

SENATE BILL NO. 373

INTRODUCED BY NEUMAN, THAYER, CHRISTIAENS

BY REQUEST OF THE DEPARTMENT OF JUSTICE,

DIVISION OF MOTOR VEHICLES

IN THE SENATE

February 9, 1985	Introduced and referred to Committee on Highways and Transportation.
February 15, 1985	Committee recommend bill do pass. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Highways and Transportation.
March 16, 1985	Committee recommend bill be concurred in. Report adopted.
March 19, 1985	Second reading, concurred in.
March 21, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 21, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 judgment creditor may have, may so order and fix the amounts
2 and times of payment of the installments.

3 (2) The division shall not suspend a license, ~~or~~
4 ~~require the suspension of a registration~~ or a nonresident's
5 operating privilege, and shall restore any license ~~and the~~
6 ~~registration~~ or nonresident's operating privilege suspended
7 following nonpayment of a judgment, when the judgment debtor
8 gives proof of financial responsibility and obtains such an
9 order permitting the payment of such judgment in
10 installments, and while the payment of any said installment
11 is not in default.

12 (3) In the event the judgment debtor fails to pay any
13 installment as specified by such order, then upon notice of
14 such default, the division shall forthwith suspend the
15 license ~~and the registration~~ or nonresident's operating
16 privilege of the judgment debtor until such judgment is
17 satisfied, as provided in this part."

18 Section 4. Section 61-6-131, MCA, is amended to read:

19 "61-6-131. When proof of financial responsibility
20 required. (1) Whenever the division under any of the laws of
21 this state revokes the license of any person, ~~upon receiving~~
22 ~~record of a conviction or a forfeiture of bail, the division~~
23 ~~shall also suspend the registration for all motor vehicles~~
24 ~~registered in the name of such person, except that the~~
25 ~~division shall not suspend such registration, unless~~

1 ~~otherwise required by law, if such person has previously~~
2 ~~given or shall immediately give and thereafter maintain~~
3 ~~proof of financial responsibility with respect to all motor~~
4 ~~vehicles registered by such person.~~

5 ~~(2) Such~~ such license shall remain revoked ~~and such~~
6 ~~registration shall remain suspended~~ and shall not at any
7 time thereafter be renewed, nor shall any license be
8 thereafter issued to such person, ~~nor shall any motor~~
9 ~~vehicle be thereafter registered in the name of such person~~
10 until permitted under the motor vehicle laws of this state
11 and not then unless and until he shall give and thereafter
12 maintain proof of financial responsibility.

13 ~~(3)~~ (2) If a person is not licensed, but by the final
14 order or judgment is convicted of or forfeits any bail or
15 collateral deposited to secure an appearance for trial for
16 any offense requiring the revocation of a license, no
17 license shall be thereafter issued to such person ~~and no~~
18 ~~motor vehicle shall continue to be registered or thereafter~~
19 ~~be registered in the name of such person~~ until he shall give
20 and thereafter maintain proof of financial responsibility.

21 ~~(4)~~ (3) Whenever the division revokes a nonresident's
22 operating privilege by reason of a conviction or forfeiture
23 of bail, such privilege shall remain so revoked unless such
24 person shall have previously given or shall immediately give
25 and thereafter maintain proof of financial responsibility."

1 Section 5. Section 61-6-133, MCA, is amended to read:

2 "61-6-133. Certificate of insurance as proof. ~~(1)~~
3 Proof of financial responsibility may be furnished by filing
4 with the division the written certificate of any insurance
5 carrier duly authorized to do business in this state
6 certifying that there is in effect a motor vehicle liability
7 policy for the benefit of the person required to furnish
8 proof of financial responsibility. Such certificate shall
9 give the effective date of such motor vehicle liability
10 policy, which date shall be the same as the effective date
11 of the certificate, and shall designate by explicit
12 description or by appropriate reference all motor vehicles
13 covered thereby, unless the policy is issued to a person who
14 is not the owner of a motor vehicle.

15 ~~(2) -- No motor vehicle shall be or continue to be~~
16 ~~registered in the name of any person required to file proof~~
17 ~~of financial responsibility unless such motor vehicle is so~~
18 ~~designated in such a certificate."~~

19 Section 6. Section 61-6-138, MCA, is amended to read:

20 "61-6-138. Money or securities as proof of
21 responsibility. (1) Proof of financial responsibility may be
22 evidenced by the certificate of the state treasurer that the
23 person named therein has deposited with him ~~\$117,000~~ \$55,000
24 in cash, or securities such as may legally be purchased by
25 savings banks or for trust funds of a market value of

1 ~~\$117,000~~ \$55,000. The state treasurer shall not accept any
2 such deposit and issue a certificate therefor and the
3 division shall not accept such certificate unless
4 accompanied by evidence that there are no unsatisfied
5 judgments of any character against the depositor in the
6 county where the depositor resides.

7 (2) Such deposit shall be held by the state treasurer
8 to satisfy, in accordance with the provisions of this part,
9 any execution on a judgment issued against such person
10 making the deposit, for damages, including damages for care
11 and loss of services, because of bodily injury to or death
12 of any person, or for damages because of injury to or
13 destruction of property, including the loss of use thereof,
14 resulting from the ownership, maintenance, use, or operation
15 of a motor vehicle after such deposit was made. Money or
16 securities so deposited shall not be subject to attachment
17 or execution unless such attachment or execution shall arise
18 out of a suit for damages as aforesaid."

19 Section 7. Section 61-6-142, MCA, is amended to read:

20 "61-6-142. Duration of proof -- when money or
21 securities may be canceled or returned. (1) The division
22 shall direct and the state treasurer shall return to the
23 person entitled thereto any money or securities deposited
24 pursuant to this part as proof of financial responsibility,
25 or the division shall waive the requirement of filing proof

1 under this part, in any of the following events:

2 (a) at any time after 3 years from the date such proof
3 was required when during the 3-year period preceding the
4 request the division has not received record of a conviction
5 or a forfeiture of bail which would require or permit the
6 suspension or revocation of the license~~-registration~~; or
7 nonresident's operating privilege of the person by or for
8 whom such proof was furnished;

9 (b) in the event of the death of the person on whose
10 behalf such proof was filed or the permanent incapacity of
11 such person to operate a motor vehicle; or

12 (c) in the event the person who has given proof
13 surrenders his license ~~and-registration~~ to the division.

14 (2) However, the division shall not consent to the
15 return of any money or securities in the event any action
16 for damages upon a liability covered by such proof is then
17 pending or any judgment upon any such liability is then
18 unsatisfied, or in the event the person who has deposited
19 such money or securities has, within 1 year immediately
20 preceding such request been involved as an operator or owner
21 in any motor vehicle accident resulting in injury or damage
22 to the person or property of others. An affidavit of the
23 applicant as to the nonexistence of such facts, or that he
24 has been released from all of his liability, or has been
25 finally adjudicated not to be liable for such injury or

1 damage, shall be sufficient evidence thereof in the absence
2 of evidence to the contrary in the records of the division.

3 (3) Whenever any person whose proof has been canceled
4 or returned under subsection (1)(c) of this section applies
5 for a license ~~or--registration~~ within a period of 3 years
6 from the date proof was originally required, any such
7 application shall be refused unless the applicant complies
8 with the insurance or bond requirements under 61-6-301 and
9 61-6-302."

10 Section 8. Section 61-6-151, MCA, is amended to read:

11 "61-6-151. Violations -- penalties. (1) Any person who
12 shall forge or, without authority, sign any evidence of
13 proof of financial responsibility or who files or offers for
14 filing any such evidence of proof knowing or having reason
15 to believe that it is forged or signed without authority
16 shall be fined not more than \$1,000 or imprisoned for not
17 more than 1 year or both.

18 (2) Any person whose license ~~or--registration~~ or
19 nonresident's operating privilege has been suspended or
20 revoked under this part and who, during such suspension or
21 revocation drives any motor vehicle upon any highway or
22 knowingly permits any motor vehicle owned by such person to
23 be operated by another upon any highway, except as permitted
24 under this part, shall be fined not more than \$500 or
25 imprisoned not exceeding 6 months or both.

1 (3) Any person willfully failing to return a license
2 ~~or--registration~~ as required in 61-6-112 shall be fined not
3 more than \$500 or imprisoned not to exceed 30 days or both.

4 (4) Any person who shall violate any provision of this
5 part for which no penalty is otherwise provided shall be
6 fined not more than \$500 or imprisoned not more than 90 days
7 or both."

8 NEW SECTION. Section 9. Repealer. Section 61-6-111,
9 MCA, is repealed.

10 NEW SECTION. Section 10. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 *Senate* BILL NO. *373*
2 INTRODUCED BY *Meunier, Styer, Chiswick*
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE,
4 DIVISION OF MOTOR VEHICLES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
7 THE MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT; AMENDING
8 SECTIONS 61-6-112, 61-6-122, 61-6-125, 61-6-131, 61-6-133,
9 61-6-138, 61-6-142, AND 61-6-151, MCA; REPEALING SECTION
10 61-6-111, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 61-6-112, MCA, is amended to read:
14 "61-6-112. Surrender of license and-registration. Any
15 person whose license or--registration shall have been
16 suspended as herein provided, or whose policy of insurance
17 or bond, when required under this part, shall have been
18 canceled or terminated, or who shall neglect to furnish
19 other proof upon request of the division shall immediately
20 return his license and-registration to the division. If any
21 person shall fail to return to the division the license or
22 registration as provided herein, the division shall
23 forthwith direct any peace officer or highway patrolman to
24 secure possession thereof and to return the same to the
25 division."

1 Section 2. Section 61-6-122, MCA, is amended to read:
2 "61-6-122. Suspension for nonpayment of judgments --
3 exceptions. (1) The division, upon the receipt of a
4 certified copy of a judgment, shall forthwith suspend the
5 license and-registration and any nonresident's operating
6 privilege of any person against whom such judgment was
7 rendered, except as hereinafter otherwise provided in this
8 section and in 61-6-125.

9 (2) If the judgment creditor consents in writing, in
10 such form as the division may prescribe, that the judgment
11 debtor be allowed license and-registration or nonresident's
12 operating privilege, the same may be allowed by the
13 division, in its discretion, for 6 months from the date of
14 such consent and thereafter until such consent is revoked in
15 writing notwithstanding default in the payment of such
16 judgment, or of any installments thereof prescribed in
17 61-6-125, provided the judgment debtor furnishes proof of
18 financial responsibility."

19 Section 3. Section 61-6-125, MCA, is amended to read:
20 "61-6-125. Installment payment of judgments --
21 default. (1) A judgment debtor upon due notice to the
22 judgment creditor may apply to the court in which such
23 judgment was rendered for the privilege of paying such
24 judgment in installments and the court, in its discretion
25 and without prejudice to any other legal remedies which the



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SECOND READING
SB 373

1 judgment creditor may have, may so order and fix the amounts
2 and times of payment of the installments.

3 (2) The division shall not suspend a license, ~~or~~
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5 operating privilege, and shall restore any license ~~and the~~
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7 following nonpayment of a judgment, when the judgment debtor
8 gives proof of financial responsibility and obtains such an
9 order permitting the payment of such judgment in
10 installments, and while the payment of any said installment
11 is not in default.

12 (3) In the event the judgment debtor fails to pay any
13 installment as specified by such order, then upon notice of
14 such default, the division shall forthwith suspend the
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16 privilege of the judgment debtor until such judgment is
17 satisfied, as provided in this part."

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21 this state revokes the license of any person, ~~upon receiving~~
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7 time thereafter be renewed, nor shall any license be
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10 until permitted under the motor vehicle laws of this state
11 and not then unless and until he shall give and thereafter
12 maintain proof of financial responsibility.

13 ~~(3)~~ (2) If a person is not licensed, but by the final
14 order or judgment is convicted of or forfeits any bail or
15 collateral deposited to secure an appearance for trial for
16 any offense requiring the revocation of a license, no
17 license shall be thereafter issued to such person ~~and no~~
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20 and thereafter maintain proof of financial responsibility.

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23 of bail, such privilege shall remain so revoked unless such
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2 "61-6-133. Certificate of insurance as proof. ~~††~~
 3 Proof of financial responsibility may be furnished by filing
 4 with the division the written certificate of any insurance
 5 carrier duly authorized to do business in this state
 6 certifying that there is in effect a motor vehicle liability
 7 policy for the benefit of the person required to furnish
 8 proof of financial responsibility. Such certificate shall
 9 give the effective date of such motor vehicle liability
 10 policy, which date shall be the same as the effective date
 11 of the certificate, and shall designate by explicit
 12 description or by appropriate reference all motor vehicles
 13 covered thereby, unless the policy is issued to a person who
 14 is not the owner of a motor vehicle.

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19 Section 6. Section 61-6-138, MCA, is amended to read:

20 "61-6-138. Money or securities as proof of
 21 responsibility. (1) Proof of financial responsibility may be
 22 evidenced by the certificate of the state treasurer that the
 23 person named therein has deposited with him ~~††~~ \$55,000
 24 in cash, or securities such as may legally be purchased by
 25 savings banks or for trust funds of a market value of

1 ~~††~~ \$55,000. The state treasurer shall not accept any
 2 such deposit and issue a certificate therefor and the
 3 division shall not accept such certificate unless
 4 accompanied by evidence that there are no unsatisfied
 5 judgments of any character against the depositor in the
 6 county where the depositor resides.

7 (2) Such deposit shall be held by the state treasurer
 8 to satisfy, in accordance with the provisions of this part,
 9 any execution on a judgment issued against such person
 10 making the deposit, for damages, including damages for care
 11 and loss of services, because of bodily injury to or death
 12 of any person, or for damages because of injury to or
 13 destruction of property, including the loss of use thereof,
 14 resulting from the ownership, maintenance, use, or operation
 15 of a motor vehicle after such deposit was made. Money or
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 17 or execution unless such attachment or execution shall arise
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 22 shall direct and the state treasurer shall return to the
 23 person entitled thereto any money or securities deposited
 24 pursuant to this part as proof of financial responsibility,
 25 or the division shall waive the requirement of filing proof

1 under this part, in any of the following events:

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3 was required when during the 3-year period preceding the
4 request the division has not received record of a conviction
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6 suspension or revocation of the license, ~~registration~~, or
7 nonresident's operating privilege of the person by or for
8 whom such proof was furnished;

9 (b) in the event of the death of the person on whose
10 behalf such proof was filed or the permanent incapacity of
11 such person to operate a motor vehicle; or

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19 such money or securities has, within 1 year immediately
20 preceding such request been involved as an operator or owner
21 in any motor vehicle accident resulting in injury or damage
22 to the person or property of others. An affidavit of the
23 applicant as to the nonexistence of such facts, or that he
24 has been released from all of his liability, or has been
25 finally adjudicated not to be liable for such injury or

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2 of evidence to the contrary in the records of the division.

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15 to believe that it is forged or signed without authority
16 shall be fined not more than \$1,000 or imprisoned for not
17 more than 1 year or both.

18 (2) Any person whose license ~~or registration~~ or
19 nonresident's operating privilege has been suspended or
20 revoked under this part and who, during such suspension or
21 revocation drives any motor vehicle upon any highway or
22 knowingly permits any motor vehicle owned by such person to
23 be operated by another upon any highway, except as permitted
24 under this part, shall be fined not more than \$500 or
25 imprisoned not exceeding 6 months or both.

1 (3) Any person willfully failing to return a license
2 ~~or--registration~~ as required in 61-6-112 shall be fined not
3 more than \$500 or imprisoned not to exceed 30 days or both.

4 (4) Any person who shall violate any provision of this
5 part for which no penalty is otherwise provided shall be
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7 or both."

8 NEW SECTION. Section 9. Repealer. Section 61-6-111,
9 MCA, is repealed.

10 NEW SECTION. Section 10. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

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1 *Senate* BILL NO. *373*
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 24 secure possession thereof and to return the same to the
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1 Section 2. Section 61-6-122, MCA, is amended to read:
 2 "61-6-122. Suspension for nonpayment of judgments --
 3 exceptions. (1) The division, upon the receipt of a
 4 certified copy of a judgment, shall forthwith suspend the
 5 license and-registration and any nonresident's operating
 6 privilege of any person against whom such judgment was
 7 rendered, except as hereinafter otherwise provided in this
 8 section and in 61-6-125.

9 (2) If the judgment creditor consents in writing, in
 10 such form as the division may prescribe, that the judgment
 11 debtor be allowed license and-registration or nonresident's
 12 operating privilege, the same may be allowed by the
 13 division, in its discretion, for 6 months from the date of
 14 such consent and thereafter until such consent is revoked in
 15 writing notwithstanding default in the payment of such
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 25 and without prejudice to any other legal remedies which the

1 judgment creditor may have, may so order and fix the amounts
2 and times of payment of the installments.

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3 Proof of financial responsibility may be furnished by filing
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6 certifying that there is in effect a motor vehicle liability
7 policy for the benefit of the person required to furnish
8 proof of financial responsibility. Such certificate shall
9 give the effective date of such motor vehicle liability
10 policy, which date shall be the same as the effective date
11 of the certificate, and shall designate by explicit
12 description or by appropriate reference all motor vehicles
13 covered thereby, unless the policy is issued to a person who
14 is not the owner of a motor vehicle.

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5 judgments of any character against the depositor in the
6 county where the depositor resides.

7 (2) Such deposit shall be held by the state treasurer
8 to satisfy, in accordance with the provisions of this part,
9 any execution on a judgment issued against such person
10 making the deposit, for damages, including damages for care
11 and loss of services, because of bodily injury to or death
12 of any person, or for damages because of injury to or
13 destruction of property, including the loss of use thereof,
14 resulting from the ownership, maintenance, use, or operation
15 of a motor vehicle after such deposit was made. Money or
16 securities so deposited shall not be subject to attachment
17 or execution unless such attachment or execution shall arise
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23 person entitled thereto any money or securities deposited
24 pursuant to this part as proof of financial responsibility,
25 or the division shall waive the requirement of filing proof

1 under this part, in any of the following events:

2 (a) at any time after 3 years from the date such proof
3 was required when during the 3-year period preceding the
4 request the division has not received record of a conviction
5 or a forfeiture of bail which would require or permit the
6 suspension or revocation of the license, ~~registration~~, or
7 nonresident's operating privilege of the person by or for
8 whom such proof was furnished;

9 (b) in the event of the death of the person on whose
10 behalf such proof was filed or the permanent incapacity of
11 such person to operate a motor vehicle; or

12 (c) in the event the person who has given proof
13 surrenders his license ~~and registration~~ to the division.

14 (2) However, the division shall not consent to the
15 return of any money or securities in the event any action
16 for damages upon a liability covered by such proof is then
17 pending or any judgment upon any such liability is then
18 unsatisfied, or in the event the person who has deposited
19 such money or securities has, within 1 year immediately
20 preceding such request been involved as an operator or owner
21 in any motor vehicle accident resulting in injury or damage
22 to the person or property of others. An affidavit of the
23 applicant as to the nonexistence of such facts, or that he
24 has been released from all of his liability, or has been
25 finally adjudicated not to be liable for such injury or

1 damage, shall be sufficient evidence thereof in the absence
2 of evidence to the contrary in the records of the division.

3 (3) Whenever any person whose proof has been canceled
4 or returned under subsection (1)(c) of this section applies
5 for a license ~~or registration~~ within a period of 3 years
6 from the date proof was originally required, any such
7 application shall be refused unless the applicant complies
8 with the insurance or bond requirements under 61-6-301 and
9 61-6-302."

10 Section 8. Section 61-6-151, MCA, is amended to read:

11 "61-6-151. Violations -- penalties. (1) Any person who
12 shall forge or, without authority, sign any evidence of
13 proof of financial responsibility or who files or offers for
14 filing any such evidence of proof knowing or having reason
15 to believe that it is forged or signed without authority
16 shall be fined not more than \$1,000 or imprisoned for not
17 more than 1 year or both.

18 (2) Any person whose license ~~or registration~~ or
19 nonresident's operating privilege has been suspended or
20 revoked under this part and who, during such suspension or
21 revocation drives any motor vehicle upon any highway or
22 knowingly permits any motor vehicle owned by such person to
23 be operated by another upon any highway, except as permitted
24 under this part, shall be fined not more than \$500 or
25 imprisoned not exceeding 6 months or both.

1 (3) Any person willfully failing to return a license
2 or--registration as required in 61-6-112 shall be fined not
3 more than \$500 or imprisoned not to exceed 30 days or both.

4 (4) Any person who shall violate any provision of this
5 part for which no penalty is otherwise provided shall be
6 fined not more than \$500 or imprisoned not more than 90 days
7 or both."

8 NEW SECTION. Section 9. Repealer. Section 61-6-111,
9 MCA, is repealed.

10 NEW SECTION. Section 10. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

-End-

1 SENATE BILL NO. 373

2 INTRODUCED BY NEUMAN, THAYER, CHRISTIAENS

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE,

4 DIVISION OF MOTOR VEHICLES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
7 THE MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT; AMENDING
8 SECTIONS 61-6-112, 61-6-122, 61-6-125, 61-6-131, 61-6-133,
9 61-6-138, 61-6-142, AND 61-6-151, MCA; REPEALING SECTION
10 61-6-111, MCA."

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

13 Section 1. Section 61-6-112, MCA, is amended to read:

14 "61-6-112. Surrender of license and-registration. Any
15 person whose license or--registration shall have been
16 suspended as herein provided, or whose policy of insurance
17 or bond, when required under this part, shall have been
18 canceled or terminated, or who shall neglect to furnish
19 other proof upon request of the division shall immediately
20 return his license and-registration to the division. If any
21 person shall fail to return to the division the license or
22 registration as provided herein, the division shall
23 forthwith direct any peace officer or highway patrolman to
24 secure possession thereof and to return the same to the
25 division."

1 Section 2. Section 61-6-122, MCA, is amended to read:

2 "61-6-122. Suspension for nonpayment of judgments --
3 exceptions. (1) The division, upon the receipt of a
4 certified copy of a judgment, shall forthwith suspend the
5 license and-registration and any nonresident's operating
6 privilege of any person against whom such judgment was
7 rendered, except as hereinafter otherwise provided in this
8 section and in 61-6-125.

9 (2) If the judgment creditor consents in writing, in
10 such form as the division may prescribe, that the judgment
11 debtor be allowed license and-registration or nonresident's
12 operating privilege, the same may be allowed by the
13 division, in its discretion, for 6 months from the date of
14 such consent and thereafter until such consent is revoked in
15 writing notwithstanding default in the payment of such
16 judgment, or of any installments thereof prescribed in
17 61-6-125, provided the judgment debtor furnishes proof of
18 financial responsibility."

19 Section 3. Section 61-6-125, MCA, is amended to read:

20 "61-6-125. Installment payment of judgments --
21 default. (1) A judgment debtor upon due notice to the
22 judgment creditor may apply to the court in which such
23 judgment was rendered for the privilege of paying such
24 judgment in installments and the court, in its discretion
25 and without prejudice to any other legal remedies which the

REFERENCE BILL
SB 373

1 judgment creditor may have, may so order and fix the amounts
2 and times of payment of the installments.

3 (2) The division shall not suspend a license, ~~or~~
4 ~~require the suspension of a registration~~ or a nonresident's
5 operating privilege, and shall restore any license and ~~the~~
6 registration or nonresident's operating privilege suspended
7 following nonpayment of a judgment, when the judgment debtor
8 gives proof of financial responsibility and obtains such an
9 order permitting the payment of such judgment in
10 installments, and while the payment of any said installment
11 is not in default.

12 (3) In the event the judgment debtor fails to pay any
13 installment as specified by such order, then upon notice of
14 such default, the division shall forthwith suspend the
15 license ~~and the registration~~ or nonresident's operating
16 privilege of the judgment debtor until such judgment is
17 satisfied, as provided in this part."

18 Section 4. Section 61-6-131, MCA, is amended to read:

19 "61-6-131. When proof of financial responsibility
20 required. (1) Whenever the division under any of the laws of
21 this state revokes the license of any person, ~~upon receiving~~
22 ~~record of a conviction or a forfeiture of bail, the division~~
23 ~~shall also suspend the registration for all motor vehicles~~
24 ~~registered in the name of such person, except that the~~
25 ~~division shall not suspend such registration, unless~~

1 ~~otherwise required by law, if such person has previously~~
2 ~~given or shall immediately give and thereafter maintain~~
3 ~~proof of financial responsibility with respect to all motor~~
4 ~~vehicles registered by such person.~~

5 ~~{2}~~ {2} Such such license shall remain revoked and ~~such~~
6 registration ~~shall remain suspended~~ and shall not at any
7 time thereafter be renewed, nor shall any license be
8 thereafter issued to such person, ~~nor shall any motor~~
9 ~~vehicle be thereafter registered in the name of such person~~
10 until permitted under the motor vehicle laws of this state
11 and not then unless and until he shall give and thereafter
12 maintain proof of financial responsibility.

13 ~~{3}~~ {2} If a person is not licensed, but by the final
14 order or judgment is convicted of or forfeits any bail or
15 collateral deposited to secure an appearance for trial for
16 any offense requiring the revocation of a license, no
17 license shall be thereafter issued to such person ~~and no~~
18 ~~motor vehicle shall continue to be registered or thereafter~~
19 ~~be registered in the name of such person~~ until he shall give
20 and thereafter maintain proof of financial responsibility.

21 ~~{4}~~ {3} Whenever the division revokes a nonresident's
22 operating privilege by reason of a conviction or forfeiture
23 of bail, such privilege shall remain so revoked unless such
24 person shall have previously given or shall immediately give
25 and thereafter maintain proof of financial responsibility."

1 Section 5. Section 61-6-133, MCA, is amended to read:

2 "61-6-133. Certificate of insurance as proof. (1)
3 Proof of financial responsibility may be furnished by filing
4 with the division the written certificate of any insurance
5 carrier duly authorized to do business in this state
6 certifying that there is in effect a motor vehicle liability
7 policy for the benefit of the person required to furnish
8 proof of financial responsibility. Such certificate shall
9 give the effective date of such motor vehicle liability
10 policy, which date shall be the same as the effective date
11 of the certificate, and shall designate by explicit
12 description or by appropriate reference all motor vehicles
13 covered thereby, unless the policy is issued to a person who
14 is not the owner of a motor vehicle.

15 ~~(2) No motor vehicle shall be or continue to be~~
16 ~~registered in the name of any person required to file proof~~
17 ~~of financial responsibility unless such motor vehicle is so~~
18 ~~designated in such a certificate."~~

19 Section 6. Section 61-6-138, MCA, is amended to read:

20 "61-6-138. Money or securities as proof of
21 responsibility. (1) Proof of financial responsibility may be
22 evidenced by the certificate of the state treasurer that the
23 person named therein has deposited with him ~~\$11,000~~ \$55,000
24 in cash, or securities such as may legally be purchased by
25 savings banks or for trust funds of a market value of

1 ~~\$11,000~~ \$55,000. The state treasurer shall not accept any
2 such deposit and issue a certificate therefor and the
3 division shall not accept such certificate unless
4 accompanied by evidence that there are no unsatisfied
5 judgments of any character against the depositor in the
6 county where the depositor resides.

7 (2) Such deposit shall be held by the state treasurer
8 to satisfy, in accordance with the provisions of this part,
9 any execution on a judgment issued against such person
10 making the deposit, for damages, including damages for care
11 and loss of services, because of bodily injury to or death
12 of any person, or for damages because of injury to or
13 destruction of property, including the loss of use thereof,
14 resulting from the ownership, maintenance, use, or operation
15 of a motor vehicle after such deposit was made. Money or
16 securities so deposited shall not be subject to attachment
17 or execution unless such attachment or execution shall arise
18 out of a suit for damages as aforesaid."

19 Section 7. Section 61-6-142, MCA, is amended to read:

20 "61-6-142. Duration of proof -- when money or
21 securities may be canceled or returned. (1) The division
22 shall direct and the state treasurer shall return to the
23 person entitled thereto any money or securities deposited
24 pursuant to this part as proof of financial responsibility,
25 or the division shall waive the requirement of filing proof

1 under this part, in any of the following events:

2 (a) at any time after 3 years from the date such proof
3 was required when during the 3-year period preceding the
4 request the division has not received record of a conviction
5 or a forfeiture of bail which would require or permit the
6 suspension or revocation of the license~~7-registration7~~ or
7 nonresident's operating privilege of the person by or for
8 whom such proof was furnished;

9 (b) in the event of the death of the person on whose
10 behalf such proof was filed or the permanent incapacity of
11 such person to operate a motor vehicle; or

12 (c) in the event the person who has given proof
13 surrenders his license ~~and-registration~~ to the division.

14 (2) However, the division shall not consent to the
15 return of any money or securities in the event any action
16 for damages upon a liability covered by such proof is then
17 pending or any judgment upon any such liability is then
18 unsatisfied, or in the event the person who has deposited
19 such money or securities has, within 1 year immediately
20 preceding such request been involved as an operator or owner
21 in any motor vehicle accident resulting in injury or damage
22 to the person or property of others. An affidavit of the
23 applicant as to the nonexistence of such facts, or that he
24 has been released from all of his liability, or has been
25 finally adjudicated not to be liable for such injury or

1 damage, shall be sufficient evidence thereof in the absence
2 of evidence to the contrary in the records of the division.

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4 or returned under subsection (1)(c) of this section applies
5 for a license ~~or--registration~~ within a period of 3 years
6 from the date proof was originally required, any such
7 application shall be refused unless the applicant complies
8 with the insurance or bond requirements under 61-6-301 and
9 61-6-302."

10 Section 8. Section 61-6-151, MCA, is amended to read:

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13 proof of financial responsibility or who files or offers for
14 filing any such evidence of proof knowing or having reason
15 to believe that it is forged or signed without authority
16 shall be fined not more than \$1,000 or imprisoned for not
17 more than 1 year or both.

18 (2) Any person whose license ~~or--registration~~ or
19 nonresident's operating privilege has been suspended or
20 revoked under this part and who, during such suspension or
21 revocation drives any motor vehicle upon any highway or
22 knowingly permits any motor vehicle owned by such person to
23 be operated by another upon any highway, except as permitted
24 under this part, shall be fined not more than \$500 or
25 imprisoned not exceeding 6 months or both.

1 (3) Any person willfully failing to return a license
2 ~~or registration~~ as required in 61-6-112 shall be fined not
3 more than \$500 or imprisoned not to exceed 30 days or both.

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5 part for which no penalty is otherwise provided shall be
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7 or both."

8 NEW SECTION. Section 9. Repealer. Section 61-6-111,
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14 act.

-End-