

House Bill 226

In The House

January 14, 1981	Introduced and referred to Committee on Highways and Transportation.
January 21, 1981	Rereferred to Committee on Judiciary.
February 19, 1981	Committee recommend bill do not pass.

*Harold Bupp*  
HOUSE BILL NO. 226

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2 INTRODUCED BY *Schuler, Ernst, Roth, Shellen, Matt*  
3 *Moore, Switzer, Berlin, Daley, Harrington, Dave Brown*  
4 *Curtiss* A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A FINE AND *Waller*

5 REQUIRING REVOCATION OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE  
6 FOR FAILURE TO INSURE A MOTOR VEHICLE AGAINST LIABILITY;  
7 REQUIRING THAT PROOF OF INSURANCE BE CARRIED IN THE VEHICLE;  
8 PROVIDING AN EFFECTIVE DATE; AND AMENDING SECTIONS 61-5-205,  
9 61-6-302, AND 61-6-304, MCA."

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

12 Section 1. Section 61-6-304, MCA, is amended to read:

13 "61-6-304. Penalties. It is unlawful for any person to  
14 operate a motor vehicle upon highways, streets, or roadways  
15 of this state without a valid policy of liability insurance  
16 in effect in an amount not less than that provided in  
17 61-6-301 or unless such person has been issued a certificate  
18 of self-insurance pursuant to [61-6-302] or has previously  
19 posted an indemnity bond with the [commissioner of  
20 insurance] as provided by 61-6-301 or is operating a vehicle  
21 exempt under 61-6-303. A violation of 61-6-301 through  
22 61-6-304 is a misdemeanor punishable ~~as provided in 61-3-601~~  
23 ~~by a fine of not more than \$1,000 and by revocation, under~~  
24 ~~61-5-205, of any operator's or chauffeur's license held by~~  
25 ~~the person convicted."~~

1 Section 2. Section 61-6-302, MCA, is amended to read:  
2 "61-6-302. Proof of compliance. (1) Before any  
3 applicant required to register his motor vehicle may do so,  
4 the applicant must certify and display to the county  
5 treasurer an automobile liability insurance policy, a  
6 certificate of self-insurance, a posted indemnity bond, or  
7 eligibility for an exemption under 61-6-303 covering the  
8 motor vehicle. The certification shall be on a form  
9 prescribed by the division of motor vehicles. The division  
10 may immediately cancel the registration and license plates  
11 of the vehicle upon notification that the insurance  
12 certification was not correctly represented.

13 (2) An owner of a motor vehicle who ceases to maintain  
14 the insurance or bond required or whose certificate of  
15 self-insurance is canceled or whose vehicle ceases to be  
16 exempt shall immediately surrender the registration and  
17 license plates for the vehicle to the county treasurer for  
18 delivery to the division and may not operate or permit  
19 operation of the vehicle in Montana until insurance has  
20 again been furnished as required and the vehicle is again  
21 registered and licensed.

22 ~~(3) Failure to possess proof of insurance or bond, in~~  
23 ~~a form provided by the insurer or indemnifier and approved~~  
24 ~~by the division, or proof of exemption or self-insurance, in~~  
25 ~~a form approved by the division, in each vehicle required to~~

1 be covered by insurance as provided in 61-6-301 constitutes  
 2 probable cause of a violation of 61-6-301 through 61-6-304,  
 3 and a citation may be issued on the basis of such failure."

4 Section 3. Section 61-5-205, MCA, is amended to read:  
 5 "61-5-205. Mandatory revocation of license upon proper  
 6 authority. The division upon proper authority shall revoke  
 7 the license or operating privilege of any operator or  
 8 chauffeur upon receiving a record of such operator's or  
 9 chauffeur's conviction or forfeiture of bail not vacated of  
 10 any of the following offenses, when such conviction or  
 11 forfeiture has become final:

12 (1) negligent homicide resulting from the operation of  
 13 a motor vehicle;

14 (2) driving a motor vehicle while under the influence  
 15 of alcohol or narcotic drug, or willfully or knowingly under  
 16 the influence of any other drug to a degree which renders  
 17 him incapable of safely driving a motor vehicle, or a  
 18 combination thereof except as provided in 61-5-208;

19 (3) any felony in the commission of which a motor  
 20 vehicle is used;

21 (4) failure to stop and render aid as required under  
 22 the laws of this state in the event of a motor vehicle  
 23 accident resulting in the death or personal injury of  
 24 another;

25 (5) perjury or the making of a false affidavit or

1 statement under oath to the division under this chapter or  
 2 under any other law relating to the ownership or operation  
 3 of motor vehicles;

4 (6) conviction or forfeiture of bail not vacated, upon  
 5 three charges of reckless driving committed within a period  
 6 of 12 months;

7 (7) failure to provide continuous liability insurance  
 8 of any motor vehicle registered and operated in Montana in  
 9 violation of 61-6-301 through 61-6-304."

10 Section 4. Severability. If a part of this act is  
 11 invalid, all valid parts that are severable from the invalid  
 12 part remain in effect. If a part of this act is invalid in  
 13 one or more of its applications, the part remains in effect  
 14 in all valid applications that are severable from the  
 15 invalid applications.

16 Section 5. Effective date. This act is effective on  
 17 passage and approval.

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