

CHAPTER NO. 519

HOUSE BILL NO. 100

INTRODUCED BY KEYSER, LUND, DONALDSON, SPILKER,
KANDUCH, KVAALLEN, MEYER, TEAGUE, SMITH, K. ROBBINS

BY REQUEST OF THE ATTORNEY GENERAL

IN THE HOUSE

January 10, 1979	Introduced and referred to Committee on Highways and Transportation.
February 7, 1979	Committee recommend bill do pass as amended. Report adopted.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second reading, do pass as amended.
February 12, 1979	Correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 14, 1979	Introduced and referred to Committee on Highways and Transportation.
March 1, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 3, 1979	Second reading, concurred in as amended.
March 6, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 7, 1979	Returned from second house. Concurred in as amended.
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March 8, 1979

Second reading, amendments
rejected.

March 29, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *100*
2 INTRODUCED BY *Heyses Lund Donaldson*

3 BY REQUEST OF THE ATTORNEY GENERAL *Spitzer*
4 *Smith K. Johnson* or *Kvavalen Meyer*
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW

6 CONCERNING HABITUAL TRAFFIC OFFENDERS BY REDUCING THE TIME
7 OF ACCUMULATION OF POINTS FROM 5 YEARS TO 3 YEARS AND
8 REDUCING CERTAIN POINT VALUES; AMENDING SECTION 61-11-203,
9 MCA."

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

12 Section 1. Section 61-11-203, MCA, is amended to read:
13 "61-11-203. Definitions. As used in this part, the
14 following definitions apply:

15 (1) "Conviction" means a finding of guilt by duly
16 constituted judicial authority, a plea of guilty, or a
17 forfeiture of bail, bonds, or other security deposited to
18 secure appearance by a person charged with having committed
19 any offense relating to the use or operation of a motor
20 vehicle which is prohibited by law, ordinance, or
21 administrative order.

22 (2) "Habitual traffic offender" means any person who
23 within a 5-year ~~2-year~~ period accumulates 30 or more
24 conviction points according to the schedule specified in
25 this subsection:

1 (a) deliberate homicide resulting from the operation
2 of a motor vehicle, 15 points;

3 (b) mitigated deliberate homicide or negligent
4 homicide resulting from operation of a motor vehicle, 12
5 points;

6 (c) any offenses ~~offense~~ punishable as a felony under
7 the motor vehicle laws of Montana or any felony in the
8 commission of which a motor vehicle is used, 12 points;

9 (d) driving while under the influence of intoxicating
10 liquor or narcotics or drugs of any kind, 10 points;

11 (e) operating a motor vehicle while his license to do
12 so has been suspended or revoked, ~~10~~ 5 points;

13 (f) failure of the driver of a motor vehicle involved
14 in an accident resulting in death or injury to any person to
15 stop at the scene of the accident and give the required
16 information and assistance, 6 points;

17 (g) willful failure of the driver involved in an
18 accident resulting in property damage of \$250 to stop at the
19 scene of the accident and give the required information or
20 to otherwise fail to report an accident in violation of the
21 law, 4 points;

22 (h) reckless driving, 5 points;

23 (i) illegal drag racing or engaging in a speed contest
24 in violation of the law, 6 2 points;

25 (j) operating a motor vehicle without a license to do

-2- INTRODUCED BIL
HB 100

1 so, 6 2 points ~~{this subsection (j) does not apply to~~
2 ~~operating a motor vehicle within a period of 180 days from~~
3 ~~the date the license expired};~~

4 (k) speeding, 3 points;

5 (1) all other moving violations ~~including operation~~
6 ~~of a motor vehicle without a license to do so when the~~
7 ~~license has expired in the previous 180 days, 2 points.~~

8 There shall be no multiple application of cumulative points
9 when two or more charges are filed involving a single
10 occurrence. If there are two or more convictions involving a
11 single occurrence, only the number of points for the
12 specific conviction carrying the highest points shall be
13 chargeable against that defendant.

14 (3) "License" means any type of license or permit to
15 operate a motor vehicle."

-End-

Approved by Committee
on Highways & Transportation

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
CONCERNING HABITUAL TRAFFIC OFFENDERS BY ~~REDUCING~~ REVISING
THE TIME OF ACCUMULATION OF POINTS FROM 5 YEARS TO 3 YEARS
AND REDUCING CERTAIN POINT VALUES; AMENDING SECTION
61-11-203, MCA."

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constituted judicial authority, a plea of guilty, or a
forfeiture of bail, bond, or other security deposited to
secure appearance by a person charged with having committed
any offense relating to the use or operation of a motor
vehicle which is prohibited by law, ordinance, or
administrative order.

(2) "Habitual traffic offender" means any person who
within a 5-year ~~1-year~~ period accumulates 30 or more
conviction points according to the schedule specified in

this subsection:

(a) deliberate homicide resulting from the operation
of a motor vehicle, ~~±5~~ 20 points;

(b) mitigated deliberate homicide or negligent
homicide resulting from operation of a motor vehicle, ~~±2~~ 11
points;

(c) any offenses ~~offense~~ punishable as a felony under
the motor vehicle laws of Montana or any felony in the
commission of which a motor vehicle is used, ~~±2~~ 15 points;

(d) driving while under the influence of intoxicating
liquor or narcotics or drugs of any kind, ~~±0~~ 12 points;

(e) operating a motor vehicle while his license to do
so has been suspended or revoked, ~~±0~~ 6 points;

(f) failure of the driver of a motor vehicle involved
in an accident resulting in death or injury to any person to
stop at the scene of the accident and give the required
information and assistance, ~~0~~ 15 points;

(g) willful failure of the driver involved in an
accident resulting in property damage of \$250 to stop at the
scene of the accident and give the required information or
to otherwise fail to report an accident in violation of the
law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest
in violation of the law, ~~6~~ 5 points;

1 (j) operating a motor vehicle without a license to do
2 so, 6 2 points ~~{this subsection (j) does not apply to~~
3 ~~operating a motor vehicle within a period of 180 days from~~
4 ~~the date the license expired};~~

5 (k) speeding, 3 points;

6 (l) all other moving violations, ~~including operation~~
7 ~~of a motor vehicle without a license to do so when the~~
8 ~~license has expired in the previous 180 days, 2 points.~~
9 There shall be no multiple application of cumulative points
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11 occurrence. If there are two or more convictions involving a
12 single occurrence, only the number of points for the
13 specific conviction carrying the highest points shall be
14 chargeable against that defendant.

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16 operate a motor vehicle."

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secure appearance by a person charged with having committed
any offense relating to the use or operation of a motor
vehicle which is prohibited by law, ordinance, or
administrative order.

(2) "Habitual traffic offender" means any person who
within a 5-year ~~3-year~~ period accumulates 30 or more
conviction points according to the schedule specified in

this subsection:

(a) deliberate homicide resulting from the operation
of a motor vehicle, ~~15~~ 20 points;

(b) mitigated deliberate homicide or negligent
homicide resulting from operation of a motor vehicle, ~~12~~ 17
points;

(c) any ~~offenses~~ offense punishable as a felony under
the motor vehicle laws of Montana or any felony in the
commission of which a motor vehicle is used, ~~12~~ 15 points;

(d) driving while under the influence of intoxicating
liquor or narcotics or drugs of any kind, ~~10~~ 12 points;

(e) operating a motor vehicle while his license to do
so has been suspended or revoked, ~~10~~ 6 points;

(f) failure of the driver of a motor vehicle involved
in an accident resulting in death or injury to any person to
stop at the scene of the accident and give the required
information and assistance, ~~8~~ 15 points;

(g) willful failure of the driver involved in an
accident resulting in property damage of \$250 to stop at the
scene of the accident and give the required information or
to otherwise fail to report an accident in violation of the
law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest
in violation of the law, ~~6~~ 5 points;

1 (j) operating a motor vehicle without a license to do
2 so, 6 2 points ~~(this subsection (j) does not apply to~~
3 ~~operating a motor vehicle within a period of 180 days from~~
4 ~~the date the license expired);~~

5 (k) speeding, 3 points;

6 (1) all other moving violations, ~~including operation~~
7 ~~of a motor vehicle without a license to do so when the~~
8 ~~license has expired in the previous 180 days, 2 points.~~

9 There shall be no multiple application of cumulative points
10 when two or more charges are filed involving a single
11 occurrence. If there are two or more convictions involving a
12 single occurrence, only the number of points for the
13 specific conviction carrying the highest points shall be
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vehicle which is prohibited by law, ordinance, or
administrative order.

(2) "Habitual traffic offender" means any person who
within a 5-year ~~2-year~~ period accumulates 30 or more
conviction points according to the schedule specified in

this subsection:

(a) deliberate homicide resulting from the operation
of a motor vehicle, ~~15~~ ~~20~~ 15 points;

(b) mitigated deliberate homicide or negligent
homicide resulting from operation of a motor vehicle, ~~12~~ ~~17~~
12 points;

(c) any offenses ~~offense~~ punishable as a felony under
the motor vehicle laws of Montana or any felony in the
commission of which a motor vehicle is used, ~~12~~ ~~15~~ 12
points;

(d) driving while under the influence of intoxicating
liquor or narcotics or drugs of any kind, ~~10~~ ~~12~~ 10 points;

(e) operating a motor vehicle while his license to do
so has been suspended or revoked, ~~10~~ 6 points;

(f) failure of the driver of a motor vehicle involved
in an accident resulting in death or injury to any person to
stop at the scene of the accident and give the required
information and assistance, ~~0~~ ~~15~~ points AS DEFINED IN
61-7-105, 8 POINTS;

(g) willful failure of the driver involved in an
accident resulting in property damage of \$250 to stop at the
scene of the accident and give the required information or
to otherwise fail to report an accident in violation of the
law, 4 points;

(h) reckless driving, 5 points;

1 (i) illegal drag racing or engaging in a speed contest
2 in violation of the law, 6 2 points;

3 (j) operating a motor vehicle without a license to do
4 so, 6 2 points ~~{this subsection (j) does not apply to~~
5 ~~operating a motor vehicle within a period of 180 days from~~
6 ~~the date the license expired} (THIS SUBSECTION (J) DOES NOT
7 APPLY TO OPERATING A MOTOR VEHICLE WITHIN A PERIOD OF 180
8 DAYS FROM THE DATE THE LICENSE EXPIRED);~~

9 (k) speeding, 3 points;

10 (l) ~~all other moving violations, including operation~~
11 ~~of a motor vehicle without a license to do so when the~~
12 ~~license has expired in the previous 180 days, 2 points.~~
13 There shall be no multiple application of cumulative points
14 when two or more charges are filed involving a single
15 occurrence. If there are two or more convictions involving a
16 single occurrence, only the number of points for the
17 specific conviction carrying the highest points shall be
18 chargeable against that defendant.

19 (3) "License" means any type of license or permit to
20 operate a motor vehicle."

-End-

March 1, 1979

SENATE STANDING COMMITTEE REPORT
(Highways and Transportation)

That House Bill No. 100 be amended as follows:

1. Page 2, line 3.

Following: "vehicles,"

Strike: "20"

Insert: "15"

2. Page 2, line 5.

Following: "vehicles,"

Strike: "17"

Insert: "12"

3. Page 2, line 9.

Following: "used,"

Strike: "15"

Insert: "12"

4. Page 2, line 11.

Following: "kind,"

Strike: "12"

Insert: "10"

5. Page 2, line 17.

Following: "assistance,"

Strike: "8 15 points;"

Insert: "as defined in 61-7-105, 8 points;"

March 3, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 100 be amended as follows:

1. Page 3, line 2.

Following: "points"

Insert: "(this subsection (j) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired)"