## HOUSE BILL NO. 321

## INTRODUCED BY BULGER

### BY REQUEST OF THE DEPARTMENT OF JUSTICE

### IN THE HOUSE

	IN THE HOUSE
JANUARY 20, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 3, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 4, 1987	PRINTING REPORT.
FEBRUARY 5, 1987	SECOND READING, DO PASS.
FEBRUARY 6, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 10, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 24, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1987	SECOND READING, CONCURRED IN.
MARCH 5, 1987	THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.
	RETURNED TO HOUSE.
	IN THE HOUSE
MARCH 6, 1987	RECEIVED FROM SENATE.

SENT TO ENROLLING.

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1	House BILL NO. 331
2	INTRODUCED BY July
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DRIVER RECORDS TO BE REPRODUCED ON FILM OR PLACED ON A COMPUTER STORAGE DEVICE: TO ESTABLISH THAT REPRODUCTIONS OF SUCH RECORDS PLACED ON A COMPUTER STORAGE DEVICE ARE CONSIDERED ORIGINALS AND ADMISSIBLE IN EVIDENCE: AND AMENDING SECTION 61-11-102. MCA."

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

13 Section 1. Section 61-11-102, MCA, is amended to read: 14 "61-11-102. Records to be kept by the department. (1) 15 The department shall file every application for a driver's 16 license received by it and shall maintain suitable indexes 17

containing, in alphabetical order:

- (a) all applications denied and on each thereof note the reasons for such denial:
  - (b) all applications granted; and
- 21 (c) the name of every licensee whose license has been suspended or revoked by the department and after each such 22 23 name note the reasons for such action.
- (2) The department shall also file all accident 24 25 reports and abstracts of court records of convictions

1 received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and certain traffic accidents in which he has been involved shall be readily ascertainable and available for consideration of the department upon any application for renewal of license and at other suitable times. No record of involvement in a traffic accident may be entered on a 10 licensee's record unless he was convicted, as defined in 11 61-11-203, for an act causally related to the accident.

- (3) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.
- (4) The department may photograph, microphotograph, photostat, or reproduce on film any of its records. The film or reproducing material must be durable, and the device used to reproduce the records on the film or material must accurately reproduce and perpetuate the original records. Such a photograph, microphotograph, photostatic copy, or photographic film of the original record is an original record for all purposes and is admissible in evidence in all

	courts or	administr	ative a	gencies.	<u>A</u>	facsimile,
!	exemplificati	ion, or cer	tified co	py of the	origina:	l record is
ì	a transcript	t of the	original	for purp	oses sta	ted in this
ŀ	section.					

- device the information contained on original records or reproductions of original records made pursuant to this section. Signatures on records need not be placed on a computer storage device.
- (6) A reproduction of the information placed on a computer storage device is an original of the record for all purposes and is admissible in evidence without further foundation in all courts or administrative agencies when the following certification by a custodian of the record appears on each page:

The individual named below, being a duly designated custodian of the driver records of the department of justice, motor vehicle division, certifies this document as a true reproduction, in accordance with 61-11-102(6), of the information contained in a computer storage device of the department of justice, motor vehicle division.

Signed:

23 (Print Full Name)"

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NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of justice to make

- 1 rules on the subject of the provisions of this act is
- 2 extended to the provisions of this act.

-End-

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# APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	House BILL NO. 331
2	INTRODUCED BY Bulgar
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DRIVER RECORDS
6	TO BE REPRODUCED ON FILM OR PLACED ON A COMPUTER STORAGE
7	DEVICE; TO ESTABLISH THAT REPRODUCTIONS OF SUCH RECORDS
8	PLACED ON A COMPUTER STORAGE DEVICE ARE CONSIDERED ORIGINALS
9	AND ADMISSIBLE IN EVIDENCE; AND AMENDING SECTION 61-11-102,
.0	MCA."
1	
. 2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
. 3	Section 1. Section 61-11-102, MCA, is amended to read:
. 4	"61-11-102. Records to be kept by the department. (1)
.5	The department shall file every application for a driver's
۱6	license received by it and shall maintain suitable indexes
.7	containing, in alphabetical order:
.8	(a) all applications denied and on each thereof note
.9	the reasons for such denial;
0	<ul><li>(b) all applications granted; and</li></ul>
21	(c) the name of every licensee whose license has been
22	suspended or revoked by the department and after each such
7	name note the reasons for such action

1	received by it under the laws of this state and in
2	connection therewith maintain convenient records or make
3	suitable notations in order that an individual record of
4	each licensee showing the convictions of such licensee and
5	certain traffic accidents in which he has been involved
6	shall be readily ascertainable and available for the
7	consideration of the department upon any application for
8	renewal of license and at other suitable times. No record of
9	involvement in a traffic accident may be entered on a
10	licensee's record unless he was convicted, as defined in
11	61-11-203, for an act causally related to the accident.

- (3) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.
- 18 (4) The department may photograph, microphotograph,
  19 photostat, or reproduce on film any of its records. The
  20 film or reproducing material must be durable, and the device
  21 used to reproduce the records on the film or material must
  22 accurately reproduce and perpetuate the original records.
  23 Such a photograph, microphotograph, photostatic copy, or
  24 photographic film of the original record is an original
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- Haus BILL NO 321

1 received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and certain traffic accidents in which he has been involved shall be readily ascertainable and available for 7 consideration of the department upon any application for renewal of license and at other suitable times. No record of 9 involvement in a traffic accident may be entered on a 10 licensee's record unless he was convicted, as defined in 61-11-203, for an act causally related to the accident. 11

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photostat, or reproduce on film any of its records. The film or reproducing material must be durable, and the device used to reproduce the records on the film or material must accurately reproduce and perpetuate the original records. Such a photograph, microphotograph, photostatic copy, or photographic film of the original record is an original record for all purposes and is admissible in evidence in all

1	courts or administrative agencies. A facsimile,
2	exemplification, or certified copy of the original record is
3	a transcript of the original for purposes stated in this
4	section.
5	(5) The department may place on a computer storage
6	device the information contained on original records or
7	reproductions of original records made pursuant to this
8	section. Signatures on records need not be placed on a
9	computer storage device.
10	(6) A reproduction of the information placed on a
11	computer storage device is an original of the record for all
12	purposes and is admissible in evidence without further
13	foundation in all courts or administrative agencies when the
14	following certification by a custodian of the record appears
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18	justice, motor vehicle division, certifies this document as
19	a true reproduction, in accordance with 61-11-102(6), of the
20	information contained in a computer storage device of the
21	department of justice, motor vehicle division.
22	Signed:
23	(Print_Full Name)"

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-End-

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