

HOUSE BILL NO. 531

INTRODUCED BY KENNERLY, ZABROCKI, HOWE

BY REQUEST OF THE DEPARTMENT OF JUSTICE,
DIVISION OF MOTOR VEHICLES

IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Judiciary.
January 30, 1985	Fiscal Note requested.
February 5, 1985	Fiscal Note returned.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.
February 12, 1985	Considered correctly engrossed.
February 13, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 14, 1985	Introduced and referred to Committee on Highways and Transportation.
March 28, 1985	Committee recommend bill be concurrred in. Report adopted.
March 30, 1985	Second reading, concurrred in.

April 1, 1985

Third reading, concurred in.
Ayes, 48; Noes, 0.

Returned to House.

IN THE HOUSE

April 2, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 531

INTRODUCED BY Annaly Strobel
 BY REQUEST OF THE DEPARTMENT OF JUSTICE,
 DIVISION OF MOTOR VEHICLES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 AUTHORITY OF THE DIVISION OF MOTOR VEHICLES TO ISSUE
 PROBATIONARY LICENSES AND PROVIDING A PENALTY FOR VIOLATION
 OF RESTRICTIONS SET FORTH THEREON; AMENDING SECTIONS
 61-2-302 AND 61-11-101, 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 license to operate 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

(ii) completed 1 year of a 3-year revocation; and

(iii) 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

1 participate in the driver rehabilitation and improvement
2 program or fails to meet the attendance or other
3 requirements established for participation in the program.

4 (6) Nothing in this part creates a right to be
5 included in any program established under this part.

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

11 (8) A person may be referred to this program by a
12 driver improvement analyst, city judge, justice of the
13 peace, judge of a district court of the state, or a hearing
14 examiner of the department of justice.

15 (9) The division of motor vehicles may issue a
16 restricted probationary license to any person who enrolls
17 and participates in the driver rehabilitation and
18 improvement program. Upon issuance of a probationary license
19 under this section, the license is subject to the
20 restrictions set forth thereon.

21 (10) It is a misdemeanor for any person to operate a
22 motor vehicle in any manner in violation of the restrictions
23 imposed on a restricted license issued to him under this
24 section."

25 Section 2. Section 61-11-101, MCA, is amended to read:

1 "61-11-101. Report of convictions and suspension or
2 revocation of driver's licenses -- surrender of licenses.

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

14 (2) Every court having jurisdiction over offenses
15 committed under any act of this state or municipal ordinance
16 regulating the operation of motor vehicles on highways shall
17 forward, within 5 days, to the division a record of the
18 conviction or forfeiture of bail, not vacated, of any person
19 in the court for a violation of any such laws, other than
20 regulations governing standing or parking, and may recommend
21 the suspension of the operator's or chauffeur's license of
22 the person so convicted. The court may also recommend that
23 the division issue a restricted probationary license in lieu
24 of the suspension required in 61-5-208(2) on the condition
25 that the individual attend a driver improvement school or an

1 alcohol treatment program if one is available. The division
2 shall issue a restricted probationary license unless the
3 person otherwise is not entitled to a Montana operator's or
4 chauffeur's license. Upon issuance of a probationary
5 license, the licensee is subject to the restrictions set
6 forth thereon and may not operate a vehicle in violation of
7 those restrictions.

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

14 NEW SECTION. Section 3. Extension of authority. Any
15 existing authority of the department of justice to make
16 rules on the subject of the provisions of this act is
17 extended to the provisions of this act.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 277-85

Form BD-15

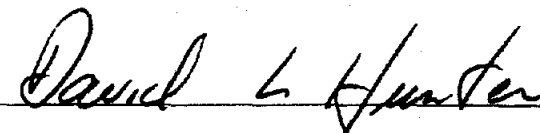
In compliance with a written request received January 30, 19 85, there is hereby submitted a Fiscal Note for House Bill 531 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 531 clarifies the authority of the Division of Motor Vehicles to issue probationary licenses and provides a penalty for violation of restrictions set forth thereon.

FISCAL IMPACT:

House Bill 531 has no fiscal impact.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 5, 1985
HB 531

APPROVED BY COMMITTEE
ON JUDICIARY

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4 DIVISION OF MOTOR VEHICLES

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9 OF RESTRICTIONS SET FORTH THEREON; AMENDING SECTIONS
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19 driving techniques, defensive driving, driver attitudes and
20 habits, actual on-the-road driver's training, and other such
21 subjects or tasks designed to contribute to proper driving
22 attitudes, habits, and techniques.

23 (2) Official participation in such driver
24 rehabilitation and improvement program is limited to those
25 persons whose license to operate a motor vehicle in the

1 state of Montana is:

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

4 (b) revoked and they have:

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

7 (ii) completed 1 year of a 3-year revocation; and

8 (iii) have met the requirements for reobtaining a
9 Montana driver's license.

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

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

23 (5) The stay of enforcement of any suspension or
24 revocation order shall be terminated and the order of
25 suspension or revocation enforced if a person declines to

1 participate in the driver rehabilitation and improvement
2 program or fails to meet the attendance or other
3 requirements established for participation in the program.

4 (6) Nothing in this part creates a right to be
5 included in any program established under this part.

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

11 (8) A person may be referred to this program by a
12 driver improvement analyst, city judge, justice of the
13 peace, judge of a district court of the state, or a hearing
14 examiner of the department of justice.

15 (9) The division of motor vehicles may issue a
16 restricted probationary license to any person who enrolls
17 and participates in the driver rehabilitation and
18 improvement program. Upon issuance of a probationary license
19 under this section, the license LICENSEE is subject to the
20 restrictions set forth thereon.

21 (10) It is a misdemeanor for any person to operate a
22 motor vehicle in any manner in violation of the restrictions
23 imposed on a restricted license issued to him under this
24 section."

25 Section 2. Section 61-11-101, MCA, is amended to read:

1 "61-11-101. Report of convictions and suspension or
2 revocation of driver's licenses -- surrender of licenses.
3 (1) Whenever any person is convicted of any offense for
4 which chapter 5 makes mandatory the revocation of the
5 operator's or chauffeur's license of such person by the
6 division, the court in which such conviction is had shall
7 require the surrender to it of all operator's and
8 chauffeur's licenses then held by the person so convicted.
9 The court shall thereupon, within 5 days, forward the
10 license to the division and at the same time forward a
11 record of such conviction to the division, providing that if
12 such person does not possess a driver's license the court
13 shall so indicate in its report to the division.

14 (2) Every court having jurisdiction over offenses
15 committed under any act of this state or municipal ordinance
16 regulating the operation of motor vehicles on highways shall
17 forward, within 5 days, to the division a record of the
18 conviction or forfeiture of bail, not vacated, of any person
19 in the court for a violation of any such laws, other than
20 regulations governing standing or parking, and may recommend
21 the suspension of the operator's or chauffeur's license of
22 the person so convicted. The court may also recommend that
23 the division issue a restricted probationary license in lieu
24 of the suspension required in 61-5-208(2) on the condition
25 that the individual attend a driver improvement school or an

1 alcohol treatment program if one is available. The division
2 shall issue a restricted probationary license unless the
3 person otherwise is not entitled to a Montana operator's or
4 chauffeur's license. Upon issuance of a probationary
5 license, the licensee is subject to the restrictions set
6 forth thereon and may not operate a vehicle in violation of
7 those restrictions.

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

14 NEW SECTION. Section 3. Extension of authority. Any
15 existing authority of the department of justice to make
16 rules on the subject of the provisions of this act is
17 extended to the provisions of this act.

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23 (2) Official participation in such driver
24 rehabilitation and improvement program is limited to those
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3 a violation of the traffic laws of this state; or

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REFERENCE BILL

HB 531

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