

## **MINUTES**

### **MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION**

#### **CONFERENCE COMMITTEE ON SENATE BILL 113**

**Call to Order:** By **CHAIRMAN TOM KEATING** on April 11, 1995 at 4:45 p.m.

#### **ROLL CALL**

**Members Present:**

Sen. Thomas F. Keating, Chairman (R)  
Rep. Duane Grimes, Co Chairman (R)  
Sen. Ken Miller (R)  
Sen. Vivian M. Brooke (D)  
Rep. Bill Carey (D)  
Rep. Ellen Bergman (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Phoebe Kenny, Secretary

**Discussion:** **CHAIRMAN THOMAS KEATING, SD 5, Billings,** stated he believed the sponsor of the bill merely wanted to increase the days in jail after the third offense of an uninsured motorist having an accident. He stated the House increased the fines in the statutes, from \$250 to \$500, \$350 to \$750 and \$500 to \$1000. He thought the consensus was that the sponsor did not want to increase the fines. He didn't think it was good to increase the fines because if the offenders had the money to pay the fine they would probably buy the insurance. The fines don't have an impact on anybody from a financial standpoint. He would rather have them spend time in jail and put a damper on people driving without insurance.

**REPRESENTATIVE DUANE GRIMES, HD 39, Clancy,** said he didn't have a problem with lowering the fines but he was concerned about going with \$250, then \$350, then proposing six months in jail.

**SENATOR VIVIAN BROOKE, SD 33, Missoula,** said the rationale which was brought to her, in order to introduce the bill, was from the County Attorney's Office and the District Judges. What they found was repeat offenders were continually before them. Many times the judges want some kind of creative sentencing, whether it's actually in jail or whether it's community service. Then the court had that supervision over them and they could make them pay the fine and could make them get insurance. They could

monitor many more of their activities over that six month period if the option was jail time. It gave them a lot more clout to get them to quit driving without insurance. The court had the authority over them.

**CHAIRMAN KEATING** said if the court suspended the sentence, then they were on probation for six months, but if they did the time it had a greater impact on them.

**REPRESENTATIVE ELLEN BERGMAN, HD 4, Miles City,** said this was quite a jump, 10 days to six months but that wasn't necessarily jail time. It could be probationary time.

**SENATOR BROOKE** said the way it was explained to her was that six months was the standard sentence for a third offense.

**Motion:** **SENATOR KEN MILLER, SD 11, Laurel,** made the **MOTION TO STRIKE THE HOUSE AMENDMENTS** and the bill be put back to its original form.

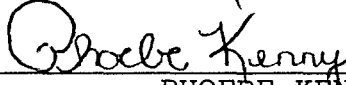
**CHAIRMAN KEATING** stated that the motion would be that the House receded from their amendments.

**Vote:** **THE MOTION TO RECEDE THE HOUSE AMENDMENTS CARRIED UNANIMOUSLY.**

ADJOURNMENT

Adjournment: CHAIRMAN KEATING adjourned the meeting at 5:00 p.m.

  
\_\_\_\_\_  
SENATOR TOM KEATING, Chairman

  
\_\_\_\_\_  
PHOEBE KENNY, Secretary

TK/pk

Conference Committee  
on SB 113  
Report No.1; April 12, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 113, met and considered:

House Judiciary Committee Amendments to third reading copy,  
dated March 15, 1995.

We recommend that amendments considered above be rejected.

And that this Conference Committee report be adopted.

For the Senate:

Keating

Chair

Miller

Brooke

Amd. Coord.

Sec. of Senate

For the House:

Grimes

Chair

Bergman

Carey

ADOPT

REJECT

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## HOUSE STANDING COMMITTEE REPORT

March 15, 1995

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Mr. Speaker: We, the committee on Judiciary report that Senate Bill 113 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark  
Bob Clark, Chair

Carried by: Rep. Carey

And, that such amendments read:

1. Title, line 6.

Following: "INSURANCE;"

Insert: "INCREASING FINES;"

2. Page 1, lines 16 and 17.

Strike: "not" on line 16 through "\$250 or more than" on line 17

3. Page 1, line 18.

Strike: "\$350"

Insert: "\$750"

4. Page 1, line 19.

Strike: "\$500"

Insert: "\$1,000"

-END-

SB 113

Committee Vote:  
Yes 18, No 1.

HOUSE

## SENATE BILL NO. 113

INTRODUCED BY BROOKE, BENEDICT, HALLIGAN, SHEA, CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 10 DAYS TO 6 MONTHS THE MAXIMUM JAIL SENTENCE THAT MAY BE IMPOSED UPON THE THIRD OR SUBSEQUENT CONVICTION OF DRIVING WITHOUT LIABILITY INSURANCE; INCREASING FINES; AND AMENDING SECTION 61-6-304, MCA."

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

**Section 1.** Section 61-6-304, MCA, is amended to read:

**"61-6-304. Penalties.** (1) It is unlawful for any person to operate a motor vehicle upon ways of this state open to the public without a valid policy of liability insurance in effect in an amount not less than that provided in 61-6-301 or unless the person has been issued a certificate of self-insurance, pursuant to 61-6-143, or has previously posted an indemnity bond with the department, as provided by 61-6-301, or is operating a vehicle exempt under 61-6-303.

(2) Conviction of a first offense under 61-6-301 through 61-6-304 is punishable by a fine of ~~not less than \$250 or more than \$500~~ or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of ~~\$350~~ \$750 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of ~~\$500~~ \$1,000 or by imprisonment in the county jail for not more than ~~10 days~~ 6 months, or both.

(3) Upon a second or subsequent conviction, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and plates for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not be reinstated until the expiration of that period, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

(4) The court may suspend a required fine only upon a determination that the offender is or will

1 be unable to pay the fine.

2 (5) A court may not defer imposition of penalties provided by this section."

3 -END-