

SENATE BILL NO. 188

Introduced: 01/18/83

Referred to Committee on Judiciary: 01/18/83

Hearing: 1/28/83

Report: 1/28/83, Do Not Pass. Report Adopted.
Bill Killed.

1 Senate BILL NO. 188
 2 INTRODUCED BY J. Jacobson Ed
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
 5 DRIVER'S LICENSE OF A PERSON WHO IS A PASSENGER IN A MOTOR
 6 VEHICLE OPERATED BY AN INTOXICATED PERSON MAY BE SUSPENDED
 7 FOR 30 DAYS; AMENDING SECTION 61-5-206, MCA; AND PROVIDING
 8 AN IMMEDIATE EFFECTIVE DATE."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Passenger responsibility --
 12 enforcement. (1) A person who is a passenger in a motor
 13 vehicle the driver of which is found to be in violation of
 14 61-8-401 and who either knew or should have known of the
 15 driver's condition may have his driver's license suspended
 16 for a period of 30 days.

17 (2) For purposes of enforcing subsection (1), an
 18 officer who stops a vehicle because he suspects the driver
 19 is in violation of 61-8-401 shall require any passenger in
 20 the vehicle to provide his name and driver's license number
 21 to the officer.

22 Section 2. Section 61-5-206, MCA, is amended to read:

23 "61-5-206. Authority of division to suspend license or
 24 driving privilege or issue probationary license. (1) The
 25 division is hereby authorized to suspend the license or

1 driving privilege of an operator or chauffeur without
 2 preliminary hearing upon a showing by its records or other
 3 sufficient evidence that the licensee:

4 (a) has been involved as a driver in any accident
 5 resulting in the death or personal injury of another or
 6 serious property damage;

7 (b) has been convicted with such frequency of serious
 8 offenses against traffic regulations governing the movement
 9 of vehicles as to indicate a disrespect for traffic laws and
 10 a disregard for the safety of other persons on the highways;

11 (c) is an habitually reckless or negligent driver of a
 12 motor vehicle;

13 (d) is incompetent to drive a motor vehicle;

14 (e) has permitted an unlawful or fraudulent use of
 15 such license as specified in 61-5-302;

16 (f) has committed an offense in another state which if
 17 committed in this state would be grounds for suspension or
 18 revocation; or

19 (g) has falsified his date of birth on his application
 20 for a driver's license; or

21 (h) has violated [section 1].

22 (2) However, the division may, in its discretion, and
 23 in lieu of such suspension of license or driving privilege,
 24 issue a probationary license to an operator or chauffeur,
 25 without preliminary hearing, upon a showing by its records

1 or other sufficient evidence that the licensee's driving
 2 record is such as would authorize suspension as provided in
 3 subsection (1) hereof. Upon issuance of a probationary
 4 license the licensee shall be subject to the restrictions
 5 set forth thereon. The licensee's driving privilege may be
 6 suspended upon conviction or forfeiture of bail not vacated
 7 of any traffic violation during the period of such
 8 probation. The licensee shall surrender to the division all
 9 driver licenses theretofore issued to him before such
 10 probationary license shall be issued. His refusal or neglect
 11 to surrender such licenses, upon demand, shall be ground for
 12 suspending all such licenses. Probationary licenses may be
 13 issued for a period not to exceed 12 months.

14 (3) Upon suspending the license of any person or upon
 15 placing such person on probation, as hereinbefore in this
 16 section authorized, the division shall immediately notify
 17 the licensee in writing and upon his request shall afford
 18 him an opportunity for a hearing as early as practical
 19 within not to exceed 20 days after receipt of such request
 20 in the county wherein the licensee resides unless the
 21 division and the licensee agree that such hearing may be
 22 held in some other county. Upon such hearing the division
 23 through its duly authorized agent may administer oaths and
 24 may issue subpoenas for the attendance of witnesses and the
 25 production of relevant books and papers and may require a

1 reexamination of the licensee. Upon such hearing the
 2 division shall either rescind its order of suspension or
 3 probation, or, good cause appearing therefor, may affirm,
 4 reduce, or extend the period of probation or suspension of
 5 such license."

6 NEW SECTION. Section 3. Codification instruction.
 7 Section 1 is intended to be codified as an integral part of
 8 Title 61, and the provisions of Title 61 apply to section 1.
 9 NEW SECTION. Section 4. Effective date. This act is
 10 effective on passage and approval.

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