or extend the period of probation or suspension of

1 such license."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 751

INTRODUCED BY BOHARSKI, MANNING, MERCER, DOLEZAL,

J. RICE, DARKO, HAGER, CLARK, PINSONEAULT, STANG,

LEE, R. JOHNSON, MESSMORE, SCHYE, MCCAFFREE, STRIZICH,

KELLER, PHILLIPS, TOOLE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON UNDER 21
YEARS OF AGE WHO ALTERS A DRIVER'S LICENSE OR IDENTIFICATION
CARD TO OBTAIN ALCOHOL; TO PROVIDE FOR SUSPENSION OF THE
DRIVER'S LICENSE OF A PERSON WHO AUTHORIZES ANOTHER TO USE
HIS DRIVER'S LICENSE OR IDENTIFICATION CARD TO OBTAIN
ALCOHOL; AND AMENDING SECTION SECTIONS 61-5-206 AND
61-5-302, MCA."

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

Section 1. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license
or driving privilege or issue probationary license. (1) The
department is hereby authorized to suspend the driver's
license, including the commercial vehicle operator's
endorsement, or driving privilege of a driver without
preliminary hearing upon a showing by its records or other
sufficient evidence that the licensee:

(a) has been involved as a driver in any accident

resulting in the death or personal injury of another or
serious property damage;

(b) has been convicted with such frequency of serious
offenses against traffic regulations governing the movement
of vehicles as to indicate a disrespect for traffic laws and
a disregard for the safety of other persons on the highways;

(c) is an habitually reckless or negligent driver of a
motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has committed or permitted an unlawful or
fraudulent use of such license as specified in 61-5-302;

(f) has committed an offense in another state which if
committed in this state would be grounds for suspension or
revocation; or

(g) has falsified his date of birth on his application
for a driver's license;

(h) is under 21 years of age and has altered his or
another's driver's license or identification card to obtain
alcohol; or

(i) has authorized another to use his driver's license
or identification card to obtain alcohol.

(2) However, the department may, in its discretion and
in lieu of such suspension of license or driving privilege,
issue a probationary license to a driver, without
preliminary hearing, upon a showing by its records or other

SECOND READING

1 sufficient evidence that the licensee's driving record is
 2 such as would authorize suspension as provided in subsection
 3 (1) hereof. Upon issuance of a probationary license the
 4 licensee shall be subject to the restrictions set forth
 5 thereon. The licensee's driving privilege may be suspended
 6 upon conviction or forfeiture of bail not vacated of any
 7 traffic violation during the period of such probation. The
 8 licensee shall surrender to the department all driver
 9 licenses theretofore issued to him before such probationary
 10 license shall be issued. His refusal or neglect to surrender
 11 such licenses upon demand shall be ground for suspending all
 12 such licenses. Probationary licenses may be issued for a
 13 period not to exceed 12 months.

14 (3) Upon suspending the license of any person or upon
 15 placing such person on probation, as hereinbefore in this
 16 section authorized, the department shall immediately notify
 17 the licensee in writing and upon his request shall afford
 18 him an opportunity for a hearing as early as practical
 19 within not to exceed 20 days after receipt of such request
 20 in the county wherein the licensee resides unless the
 21 department and the licensee agree that such hearing may be
 22 held in some other county. Upon such hearing the department
 23 through its duly authorized agent may administer oaths and
 24 may issue subpoenas for the attendance of witnesses and the
 25 production of relevant books and papers and may require a

1 reexamination of the licensee. Upon such hearing the
 2 department shall either rescind its order of suspension or
 3 probation, or, good cause appearing therefor, may affirm,
 4 reduce, or extend the period of probation or suspension of
 5 such license."

6 **SECTION 2. SECTION 61-5-302, MCA, IS AMENDED TO READ:**

7 **"61-5-302. Unlawful use of license or identification**
 8 **card.** It is a misdemeanor for any person to:

9 (1) display or cause or permit to be displayed or have
 10 in his possession any canceled, revoked, suspended,
 11 fictitious, or altered driver's license or identification
 12 card;

13 (2) lend his driver's license or identification card to
 14 any other person or knowingly permit its use by another;

15 (3) display or represent as one's own any driver's
 16 license or identification card not issued to him;

17 (4) fail or refuse to surrender to the department upon
 18 its lawful demand any driver's license or identification
 19 card which has been suspended, revoked, or canceled;

20 (5) use a false or fictitious name in any application
 21 for a driver's license, or commercial vehicle operator's
 22 endorsement, or identification card or knowingly make a
 23 false statement or knowingly conceal a material fact or
 24 otherwise commit a fraud in any such application; or

25 (6) permit any unlawful use of a driver's license or

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1 identification card issued to him."

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1 HOUSE BILL NO. 751

2 INTRODUCED BY BOHARSKI, MANNING, MERCER, DOLEZAL,

3 J. RICE, DARKO, HAGER, CLARK, PINSONEAULT, STANG,

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11 DRIVER'S LICENSE OF A PERSON WHO AUTHORIZES ANOTHER TO USE
12 HIS DRIVER'S LICENSE OR IDENTIFICATION CARD TO OBTAIN
13 ALCOHOL; AND AMENDING SECTION SECTIONS 61-5-206 AND
14 61-5-302, MCA."

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:17 **Section 1.** Section 61-5-206, MCA, is amended to read:

18 "61-5-206. Authority of department to suspend license
19 or driving privilege or issue probationary license. (1) The
20 department is hereby authorized to suspend the driver's
21 license, including the commercial vehicle operator's
22 endorsement, or driving privilege of a driver without
23 preliminary hearing upon a showing by its records or other
24 sufficient evidence that the licensee:

25 (a) has been involved as a driver in any accident

1 resulting in the death or personal injury of another or
2 serious property damage;

3 (b) has been convicted with such frequency of serious
4 offenses against traffic regulations governing the movement
5 of vehicles as to indicate a disrespect for traffic laws and
6 a disregard for the safety of other persons on the highways;

7 (c) is an habitually reckless or negligent driver of a
8 motor vehicle;

9 (d) is incompetent to drive a motor vehicle;

10 (e) has committed or permitted an unlawful or
11 fraudulent use of such license as specified in 61-5-302;

12 (f) has committed an offense in another state which if
13 committed in this state would be grounds for suspension or
14 revocation; or

15 (g) has falsified his date of birth on his application
16 for a driver's license;

17 (h) is under 21 years of age and has altered his or
18 another's driver's license or identification card to obtain
19 alcohol; or

20 (i) has authorized another to use his driver's license
21 or identification card to obtain alcohol.

22 (2) However, the department may, in its discretion and
23 in lieu of such suspension of license or driving privilege,
24 issue a probationary license to a driver, without
25 preliminary hearing, upon a showing by its records or other

THIRD READING

1 sufficient evidence that the licensee's driving record is
 2 such as would authorize suspension as provided in subsection
 3 (1) hereof. Upon issuance of a probationary license the
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 10 license shall be issued. His refusal or neglect to surrender
 11 such licenses upon demand shall be ground for suspending all
 12 such licenses. Probationary licenses may be issued for a
 13 period not to exceed 12 months.

14 (3) Upon suspending the license of any person or upon
 15 placing such person on probation, as hereinbefore in this
 16 section authorized, the department shall immediately notify
 17 the licensee in writing and upon his request shall afford
 18 him an opportunity for a hearing as early as practical
 19 within not to exceed 20 days after receipt of such request
 20 in the county wherein the licensee resides unless the
 21 department and the licensee agree that such hearing may be
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 25 production of relevant books and papers and may require a

1 reexamination of the licensee. Upon such hearing the
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6 **SECTION 2. SECTION 61-5-302, MCA, IS AMENDED TO READ:**

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 8 **card. It is a misdemeanor for any person to:**

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 14 any other person or knowingly permit its use by another;

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 16 license or identification card not issued to him;

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 18 its lawful demand any driver's license or identification
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