CHAPTER NO. 519____

HOUSE BILL NO. 100

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

BY REQUEST OF THE ATTORNEY GENERAL

IN THE HOUSE

January 10, 19	979	Introduced and referred to Committee on Highways and Transportation.
February 7, 19	979	Committee recommend bill do pass as amended. Report adopte
February 8, 19	979	Printed and placed on members' desks.
February 9, 19	979	Second reading, do pass as amended.
February 12, 2	1979	Correctly engrossed.
February 13, 1	1979	Third reading, passed. Transmitted to second house.
	IN THE SE	ENATE
February 14, 1	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 HO	DUSE
March 7, 1979		Returned from second house. Concurred in as amended.

March 8, 1979

March 29, 1979

Record reading, amondments rejected.

கள் கள் தத்தில் கல்லாக பிரியத்துக்குகில் இதற்கான கண்ணத்துக்கும் கோர்கின்றன் குணையானதும் இரையாக கில நிற்குகளை பா கால

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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46th Legislature

LC 0366/01

LC 0366/01

House BILL NO. 100 eyser Sind (braldson) 1 INTRODUCED BY K Z BY REQUEST OF THE ATTORNEY GENERAL Spulker 3 F Kinduch & Kvalen Mayes 4 A BILL FOR AN ACT ENTITLED: **WAN ACT TO REVISE THE LAW** 5 6 CONCERNING HABITUAL TRAFFIC OFFENDERS BY REDUCING THE TIME 7 OF ACCUMULATION OF POINTS FROM 5 YEARS TO 3 YEARS AND REDUCING CERTAIN POINT VALUES; AMENDING SECTION 61-11-203, 8 9 HCA. 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 quilt by duly 16 constituted judicial authority, a plea of quilty, or a 17 forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed 18 19 any offense relating to the use or operation of a motor vehicle which is prohibited by law, ordinance, or 20 21 administrative order. (2) "Habitual traffic offender" means any person who 22 23 within a 5-year 3-year period accumulates 30 or more conviction points according to the schedule specified in 24 25 this subsection:

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(a) deliberate homicide resulting from the operation 1 2 of a motor vehicle, 15 points; (b) mitigated deliberate homicide or negligent 3 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 commission of which a motor vehicle is used, 12 points; a 9 (d) driving while under the influence of intoxicating liquor or marcotics or drugs of any kind, 10 points; 10 11 (e) operating a motor vehicle while his license to do so has been suspended or revoked, 10 6 points; 12 (f) failure of the driver of a motor vehicle involved 13 14 in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required 15 information and assistance, 6 points; 16 17 (q) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the 18 19 scene of the accident and give the required information or to otherwise fail to report an accident in violation of the 20 21 law, 4 points; 22 (h) reckless driving, 5 points; (i) illegal drag racing or engaging in a speed contest 23 in violation of the law, 6 5 points; 24 (j) operating a motor vehicle without a license to do 25

> INTRODUCED BIL HB100

LC 0366/01

sor 6 2 points (this--subsection--(j)--does-not-apply-to
 operating-s-motor-vehicle-within-s-period-of-100--days--from
 the-date-the-license-expired);

4 (k) speeding, 3 points;

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5 (1) all other moving violationsy-including-operation 6 of-a-motor-vehicle-without-a--license--to--do--so--when--the 7 license--has--expired--in--the--previous-100-days, ? points. 8 There shall be no multiple application of cumulative points 9 when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a 10 single occurrence, only the number of points for the 11 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."

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46th Legislature

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HB 0100/02

Approved by Committee on Highways & Transportation

1	HOUSE BILL NO. 100				
2	INTRODUCED BY KEYSER, LUND, DONALDSON, SPILKER,				
3	KANDUCH, KVAALEN, MEYER, TEAGUE, SMITH, K. ROBBINS				
4	BY REQUEST OF THE ATTORNEY GENERAL				
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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW 6 CONCERNING HABITUAL TRAFFIC OFFENDERS BY REDUCING REVISING 7 8 THE TIME OF ACCUMULATION OF POINTS FROM 5 YEARS TO 3 YEARS AND REDUCING CERTAIN POINT VALUES; AMENDING SECTION 9 10 61-11-203, MCA.*

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12

13 Section 1. Section 61-11-203, MCA, is amended to read: "61-11-203. Definitions. As used in this part, the 14 following definitions apply: 15

16 (1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a 17 18 forfeiture of bail, bond, or other security deposited to 19 secure appearance by a person charged with having committed any offense relating to the use or operation of a motor 20 vehicle which is prohibited by law, ordinance, or 21 administrative order. 22

23 (2) "Habitual traffic offender" means any person who within a 5-year <u>3-year</u> period accumulates 30 or more 24 conviction points according to the schedule specified in 25

this subsection: 2 (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 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 <u>15</u> points; (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind, 10 12 points; 12 (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; (q) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the

19 20 scene of the accident and give the required information or to otherwise fall to report an accident in violation of the 21 22 law, 4 points;

23 (h) reckless driving, 5 points;

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24 (i) illegal drag racing or engaging in a speed contest 25 in violation of the law, 6 5 points;

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HB 100

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(j) operating a motor vehicle without a license to do
 so. 6 2 points (this--subsection--(j)--does--not--apply--to
 operating--a--motor-vehicle-within-a-period-of-100-days-from
 the-date-the-license-expired;
 (k) speeding, 3 points;

(1) all other moving violationsy--including--operation 6 7 of--a--motor--vehicle--without--a--ii cense-to-do-so-when-the license-hes-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 11 occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the 12 13 specific conviction carrying the highest points shall be chargeable against that defendant. 14

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

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1	HOUSE BILL NO. 100	1	this subsection:
2	INTRODUCED BY KEYSER, LUND, DONALDSON, SPILKER,	2	(a) deliberate homicide resulting from the operation
3	KANDUCH, KVAALEN, MEYER, TEAGUE, SMITH, K. ROBBINS	3	of a motor vehicle, ±5 20 points;
4	BY REQUEST OF THE ATTORNEY GENERAL	4	(b) mitigated deliberate nomicide or negligent
5		5	nomicide resulting from operation of a motor vehicley 34 17
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW	6	points;
۲	CONCERNING HABITUAL TRAFFIC OFFENDERS BY REDUCING BEVISING	7	(c) any offenses <u>offense</u> punishable as a felony under
8	Reducing the time of accumulation of points from 5 years. To	8	the motor vehicle laws of Montana or any felony in the
9	3 YEARS AND REDUCTING REVISING CERTAIN POINT VALUES; AMENDING	9	commission of which a motor vehicle is used, 12 15 points;
10	SECTION 61-11-203, MCA.*	10	(d) driving while under the influence of intoxicating
11		11	liquor or narcotics or drugs of any kind, 10 12 points;
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	(e) operating a motor vehicle while his license to do
13	Section 1. Section 61-11-203, MCA, is amended to read:	13	so has been suspended or revoked, 10 6 points;
14	*61-11-203. Definitions. As used in this part, the	14	(f) failure of the driver of a motor vehicle involved
15	following definitions apply:	15	in an accident resulting in death or injury to any person to
16	(1) "Conviction" means a finding of guilt by duly	16	stop at the scene of the accident and give the required
17	constituted judicial authority, a plea of guilty, or a	17	information and assistance, 0 15 points;
18	forfeiture of bail, bond, or other security deposited to	18	(g) willful failure of the driver involved in an
19	secure appearance by a person charged with having committed	19	accident resulting in property damage of \$250 to stop at the
20	any offense relating to the use or operation of a motor	20	scene of the accident and give the required information or
21	vehicle which is prohibited by law, ordinance, or	21	to otherwise fail to report an accident in violation of the
22	administrative order.	22	law, 4 points;
23	(2) "Habitual traffic offender" means any person who	23	(h) reckless driving, 5 points;
24	within a 5-year <u>3-year</u> period accumulates 30 or more	24	(i) illegal drag racing or engaging in a speed contest
25	conviction points according to the schedule specified in	25	in violation of the law, 6 5 points;

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{j} operating a motor vehicle without a license to do
 so. 6 2 points (this--subsection--(j)--does-not-apply-to
 operating-a-motor-vehicle-within-a-period-of-1880-days--from
 the-dota-tho-license-expired;;

5 (k) speeding, 3 points;

6 (1) all other moving violationsy-including-operation 7 of-a-motor-vehicle-without-a--license--to--do--so--when--che 8 license--has--expired--in--the--previous-188-days, 2 points. 9 There shall be no multiple application of cumulative points when two or more charges are filed involving a single 10 11 occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the 12 13 specific conviction carrying the highest points shall be chargeable against that defendant. 14

15 (3) "License" means any type of license or permit to

16 operate a motor vehicle."

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46th Legislature

HB 0100/04

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HOUSE BILL NO. 100 1 1 2 INTRODUCED BY KEYSER, LUND, DONALDSON, SPILKER, 2 KANDUCH, KVAALEN, MEYER, TEAGUE, SMITH, K. ROBBINS 3 3 4 BY REQUEST OF THE ATTORNEY GENERAL 4 5 5 12 points; A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW 6 6 7 CONCERNING HABITUAL TRAFFIC OFFENDERS BY REDUCING REVISING 7 8 REDUCING THE TIME OF ACCUMULATION OF POINTS FROM 5 YEARS TO 8 9 3 YEARS AND REDUCING REVISING CERTAIN POINT VALUES; AMENDING 9 10 points; SECTION 61-11-203+ MCA.* 10 11 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 61-11-203, MCA, is amended to read: 13 13 14 "61-11-203. Definitions. As used in this part, the 14 15 following definitions apply: 15 (1) "Conviction" means a finding of guilt by duly 16 16 constituted judicial authority, a plea of guilty, or a 17 17 forfeiture of bail, bond, or other security deposited to 18 18 secure appearance by a person charged with having committed 19 19 any offense relating to the use or operation of a motor 20 20 vehicle which is prohibited by law, ordinance, or 21 21 administrative order. 22 22 (2) "Habitual traffic offender" means any person who 23 23 24 law+ 4 points; within a 5-year 3-year period accumulates 30 or more 24 conviction points according to the schedule specified in 25

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 (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 (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, 8 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

25 (h) reckless driving, 5 points;

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HB 100

REFERENCE BILL

1	(i) illegal drag racing or engaging in a speed contest
S	in violation of the law. 6 5 points;
3	(j) operating a motor vehicle without a license to do
4	son 6 Z points (this-subsection{j}-does-not-apply-to
5	operating-s-motor-vehicle-within-s-period-of-160daysfrom
6	thedate-the-license-expired; <u>[[HIS_SUBSECTION_[J]_DOES_NOT</u>
7	APPLY IO OPERATING & MOTOR VEHICLE WITHIN & PERIOD DE 180
8	DAYS_ERON_THE_DATE_THE_LICENSE_EXPIRED:
9	(k) speeding, 3 points;
10	(1) all other moving violations-including-operation
11	of-a-motor-vehicle-without-alicensetodosowhenthe
12	licensehasexpiredintheprevious-180-deys, 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 occurrance, only the number of points for the
17	specific conviction carrying the highest points shall be
18	chargeable against that defendant.

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

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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" "15" Insert: 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 ll.
Following: "kind," Strike: ["12" "10" Insert: 5. Page 2, line 17. Following: "assistance," Strike: "0 15 points;" Insert: "as defined in 61-7-105, 8 points;"

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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)"