

HOUSE BILL NO. 396

INTRODUCED BY PAVLOVICH, DAILY, HARRINGTON,
BACHINI, O'CONNELL, D. BROWN, QUILICI

IN THE HOUSE

JANUARY 22, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FEBRUARY 11, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

 PRINTING REPORT.

FEBRUARY 13, 1987 SECOND READING, DO PASS.

FEBRUARY 14, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 90; NOES, 3.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 *House* BILL NO. *396*
 2 INTRODUCED BY *Carlton Daily* *Hamilton*
 3 *Bachari O'Connell* *James Gray* *Stuber*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
 5 OF JUSTICE TO SUSPEND THE DRIVER'S LICENSE OF A LICENSEE WHO
 6 HAS COMMITTED AN UNLAWFUL OR FRAUDULENT USE OF A DRIVER'S
 7 LICENSE; AND AMENDING SECTION 61-5-206, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 61-5-206, MCA, is amended to read:
11 "61-5-206. Authority of department to suspend license
12 or driving privilege or issue probationary license. (1) The
13 department is hereby authorized to suspend the license or
14 driving privilege of an operator or chauffeur without
15 preliminary hearing upon a showing by its records or other
16 sufficient evidence that the licensee:

17 (a) has been involved as a driver in any accident
18 resulting in the death or personal injury of another or
19 serious property damage;

20 (b) has been convicted with such frequency of serious
21 offenses against traffic regulations governing the movement
22 of vehicles as to indicate a disrespect for traffic laws and
23 a disregard for the safety of other persons on the highways;

24 (c) is an habitually reckless or negligent driver of a
25 motor vehicle;

1 (d) is incompetent to drive a motor vehicle;
 2 (e) has committed or permitted an unlawful or
 3 fraudulent use of such license as specified in 61-5-302;
 4 (f) has committed an offense in another state which if
 5 committed in this state would be grounds for suspension or
 6 revocation; or
 7 (g) has falsified his date of birth on his application
 8 for a driver's license.
 9 (2) However, the department may, in its discretion and
 10 in lieu of such suspension of license or driving privilege,
 11 issue a probationary license to an operator or chauffeur,
 12 without preliminary hearing, upon a showing by its records
 13 or other sufficient evidence that the licensee's driving
 14 record is such as would authorize suspension as provided in
 15 subsection (1) hereof. Upon issuance of a probationary
 16 license the licensee shall be subject to the restrictions
 17 set forth thereon. The licensee's driving privilege may be
 18 suspended upon conviction or forfeiture of bail not vacated
 19 of any traffic violation during the period of such
 20 probation. The licensee shall surrender to the department
 21 all driver licenses theretofore issued to him before such
 22 probationary license shall be issued. His refusal or neglect
 23 to surrender such licenses upon demand shall be ground for
 24 suspending all such licenses. Probationary licenses may be
 25 issued for a period not to exceed 12 months.

1 (3) Upon suspending the license of any person or upon
2 placing such person on probation, as hereinbefore in this
3 section authorized, the department shall immediately notify
4 the licensee in writing and upon his request shall afford
5 him an opportunity for a hearing as early as practical
6 within not to exceed 20 days after receipt of such request
7 in the county wherein the licensee resides unless the
8 department and the licensee agree that such hearing may be
9 held in some other county. Upon such hearing the department
10 through its duly authorized agent may administer oaths and
11 may issue subpoenas for the attendance of witnesses and the
12 production of relevant books and papers and may require a
13 reexamination of the licensee. Upon such hearing the
14 department shall either rescind its order of suspension or
15 probation, or, good cause appearing therefor, may affirm,
16 reduce, or extend the period of probation or suspension of
17 such license."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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INTRODUCED BY *House* BILL NO. *396*
Carlton Daily *Hamilton*
Bachner O'Connell *Jan Brant* *Furler*
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HAS COMMITTED AN UNLAWFUL OR FRAUDULENT USE OF A DRIVER'S
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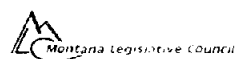
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sufficient evidence that the licensee:

- (a) has been involved as a driver in any accident
resulting in the death or personal injury of another or
serious property damage;
- (b) has been convicted with such frequency of serious
offenses against traffic regulations governing the movement
of vehicles as to indicate a disrespect for traffic laws and
a disregard for the safety of other persons on the highways;
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- (d) is incompetent to drive a motor vehicle;
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committed in this state would be grounds for suspension or
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Dechani O'Connell *Jan Brock* *Harington*

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(2) However, the department may, in its discretion and in lieu of such suspension of license or driving privilege, issue a probationary license to an operator or chauffeur, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (1) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of such probation. The licensee shall surrender to the department all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses upon demand shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed 12 months.



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