

1 *Booth* BILL NO. *355*
 2 INTRODUCED BY *Booth* *Hayden* *Fraser Johnston*
 3 *Land*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DRIVER
 5 REHABILITATION PROGRAM IN THE DEPARTMENT OF JUSTICE;
 6 PROVIDING FOR A DRIVER REHABILITATION ADVISORY COUNCIL; AND
 7 PROVIDING FOR PROCEDURES TO CONTRIBUTE TOWARD IMPROVING
 8 DRIVERS' DRIVING ATTITUDES, HABITS, AND TECHNIQUES."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. There is a new R.C.M. section numbered
 12 31-191 that reads as follows:

13 31-191. Purpose. The toll of accidents, personal
 14 injuries, and deaths resulting from the operation of motor
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 21 skills, responsibilities, attitudes, and habits have not
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 23 toll. The public interest in the cause of highway safety
 24 will be well served by additional methods of driver
 25 rehabilitation and improvement and the establishment of

1 programs of rehabilitative instruction, driver improvement,
 2 and direction for drivers with poor driving records.

3 Section 2. There is a new R.C.M. section numbered
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 6 participation by offending drivers. (1) The department of
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 11 habits, actual on-the-road driver's training, and other such
 12 subjects or tasks designed to contribute to proper driving
 13 attitudes, habits, and techniques.

14 (2) Official participation in such driver
 15 rehabilitation and improvement program is limited to those
 16 persons whose operator's license to operate or privilege of
 17 operating a motor vehicle in the state of Montana is subject
 18 to suspension or revocation as a result of a violation of
 19 the traffic laws of this state.

20 (3) Notwithstanding any provision of this act
 21 inconsistent with any other law of the state of Montana, the
 22 enforcement of any suspension or revocation order which
 23 constitutes the basis for any person's participation in the
 24 driver rehabilitation and improvement program provided for
 25 herein may be stayed if that person complies with the

1 requirements established for the driver improvement program.

2 (4) In the event a person's driver's license has been
3 surrendered prior to his selection for participation in the
4 driver rehabilitation and improvement program, the license
5 may be returned upon receipt of his agreement to participate
6 in the program.

7 (5) The stay of enforcement of any suspension or
8 revocation order shall be terminated and the order of
9 suspension or revocation enforced if a person declines to
10 participate in the driver rehabilitation and improvement
11 program or fails to meet the attendance or other
12 requirements established for participation in the program.

13 (6) Nothing in this act creates a right to be included
14 in any program established under this act.

15 (7) The department of justice may establish a schedule
16 of fees which may be charged those persons participating in
17 the driver improvement and rehabilitation program, which
18 fees shall be used to help defray costs of maintaining the
19 program.

20 (8) A person may be referred to this program by a
21 driver improvement analyst, city judge, justice of the
22 peace, judge of a district court of the state of Montana, or
23 a hearing examiner of the department of justice.

24 Section 3. There is a new R.C.M. section numbered
25 31-193 that reads as follows:

1 31-193. Driver rehabilitation advisory council
2 created. (1) The attorney general shall appoint a driver
3 rehabilitation advisory council of not less than five or
4 more than seven members, who shall serve at the pleasure of
5 the attorney general. The membership of the council shall
6 include a representative from the fields of driver
7 education, law enforcement, highway safety, and from the
8 commission on lower courts and the department of
9 institutions. Members of the council are entitled to travel
10 expenses incurred in the performance of their duties, in
11 accordance with 59-538, 59-539, and 59-801.

12 (2) The council shall advise the department of justice
13 with respect to the development of a comprehensive driver
14 rehabilitation and improvement program with a view of
15 promoting highway safety and determining those drivers who
16 are a menace on the highways.

-End-

STATE OF MONTANA

REQUEST NO. 222-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 355 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for a driver rehabilitation program in the Department of Justice; providing for a driver rehabilitation advisory council; and providing for procedures to contribute toward improving drivers' driving attitudes, habits, and techniques.

ASSUMPTIONS:

1. The majority of drivers affected by this act would have an alcohol related problem and would be incorporated into the alcohol treatment program presently in existence in the Department of Institutions.
2. Approximately 5,000 people would receive some phase of training required by this act.
3. A fee of \$16 would be required to offset the costs incurred by this program.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Training costs (includes aids)	\$73,000	\$34,500
Advisory Council costs	5,000	2,000
Public hearings on proposed rules	5,000	0
Curriculum development	2,000	10,000
Other costs	<u>9,000</u>	<u>11,000</u>
Additional costs due to proposed legislation	<u>\$94,000</u>	<u>\$57,500</u>

NOTE: All or a portion of the above costs may be offset by the collection of fees as authorized by 31-192(7) of the proposed bill.

LONG-RANGE EFFECT:

After the program is established and the various aspects concurred on by the Council, a fee schedule would be proposed that would cover ongoing administrative costs.

Richard L. Drury for
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2-1-77

Approved by Committee on Judiciary

INTRODUCED BY *[Handwritten signatures]* BILL NO. 355

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DRIVER REHABILITATION PROGRAM IN THE DEPARTMENT OF JUSTICE; PROVIDING FOR A DRIVER REHABILITATION ADVISORY COUNCIL; AND PROVIDING FOR PROCEDURES TO CONTRIBUTE TOWARD IMPROVING DRIVERS' DRIVING ATTITUDES, HABITS, AND TECHNIQUES."

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

Section 1. There is a new R.C.M. section numbered 31-191 that reads as follows:

31-191. Purpose. The toll of accidents, personal injuries, and deaths resulting from the operation of motor vehicles remains a matter of great concern to the Legislature. The failure to apply proper driving techniques in the operation of vehicles and improper driving attitudes and habits on the part of operators constitute major factors in a substantial portion of both fatal and nonfatal automobile accidents. Current efforts to improve driver skills, responsibilities, attitudes, and habits have not proved adequate to stem the accident, injury, and death toll. The public interest in the cause of highway safety will be well served by additional methods of driver rehabilitation and improvement and the establishment of

programs of rehabilitative instruction, driver improvement, and direction for drivers with poor driving records.

Section 2. There is a new R.C.M. section numbered 31-192 that reads as follows:

31-192. Establishment of driver improvement program -- participation by offending drivers. (1) The department of justice may establish by administrative rules a driver rehabilitation and improvement program or programs which may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other such subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques.

(2) Official participation in such driver rehabilitation and improvement program is limited to those persons whose operator's license to operate or privilege of operating a motor vehicle in the state of Montana is subject to suspension or revocation as a result of a violation of the traffic laws of this state.

(3) Notwithstanding any provision of this act inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order which constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for herein may be stayed if that person complies with the

HB 355

1 requirements established for the driver improvement program.

2 (4) In the event a person's driver's license has been
3 surrendered prior to his selection for participation in the
4 driver rehabilitation and improvement program, the license
5 may be returned upon receipt of his agreement to participate
6 in the program.

7 (5) The stay of enforcement of any suspension or
8 revocation order shall be terminated and the order of
9 suspension or revocation enforced if a person declines to
10 participate in the driver rehabilitation and improvement
11 program or fails to meet the attendance or other
12 requirements established for participation in the program.

13 (6) Nothing in this act creates a right to be included
14 in any program established under this act.

15 (7) The department of justice may establish a schedule
16 of fees which may be charged those persons participating in
17 the driver improvement and rehabilitation program, which
18 fees shall be used to help defray costs of maintaining the
19 program.

20 (8) A person may be referred to this program by a
21 driver improvement analyst, city judge, justice of the
22 peace, judge of a district court of the state of Montana, or
23 a hearing examiner of the department of justice.

24 Section 3. There is a new R.C.M. section numbered
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1 31-193. Driver rehabilitation advisory council
2 created. (1) The attorney general shall appoint a driver
3 rehabilitation advisory council of not less than five or
4 more than seven members, who shall serve at the pleasure of
5 the attorney general. The membership of the council shall
6 include a representative from the fields of driver
7 education, law enforcement, highway safety, and from the
8 commission on lower courts and the department of
9 institutions. Members of the council are entitled to travel
10 expenses incurred in the performance of their duties, in
11 accordance with 59-538, 59-539, and 59-801.

12 (2) The council shall advise the department of justice
13 with respect to the development of a comprehensive driver
14 rehabilitation and improvement program with a view of
15 promoting highway safety and determining those drivers who
16 are a menace on the highways.

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April 8, 1977

STANDING COMMITTEE REPORT
Senate Committee on Judiciary

That House Bill No. 355 be amended as follows:

1. Amend title, line 6.

Following: line 5

Strike: "PROVIDING FOR A DRIVER REHABILITATION ADVISORY COUNCIL;"

2. Amend page 3, section 3, line 24 through line 16 on page 4.

Following: line 23

Strike: section 3 in its entirety

1 HOUSE BILL NO. 355

2 INTRODUCED BY GOULD, KEYSER, FRATES, JOHNSTON, LUND

3
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