

MINUTES OF THE MEETING  
JUDICIARY COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

January 14, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on January 14, 1987, at 8:00 a.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused.

HOUSE BILL NO. 73: Rep. Bradley, District No. 79, sponsor, stated that a recent Montana Supreme Court case, State vs. Gee, section 61-12-601, MCA, was interpreted as precluding a driver under 18 from being convicted of and punished for DUI, or any specific motor vehicle offense. The proposed legislative changes in HB 73, are designed to clarify that a person under 18 may be convicted of a vehicular offense in the same manner as an adult may be convicted under the motor vehicle laws. The only difference in treatment of a minor offender will be the penalty, which will include no possibility of jail time. Driving privileges would be subject to the same civil sanctions (suspension or revocation) under HB 73, whether the offender is under 18 or not. She submitted written testimony. (Exhibit A). Rep. Bradley also submitted an amendment. (Exhibit B).

PROPOSERS: LARRY MAJERUS, Department of Justice, Motor Vehicle Division, requested that Rep. Bradley carry the bill and stated the bill would solve many of the problems on the driving records. The purpose of the bill was to make everything, except the penalty, the same. It has caused problems with insurance records in the fact that when the department reports violations of a minor it has been reported to the insurance company as simply an unlawful violation of a minor. If the bill was passed, a person under 18, who had committed a DUI offense, can be convicted in the same manner as an adult.

DORIS FISHER, Gallatin County Coroner, representing the DUI Task Force and Montanans Against Drunk Driving, stated that kids respect fair laws, strict laws, and laws they can understand. She urged support of the bill so that confusion could be dismissed.

BILL ELLIOTT, Department of Justice, a training officer with the highway traffic safety, stated the point system should be kept and carried on into adulthood.

MICKEY NELSON, Lewis and Clark County DUI Task Force, Chairman, felt the \$50.00 fine was not enough.

JIM MANION, Montana Automobile Association, stated he and the Association were active members of the DUI Task Force in Lewis and Clark County. They supported the legislation and anything that could be done to tighten up the DUI laws.

SUSAN J. DEBREE, Lewis and Clark County Health Department, urged support and passage of the bill.

RAYLEEN BEATON, Helena City Commissioner, pointed out that this was a priority piece of legislation and urged passage. She spoke for the local Helena Task Force and the Bozeman, Butte and Missoula Task Forces.

SHIRLEY SHEETS, representing the St. Paul's United Methodist Church, Director of Christian Education, and member of Project CARE felt the laws must be made tougher and HB 73 was a good start.

There were no further proponents and no opponents.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 73.: Rep. Hannah asked Rep. Bradley if she believed that a juvenile should be treated as an adult, why not include the exact same penalties. Rep. Bradley stated there was a different treatment with emphasis on rehabilitation and this was appropriate for youth as long as there were stiff penalties.

Rep. Daily asked Rep. Bradley if his son, who was 15 years old, was using his car and was picked up for DUI, would his car be impounded under HB 73. She stated "no", if he did not have the owners consent to use the car. Rep. Daily stated his son would have his consent to use the car. She stated, under current law, if his son had consent to drive the car, it would be impounded.

Rep. Strizich asked Rep. Bradley what her intention was in transferring jurisdiction to J.P. Court which was where most traffic offenses were dealt with but in the new Section 1, impoundment of vehicles was to be done by the probation officers and probation officers are not equipped to do this. Rep. Bradley stated that was a good point and it was probably an oversight. The intention was to leave the language the same and this should be changed.

Rep. Bradley closed the hearing on HB 73.

HOUSE BILL NO. 120: Rep. Bradley asked that the bill be tabled. Chairman Lory stated that this would be done in Executive Session.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 8:44 a.m.



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EARL LORY, Chairman

DAILY ROLL CALL  
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 14, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)		✓	✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

House Bill 73  
Introduced by Bradley

In a recent Montana Supreme Court case, State v. Gee, section 61-12-601, MCA, was interpreted as precluding a driver under 18 from being convicted of and punished for DUI, or any specific motor vehicle offense. The proposed legislative changes, in HB 73, are designed to clarify that a person under 18 may be convicted of a vehicular offense in the same manner as an adult may be convicted under the motor vehicle laws. The only difference in treatment of a minor offender will be the penalty, which will include no possibility of jail time.

Driving privileges would be subject to the same civil sanctions (suspension or revocation) under HB 73 whether the offender is under 18 or not.

**Section 1** of HB 73 creates a penalty for drivers under 18 years of age who are convicted of any motor vehicle offense. The penalty provides no jail time. Subsection 2 carries wording from current law allowing impoundment of a vehicle only in certain cases.

**Section 2** of HB 73 provides that the driving privilege of a driver under age of 18 is to be administered the same as the driving privilege of an adult and is subject to the same suspension and revocation action.

**Sections 3 and 4** of HB 73 amend the DUI and Per Se laws to recognize the penalty provisions of section 1 for drivers under the age of 18.

**Section 5** of HB 73 repeals the current sections which were interpreted as giving drivers under age 18 different treatment relating to conviction of traffic offenses and suspension or revocation of driving privilege.

Section 61-12-601(1) is repealed because the district court is an inappropriate forum for motor vehicle offenses. Justice and Municipal courts have jurisdiction over adults who violate the motor vehicle statutes; it should be similar for youths. Youths who violate criminal statutes and other offenses are under the jurisdiction of the youth court, not the district court. The youth court specifically excludes motor vehicle offenses from its jurisdiction in 41-5-203. Thus youths should be under the same jurisdiction as adults for motor vehicle offenses.

Section 61-12-601(2) is repealed because there will be a new separate penalty section covering drivers under 18 in title 61 (Section 1 of this bill).

Section 61-12-602 is repealed because as a practical matter, persons under 18 have been cited for motor vehicle offenses in the same manner as adults are cited. There is no need for a different procedure for persons under 18. Section 61-12-603 is repealed for similar reasons.

Section 61-12-703 is repealed because there will be no traffic offenses heard in district court.

Montana data on drivers under the age of 18:

1. 3.4% of licensed drivers
2. 3.0% of 1st DUI convictions
3. 5.6% of all traffic convictions
4. Involved in accidents during 1984 and 1985 as follows:
  - 7% of drivers in fatal accidents
  - 12% of drivers in injury accidents
  - 11% of drivers in all traffic accidents
5. 10% of Montana drivers declared to be habitual traffic offenders gained some or all of their driving points while under the age of 18 years.

EXHIBIT B  
DATE 1-14-87  
HB #73

Amendments to HB 73

1. Page 1, line 17.  
Following: "fine"  
Strike: ", not exceeding \$50"  
Insert: "equal to that imposed upon an adult convicted of  
any motor vehicle offense"

VISITOR'S REGISTER

JUDICIARY

COMMITTEE

AGENCY(S) \_\_\_\_\_

DATE January 14, 1987

DEPARTMENT \_\_\_\_\_

HOUSE BILL # 73

PLEASE PRINT.....

NAME	REPRESENTING	SUP-PORT	OP-POSE
Susan J. DeBree	Lewis & Clark Co. Health Dept.	X	
Rayleen Beaton	Sup DUI Task Force & Helena City Commission	X	
Bill Elliott	Highway Traffic Safety Dept. of Justice	X	
Jim MANION	MONT. AUTO ASSOC (AAA)	X	
Mickey Nelson	Lewis & Clark Co. DUI Task Force	X	
Nancy Fisher	Madison - But Co. Congress Dallan Co DUI Task	X	
Larry Majerus	Dept. of Justice	X	
<del>Bob Smith</del>	<del>OP</del>		
Shirley Sheets	St. Paul's United Meth. Ch. & Community Project Care	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.  
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.