

HB 805 INTRODUCED BY ROTH, ET AL.
SUSPEND REGISTRATION AND PLATES FOR NONPAYMENT OF
VEHICLE LIABILITY

2/17 INTRODUCED
2/17 REFERRED TO JUDICIARY
2/17 FISCAL NOTE REQUESTED
2/19 FISCAL NOTE RECEIVED
2/20 HEARING
2/21 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/24 2ND READING PASSED 50 41
2/24 3RD READING PASSED 53 46

TRANSMITTED TO SENATE
3/02 REFERRED TO JUDICIARY
3/17 HEARING
3/17 TABLED IN COMMITTEE

1 *House* BILL NO. *805*
 2 INTRODUCED BY *Rep. Mark Speth Ramirez*
 3 *Reilly*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
 5 SUSPENSION AND SURRENDER OF A RESIDENT JUDGMENT DEBTOR'S
 6 DRIVER'S LICENSE, REGISTRATION, AND VEHICLE LICENSE NUMBER
 7 PLATES FROM ALL VEHICLES IN WHICH HE HOLDS AN INTEREST FOR
 8 NONPAYMENT OF A MOTOR VEHICLE LIABILITY JUDGMENT; AND
 9 AMENDING SECTIONS 61-6-112, 61-6-122, 61-6-123, AND
 10 61-6-125, 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, registration, and
 15 number plates. Any person whose license, registration, and
 16 vehicle license number plates shall have been suspended as
 17 herein provided, or whose policy of insurance or bond, when
 18 required under this part, shall have been canceled or
 19 terminated, or who shall neglect to furnish other proof upon
 20 request of the department shall immediately return his
 21 license, registration, and vehicle license number plates
 22 from all vehicles in which he holds an interest to the
 23 department. If any person shall fail to return to the
 24 department the license, registration, and vehicle license
 25 number plates as provided herein, the department shall

1 forthwith direct any peace officer or highway patrolman to
 2 secure possession thereof and to return the same to the
 3 department."

4 Section 2. Section 61-6-122, MCA, is amended to read:
 5 "61-6-122. Suspension for nonpayment of judgments --
 6 exceptions. (1) The department, upon the receipt of a
 7 certified copy of a judgment, shall forthwith suspend the
 8 license, registration, and vehicle license number plates of
 9 all vehicles in which a resident holds an interest and any
 10 nonresident's operating privilege of any person against whom
 11 such judgment was rendered, except as hereinafter otherwise
 12 provided in this section and in 61-6-125.

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

23 Section 3. Section 61-6-123, MCA, is amended to read:
 24 "61-6-123. Suspension to continue until judgments paid
 25 and proof given -- maximum period of suspension. Such



-2-
 INTRODUCED BILL
 HB-805

1 license, registration, and vehicle license number plates and
 2 nonresident's operating privilege shall remain so suspended
 3 and shall not be renewed, nor shall any such license,
 4 registration, or vehicle license number plates be thereafter
 5 issued in the name of such person, including any such person
 6 not previously licensed, unless and until every such
 7 judgment is stayed, satisfied in full or to the extent
 8 hereinafter provided, and until the person gives proof of
 9 financial responsibility subject to the exemptions stated in
 10 61-6-122 and 61-6-125 or 6 years have passed from date
 11 judgment was first entered as provided in 25-9-301 and the
 12 person has complied with 61-6-301 and 61-6-302."

13 Section 4. Section 61-6-125, MCA, is amended to read:

14 "61-6-125. Installment payment of judgments --
 15 default. (1) A judgment debtor upon due notice to the
 16 judgment creditor may apply to the court in which such
 17 judgment was rendered for the privilege of paying such
 18 judgment in installments and the court, in its discretion
 19 and without prejudice to any other legal remedies which the
 20 judgment creditor may have, may so order and fix the amounts
 21 and times of payment of the installments.

22 (2) The department shall not suspend a license or the
 23 registration and vehicle license number plates or a
 24 nonresident's operating privilege and shall restore any
 25 license, registration, vehicle license number plates, or

1 nonresident's operating privilege suspended following
 2 nonpayment of a judgment, when the judgment debtor gives
 3 proof of financial responsibility and obtains such an order
 4 permitting the payment of such judgment in installments, and
 5 while the payment of any said installment is not in default.

6 (3) In the event the judgment debtor fails to pay any
 7 installment as specified by such order, then upon notice of
 8 such default, the department shall forthwith suspend the
 9 license, registration, vehicle license number plates from
 10 all vehicles in which a resident holds an interest, or
 11 nonresident's operating privilege of the judgment debtor
 12 until such judgment is satisfied, as provided in this part."

13 NEW SECTION. Section 5. Extension of authority. Any
 14 existing authority of the department of justice to make
 15 rules on the subject of the provisions of this act is
 16 extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for HB805, as introduced.


DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the suspension and surrender of a resident judgement debtor's driver's license, registration, and number plates for non-payment of a motor vehicle liability judgement; and amending Sections 61-6-112, 61-6-122, 61-6-123, and 61-6-125, MCA.

FISCAL IMPACT:

None.

 DATE 2/19/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 2-20-87
RANDE ROTH, PRIMARY SPONSOR
Fiscal Note for HB805, as introduced.
HB 805

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 805

INTRODUCED BY ROTH, MERCER, SPAETH,
RAMIREZ, REHBERG

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
SUSPENSION AND SURRENDER OF A RESIDENT JUDGMENT DEBTOR'S
DRIVER'S LICENSE, REGISTRATION, AND VEHICLE LICENSE NUMBER
PLATES FROM ALL UNINSURED VEHICLES IN WHICH HE HOLDS AN
INTEREST FOR NONPAYMENT OF A MOTOR VEHICLE LIABILITY
JUDGMENT; AND AMENDING SECTIONS 61-6-112, 61-6-122,
61-6-123, AND 61-6-125, MCA."

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

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

"61-6-112. Surrender of license, registration, and
number plates. Any person whose license, registration, and
vehicle license number plates shall have been suspended as
herein provided, or whose policy of insurance or bond, when
required under this part, shall have been canceled or
terminated, or who shall neglect to furnish other proof upon
request of the department shall immediately return his
license, registration, and vehicle license number plates
from all UNINSURED vehicles in which he holds an interest to
the department. If any person shall fail to return to the
department the license, registration, and vehicle license

number plates as provided herein, the department shall
forthwith direct any peace officer or highway patrolman to
secure possession thereof and to return the same to the
department."

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

"61-6-122. Suspension for nonpayment of judgments --
exceptions. (1) The department, upon the receipt of a
certified copy of a judgment, shall forthwith suspend the
license, registration, and vehicle license number plates of
all vehicles in which a resident holds an interest and any
nonresident's operating privilege of any person against whom
such judgment was rendered, except as hereinafter otherwise
provided in this section and in 61-6-125.

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

Section 3. Section 61-6-123, MCA, is amended to read:

"61-6-123. Suspension to continue until judgments paid



1 and proof given -- maximum period of suspension. Such
 2 license, registration, and vehicle license number plates and
 3 nonresident's operating privilege shall remain so suspended
 4 and shall not be renewed, nor shall any such license,
 5 registration, or vehicle license number plates be thereafter
 6 issued in the name of such person, including any such person
 7 not previously licensed, unless and until every such
 8 judgment is stayed, satisfied in full or to the extent
 9 hereinafter provided, and until the person gives proof of
 10 financial responsibility subject to the exemptions stated in
 11 61-6-122 and 61-6-125 or 6 years have passed from date
 12 judgment was first entered as provided in 25-9-301 and the
 13 person has complied with 61-6-301 and 61-6-302."

14 Section 4. Section 61-6-125, MCA, is amended to read:

15 "61-6-125. Installment payment of judgments --
 16 default. (1) A judgment debtor upon due notice to the
 17 judgment creditor may apply to the court in which such
 18 judgment was rendered for the privilege of paying such
 19 judgment in installments and the court, in its discretion
 20 and without prejudice to any other legal remedies which the
 21 judgment creditor may have, may so order and fix the amounts
 22 and times of payment of the installments.

23 (2) The department shall not suspend a license or the
 24 registration and vehicle license number plates or a
 25 nonresident's operating privilege and shall restore any

1 license, registration, vehicle license number plates, or
 2 nonresident's operating privilege suspended following
 3 nonpayment of a judgment, when the judgment debtor gives
 4 proof of financial responsibility and obtains such an order
 5 permitting the payment of such judgment in installments, and
 6 while the payment of any said installment is not in default.

7 (3) In the event the judgment debtor fails to pay any
 8 installment as specified by such order, then upon notice of
 9 such default, the department shall forthwith suspend the
 10 license, registration, vehicle license number plates from
 11 all vehicles in which a resident holds an interest, or
 12 nonresident's operating privilege of the judgment debtor
 13 until such judgment is satisfied, as provided in this part."

14 NEW SECTION. Section 5. Extension of authority. Any
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