

SENATE BILL NO. 18

INTRODUCED BY NEIL J. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DIVISION OF MOTOR VEHICLES TO REVOKE A DRIVER'S LICENSE FOR LESS THAN SIXTY (60) DAYS FOLLOWING CERTAIN DRIVING WHILE INTOXICATED CONVICTIONS; AMENDING SECTION 31-149, R.C.M. 1947."

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

Section 1. Section 31-149, R.C.M. 1947, is amended to read as follows:

"31-149. Period of suspension or revocation. (a) The board shall not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one (1) year, except as permitted under sections 31-148, 31-155, 53-424 and 53-430, R. C. M. 1947.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension, such person may make application for a new license as provided by law, but the board shall not then issue a new

license unless and until it is satisfied after investigation of character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. Provided, however, when any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle or a combination thereof, the board shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend or revoke the license or driving privilege of such person for a period of sixty (60) days. The board may shorten this period to not less than five (5) days when it finds that the person has not been convicted or forfeited bail for the same offense for at least three (3) years, the person must have a driver's license in order to practice his occupation, and the person would suffer undue hardship by virtue of a longer revocation period. Upon receiving a report of a conviction or forfeiture of bail or collateral for a subsequent such offense, within five (5) years thereof, the board shall suspend or revoke the license or driving privilege of such person for a period of one (1) year.

1 (c) The revocation period for all revocations made
2 mandatory by section 31-146, R. C. M. 1947, shall be one
3 (1) year, except as provided in subsection (b) of this
4 section."

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