

HOUSE BILL NO. 238

INTRODUCED BY CONNELLY, PECK, BACHINI, MCCORMICK, KEYSER

BY REQUEST OF THE DEPARTMENT OF JUSTICE,
MOTOR VEHICLE DIVISION

IN THE HOUSE

January 17, 1985	Introduced and referred to Committee on Highways and Transportation.
January 23, 1985	On motion by Chief Sponsor, Representative Keyser added as sponsor.
February 13, 1985	Committee recommend bill do pass. Report adopted.
February 14, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass. Considered correctly engrossed.
February 18, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Highways and Transportation.
March 15, 1985	Committee recommend bill be concurred in. Report adopted.
March 21, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 25, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 238

INTRODUCED BY

Connelly Port Bashini-Islamich

BY REQUEST OF THE DEPARTMENT OF JUSTICE,

MOTOR VEHICLE DIVISION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING DRIVER'S LICENSE REINSTATEMENT PROVISIONS; AMENDING SECTION 61-5-208, MCA."

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

Section 1. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The division may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, 61-6-123, and 61-11-211.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked is not entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension, the person may make application for a new license as provided by law but the division may not then issue a new license unless and until it is satisfied, after investigation of character,

habits, and the driving ability of the person and upon a showing by its records or other sufficient evidence, that it is safe to grant the privilege of driving a motor vehicle on the public highways the person is eligible to be licensed to drive in this state. When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof, or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the division shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the division shall revoke the license or driving privilege of the person for a period of 1 year.

(3) The period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted

LC 1096/01

1 of any offense which makes mandatory the revocation of the
2 operator's or chauffeur's license commences from date of
3 conviction or forfeiture of bail."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE,
 4 MOTOR VEHICLE DIVISION
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 15 for a period of more than 1 year, except as permitted under
 16 61-5-207, 61-5-212, 61-6-123, and 61-11-211.

17 (2) Any person whose license or privilege to drive a
 18 motor vehicle on the public highways has been suspended or
 19 revoked is not entitled to have such license or privilege
 20 renewed or restored unless the revocation was for a cause
 21 which has been removed, except that after the expiration of
 22 the period of such revocation or suspension, the person may
 23 make application for a new license as provided by law but
 24 the division may not then issue a new license unless and
 25 until it is satisfied, after investigation of character,

1 ~~habits, and the driving ability of the person and upon a~~
 2 ~~showing by its records or other sufficient evidence, that it~~
 3 ~~is safe to grant the privilege of driving a motor vehicle on~~
 4 ~~the public highways the person is eligible to be licensed to~~
 5 ~~drive in this state.~~ When any person is convicted or
 6 forfeits bail or collateral not vacated for the offense of
 7 operating or being in actual physical control of a motor
 8 vehicle while under the influence of alcohol or a narcotic
 9 drug or knowingly or willingly under the influence of any
 10 other drug to a degree which renders him incapable of safely
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HB 0238/02

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~~habits, and the driving ability of the person and upon a showing by its records or other sufficient evidence, that it is safe to grant the privilege of driving a motor vehicle on the public highways the person is eligible to be licensed to drive in this state.~~ When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof, or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the division shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the division shall revoke the license or driving privilege of the person for a period of 1 year.

(3) The period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted



1 of any offense which makes mandatory the revocation of the
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