

HOUSE BILL NO. 544

INTRODUCED BY DONALDSON, KEYSER, GOULD

IN THE HOUSE

February 3, 1979	Introduced and referred to Committee on Highways and Transportation.
February 13, 1979	Committee recommend bill do pass. Report adopted.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on Highways and Transportation.
March 7, 1979	Committee recommend bill be concurred in. Report adopted.
March 9, 1979	Second reading, concurred in.
March 13, 1979	Third reading, concurred in.

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	---

1 House BILL NO. 544 Loft
2 INTRODUCED BY Strodelman Heyses

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 ELIGIBILITY REQUIREMENTS FOR THE DRIVER IMPROVEMENT PROGRAM;
6 AMENDING SECTION 61-2-302, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 61-2-302, MCA, is amended to read:

10 "61-2-302. Establishment of driver improvement program
11 — participation by offending drivers. (1) The department of
12 justice may establish by administrative rules a driver
13 rehabilitation and improvement program or programs which may
14 consist of classroom instruction in rules of the road,
15 driving techniques, defensive driving, driver attitudes and
16 habits, actual on-the-road driver's training, and other such
17 subjects or tasks designed to contribute to proper driving
18 attitudes, habits, and techniques.

19 (2) Official participation in such driver
20 rehabilitation and improvement program is limited to those
21 persons whose operator's license to operate or ~~privilege of~~
22 ~~operating~~ a motor vehicle in the state of Montana is:

23 (a) subject to suspension or revocation as a result of
24 a violation of the traffic laws of this state; or

25 (b) revoked and they have:

1 (i) completed at least 3 months of a 1-year
2 revocation; or
3 (ii) completed 1 year of a 3-year revocation; and
4 (iii) have met the requirements for reobtaining a
5 Montana driver's license.

6 (3) Notwithstanding any provision of this part
7 inconsistent with any other law of the state of Montana, the
8 enforcement of any suspension or revocation order which
9 constitutes the basis for any person's participation in the
10 driver rehabilitation and improvement program provided for
11 herein may be stayed if that person complies with the
12 requirements established for the driver improvement program
13 and meets the eligibility requirements of subsection (2).

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

19 (5) The stay of enforcement of any suspension or
20 revocation order shall be terminated and the order of
21 suspension or revocation enforced if a person declines to
22 participate in the driver rehabilitation and improvement
23 program or fails to meet the attendance or other
24 requirements established for participation in the program.

25 (6) Nothing in this part creates a right to be

1 included in any program established under this part.

2 (7) The department of justice may establish a schedule
3 of fees which may be charged those persons participating in
4 the driver improvement and rehabilitation program, which
5 fees shall be used to help defray costs of maintaining the
6 program.

7 (8) A person may be referred to this program by a
8 driver improvement analyst, city judge, justice of the
9 peace, judge of a district court of the state, or a hearing
10 examiner of the department of justice."

-End-

1 House BILL NO. 544 Loftis
2 INTRODUCED BY Donald H. Hays
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 ELIGIBILITY REQUIREMENTS FOR THE DRIVER IMPROVEMENT PROGRAM;
6 AMENDING SECTION 61-2-302, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 61-2-302, MCA, is amended to read:

10 "61-2-302. Establishment of driver improvement program
11 -- participation by offending drivers. (1) The department of
12 justice may establish by administrative rules a driver
13 rehabilitation and improvement program or programs which may
14 consist of classroom instruction in rules of the road,
15 driving techniques, defensive driving, driver attitudes and
16 habits, actual on-the-road driver's training, and other such
17 subjects or tasks designed to contribute to proper driving
18 attitudes, habits, and techniques.

19 (2) Official participation in such driver
20 rehabilitation and improvement program is limited to those
21 persons whose operator's license to operate or ~~privilege~~ of
22 operating a motor vehicle in the state of Montana is:

23 (a) subject to suspension or revocation as a result of
24 a violation of the traffic laws of this state; or

25 (b) revoked and they have:

1 (i) completed at least 3 months of a 1-year
2 revocation; or
3 (ii) completed 1 year of a 3-year revocation; and
4 (iii) have met the requirements for recobtaining a
5 Montana driver's license.

6 (3) Notwithstanding any provision of this part
7 inconsistent with any other law of the state of Montana, the
8 enforcement of any suspension or revocation order which
9 constitutes the basis for any person's participation in the
10 driver rehabilitation and improvement program provided for
11 herein may be stayed if that person complies with the
12 requirements established for the driver improvement program
13 and meets the eligibility requirements of subsection (2).

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

19 (5) The stay of enforcement of any suspension or
20 revocation order shall be terminated and the order of
21 suspension or revocation enforced if a person declines to
22 participate in the driver rehabilitation and improvement
23 program or fails to meet the attendance or other
24 requirements established for participation in the program.

25 (6) Nothing in this part creates a right to be

1 included in any program established under this part.

2 (7) The department of justice may establish a schedule
3 of fees which may be charged those persons participating in
4 the driver improvement and rehabilitation program, which
5 fees shall be used to help defray costs of maintaining the
6 program.

7 (8) A person may be referred to this program by a
8 driver improvement analyst, city judge, justice of the
9 peace, judge of a district court of the state, or a hearing
10 examiner of the department of justice."

-End-

HOUSE BILL NO. 544

INTRODUCED BY DONALDSON, KEYSER, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ELIGIBILITY REQUIREMENTS FOR THE DRIVER IMPROVEMENT PROGRAM; AMENDING SECTION 61-2-302, MCA."

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

Section 1. Section 61-2-302, MCA, is amended to read:

"61-2-302. 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:

(a) subject to suspension or revocation as a result of a violation of the traffic laws of this state; or

(b) ~~revoked and they have:~~

~~(i) completed at least 3 months of a 1-year revocation; or~~

~~(iii) completed 1 year of a 3-year revocation; and~~
~~(iiii) have met the requirements for reobtaining a Montana driver's license.~~

(3) Notwithstanding any provision of this part 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 requirements established for the driver improvement program and meets the eligibility requirements of subsection (2).

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

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

(6) Nothing in this part creates a right to be

1 included in any program established under this part.

2 (7) The department of justice may establish a schedule
3 of fees which may be charged those persons participating in
4 the driver improvement and rehabilitation program, which
5 fees shall be used to help defray costs of maintaining the
6 program.

7 (8) A person may be referred to this program by a
8 driver improvement analyst, city judge, justice of the
9 peace, judge of a district court of the state, or a hearing
10 examiner of the department of justice."

-End-