

1 (c) It is unlawful and punishable as provided in
 2 paragraph (d) of this section for any person who is an
 3 habitual user of or under the influence of any narcotic drug
 4 or who is under the influence of any other drug to a degree
 5 which renders him incapable of safely driving a motor
 6 vehicle to drive a motor vehicle within this state. The fact
 7 that any person charged with a violation of this paragraph
 8 is or has been entitled to use such a drug under the laws of
 9 this state shall not constitute a defense against any charge
 10 of violating this paragraph.

11 (d) Every person who is convicted of a violation of
 12 this section shall be punished by imprisonment in the county
 13 or city jail for not more than six (6) months or by a fine
 14 of not less than one hundred dollars (\$100.00) or more than
 15 five hundred dollars (\$500.00) or by both such fine and
 16 imprisonment. On a second conviction he shall be punished by
 17 imprisonment in the county or city jail for not less than
 18 ten (10) days nor more than six (6) months, to which may be
 19 added, at the discretion of the court a fine of not less
 20 than three hundred dollars (\$300.00) nor more than five
 21 hundred dollars (\$500.00). On the third or subsequent
 22 conviction he shall be punished by imprisonment for a term
 23 of not less than thirty (30) days nor more than one (1)
 24 year, to which may be added at the discretion of the court a
 25 fine of not less than five hundred dollars (\$500.00) nor

1 more than one thousand dollars (\$1,000.00).

2 (e) Each and every municipality in this state is
 3 hereby given authority to enact the foregoing paragraphs
 4 (a), (b), (c) and (d) of this section, with the word "state"
 5 in the first sentence of paragraphs (a) and (c) changed in
 6 each instance to read "municipality," as an ordinance, and
 7 is hereby given jurisdiction of the enforcement of said
 8 ordinance, and of the imposition of the fines and penalties
 9 therein provided.

10 (f) The board shall forthwith revoke the license or
 11 permit to drive and operating privilege and any nonresident
 12 operating privilege of any person upon receiving a record of
 13 such person's conviction or forfeiture of bail not vacated
 14 under this section.

15 ~~(g) Upon application and proof by a person who has~~
 16 ~~lost a license under this section that a license or permit~~
 17 ~~to drive and operating privilege are conditions of his~~
 18 ~~employment, the division of motor vehicles shall issue to~~
 19 ~~that person a special permit allowing the person to drive in~~
 20 ~~the course of his employment."~~

-End-

SECOND READING

MISSING

1 HOUSE BILL NO. 243
 2 INTRODUCED BY KIMBLE, BY REQUEST
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DIVISION
 5 OF MOTOR VEHICLES, UPON COURT ORDER, TO ISSUE A SPECIAL
 6 PERMIT TO OPERATE A MOTOR VEHICLE TO A PERSON WHOSE DRIVER'S
 7 LICENSE HAS BEEN REVOKED FOR VIOLATION OF DRIVING UNDER THE
 8 INFLUENCE OF AN INTOXICATING LIQUOR OR DRUG WHEN THAT
 9 PERSON'S EMPLOYMENT OR SCHOOL ATTENDANCE REQUIRES THE
 10 POSSESSION OF A DRIVER'S LICENSE; ~~AMENDING SECTION 32-2142,~~
 11 ~~R.C.M. 1947~~ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Refer to Introduced Bill
 15 (Strike everything after the enacting clause and insert:)
 16 Section 1. There is a new R.C.M. section numbered
 17 31-146.1 that reads as follows:
 18 31-146.1. Permit to drive in course of employment or
 19 school attendance. (1) A person whose license has been
 20 revoked under 31-146(2) may petition the court of conviction
 21 for a permit to drive to and from work or school or in the
 22 course of his employment, PROVIDED HE OR SHE QUALIFIES FOR
 23 AUTOMOBILE INSURANCE.
 24 (2) Upon proof that driving is a condition of a
 25 person's employment, or attending school, the court may

1 order the permit issued. THE COURT SHALL NOT ISSUE A SPECIAL
 2 PERMIT FOLLOWING A SECOND OR SUBSEQUENT CONVICTION WITHIN 5
 3 YEARS OF THE FIRST CONVICTION.
 4 (3) Upon receipt of the court's order, the division of
 5 motor vehicles shall issue a special permit allowing the
 6 holder to drive to and from work or school or in the course
 7 of his employment, as ordered by the court.
 8 Section 2. This act is effective on its passage and
 9 approval.

-End-