HOUSE BILL NO. 246

INTRODUCED BY CONNELLY, PECK, BACHINI, MCCORMICK

BY REQUEST OF THE DEPARTMENT OF JUSTICE, MOTOR VEHICLE DIVISION

IN THE HOUSE

January 18, 1985	Introduced and referred to Committee on Judiciary.
January 24, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
January 26, 1985	Second reading, do pass.
January 28, 1985	Considered correctly engrossed.
January 29, 1985	Third reading, passed. Ayes, 97; Noes, 3.
	Transmitted to Senate.

IN THE SENATE

January 30, 1985	Introduced and referred to Committee on Judiciary.
March 6, 1985	Committee recommend bill be concurred in. Report adopted.
March 7, 1985	Second reading, concurred in.
March 9, 1985	Third reading, concurred in. Ayes, 48; Noes, 0
	Returned to House.

IN THE HOUSE

March 11, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 246

2 INTRODUCED BY CONNECTION OF THE DEPARTMENT OF JUSTICE,

MOTOR VEHICLE DIVISION

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A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE SEIZURE OF A DRIVER'S LICENSE BY THE COURT ON CONVICTION REQUIRING MANDATORY SUSPENSION; AMENDING SECTION 61-11-101, MCA."

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

"61-11-101. Report of convictions and suspension or revocation of driver's licenses — surrender of licenses.

(1) Whenever any person is convicted of any offense for which chapter 5 makes mandatory the <u>suspension or</u> revocation of the operator's or chauffeur's license of such person by the division, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted. The court shall thereupon, within 5 days, forward the license to the division and at the same time forward a record of such conviction to the division, providing that if such person does not possess a driver's license the court shall so indicate in its report to the division.

(2) Every court having jurisdiction over offenses



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committed under any act of this state or municipal ordinance 1 regulating the operation of motor vehicles on highways shall forward, within 5 days, to the division a record of the conviction or forfeiture of bail, not vacated, of any person in the court for a violation of any such laws, other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. The court may also recommend that the division issue a restricted probationary license in lieu of the suspension required in 61-5-208(2) on the condition 10 11 that the individual attend a driver improvement school or an alcohol treatment program if one is available. The division 12 shall issue a restricted probationary license unless the 13 14 person otherwise is not entitled to a Montana operator's or chauffeur's license. 15

(3) Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report any such action and the adjudication upon which it is based to the division within 5 days on forms furnished by the division."

-End-

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APPROVED BY COMMITTEE ON JUDICIARY

HOUSE, BILL NO. 246 1 INTRODUCED BY Connelly 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE, 3 MOTOR VEHICLE DIVISION 5 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE SEIZURE 6 OF A DRIVER'S LICENSE BY THE COURT ON CONVICTION REQUIRING 7 MANDATORY SUSPENSION: AMENDING SECTION 61-11-101, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 61-11-101, MCA, is amended to read: 11 "61-11-101. Report of convictions and suspension or 12 revocation of driver's licenses -- surrender of licenses. 13 (1) Whenever any person is convicted of any offense for 14 which chapter 5 makes mandatory the suspension or revocation 15 of the operator's or chauffeur's license of such person by 16 the division, the court in which such conviction is had shall require the surrender to it of all operator's and 18 chauffeur's licenses then held by the person so convicted. 19 The court shall thereupon, within 5 days, forward the 20 license to the division and at the same time forward a 21 record of such conviction to the division, providing that if 22 such person does not possess a driver's license the court 23 shall so indicate in its report to the division. 24

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3 forward, within 5 days, to the division a record of the conviction or forfeiture of bail, not vacated, of any person in the court for a violation of any such laws, other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. The court may also recommend that the division issue a restricted probationary license in lieu 10 of the suspension required in 61-5-208(2) on the condition 11 that the individual attend a driver improvement school or an 12 alcohol treatment program if one is available. The division 13 shall issue a restricted probationary license unless the 14 person otherwise is not entitled to a Montana operator's or 15 chauffeur's license. 16 (3) Any court or other agency of this state, or a

committed under any act of this state or municipal ordinance

regulating the operation of motor vehicles on highways shall

-End-

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+	HOUSE BILL NO. 276
2	INTRODUCED BY Comely Perk Bacheris Miland
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE,
4	MOTOR VEHICLE DIVISION
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6	A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE SEIZURE
7	OF A DRIVER'S LICENSE BY THE COURT ON CONVICTION REQUIRING
8	MANDATORY SUSPENSION; AMENDING SECTION 61-11-101, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 61-11-101, MCA, is amended to read:
1.2	"61-11-101. Report of convictions and suspension or
13	revocation of driver's licenses surrender of licenses.
14	(1) Whenever any person is convicted of any offense for
15	which chapter 5 makes mandatory the suspension or revocation
16	of the operator's or chauffeur's license of such person by
17	the division, the court in which such conviction is had
18	shall require the surrender to it of all operator's and
19	chauffeur's licenses then held by the person so convicted.
20	The court shall thereupon, within 5 days, forward the
21	license to the division and at the same time forward a
22	record of such conviction to the division, providing that if
23	such person does not possess a driver's license the court
24	shall so indicate in its report to the division.
25	(2) Every court having jurisdiction over offenses

1 committed under any act of this state or municipal ordinance regulating the operation of motor vehicles on highways shall 3 forward, within 5 days, to the division a record of the conviction or forfeiture of bail, not vacated, of any person in the court for a violation of any such laws, other than regulations governing standing or parking, and may recommend 7 the suspension of the operator's or chauffeur's license of the person so convicted. The court may also recommend that the division issue a restricted probationary license in lieu 10 of the suspension required in 61-5-208(2) on the condition 11 that the individual attend a driver improvement school or an 12 alcohol treatment program if one is available. The division 13 shall issue a restricted probationary license unless the 14 person otherwise is not entitled to a Montana operator's or 15 chauffeur's license.

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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;
11	Section 1. Section 61-11-101, MCA, is amended to read:
12	*61-11-101. Report of convictions and suspension or
13	revocation of driver's licenses surrender of licenses.
14	(1) Whenever any person is convicted of any offense for
15	which chapter 5 makes mandatory the suspension or revocation
16	of the operator's or chauffeur's license of such person by
17	the division, the court in which such conviction is had
18	shall require the surrender to it of all operator's and
19	chauffeur's licenses then held by the person so convicted.
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21	license to the division and at the same time forward a
22	record of such conviction to the division, providing that if
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25	(2) Every court having jurisdiction over offenses

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REFERENCE BILL