

SENATE BILL NO. 181
INTRODUCED BY VAN VALKENBURG, GRADY

IN THE SENATE

JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 4, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 5, 1987	PRINTING REPORT.
FEBRUARY 7, 1987	SECOND READING, DO PASS.
FEBRUARY 9, 1987	ENGROSSING REPORT.
FEBRUARY 10, 1987	THIRD READING, PASSED. AYES, 44; NOES, 6.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 25, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1987	SECOND READING, CONCURRED IN.
MARCH 28, 1987	THIRD READING, CONCURRED IN. AYES, 64; NOES, 27.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 2, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *181*
2 INTRODUCED BY *Van Valkenburg* *Greedy*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SUSPENSION OF
5 A DRIVER'S LICENSE FOR FAILURE TO APPEAR IN COURT OR FAILURE
6 TO PAY A FINE, COSTS, OR RESTITUTION AFTER CONVICTION OF
7 CERTAIN OFFENSES."

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

10 Section 1. Mandatory suspension for failure to appear
11 or pay fine. The department shall suspend the license or
12 driving privilege of an operator or chauffeur immediately
13 upon receipt of a certified copy of a docket page or other
14 sufficient evidence from the court that the operator or
15 chauffeur:

16 (1) is guilty of a violation of 61-5-302 through
17 61-5-306, 61-5-309, or chapters 3, 7, 8, 9, or 10 of this
18 title or is guilty of a criminal offense and was driving or
19 was in actual physical control of a motor vehicle when the
20 offense occurred; and

21 (2) (a) failed to appear as ordered by the court or
22 upon issued summons; or

23 (b) failed to pay a fine, costs, or restitution
24 amount; and

25 (3) received notice, evidenced by a signed receipt for

1 a certified letter or by a statement signed before the court
2 of the provisions of this section.

3 Section 2. Extension of authority. Any existing
4 authority of the department of justice to make rules on the
5 subject of the provisions of this act is extended to the
6 provisions of this act.

7 Section 3. Codification instruction. Section 1 is
8 intended to be codified as an integral part of Title 61,
9 chapter 5, part 2, and the provisions of Title 61, chapter
10 5, part 2, apply to section 1.

-End-



-2- INTRODUCED BILL
SB-181

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB181, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring suspension of a driver's license for failure to appear in court or failure to pay a fine, costs or restitution after conviction of certain offenses.

ASSUMPTIONS:

1. 120,000 convictions annually for the violations listed in the bill.
2. 25% of the convictions currently do not appear or fail to pay, but due to the leverage provided by this bill, half of the 25% will now appear and/or pay. And, of the remaining half, 50% would eventually appear and/or pay after their license was suspended.
3. The average fine is \$35 that includes a \$7.50 court cost and a \$10 surcharge to fund deputy county attorneys.
4. The total conviction ratio between state and local is the same as the DUI ratio; that is state 25%, local 75%.

FISCAL IMPACT:Expenditures for Motor Vehicle Division:

	<u>FY88</u>	<u>FY89</u>
Personal Services	\$ 78,500	\$104,678
Operating Expenses	4,350	5,800
Equipment	12,100	0
TOTAL	<u>\$ 94,950</u>	<u>\$110,478</u>


Funding:

General Fund Revenue	\$ 10,335	\$ 13,780
Additional General Fund Required	\$ 84,615	\$ 96,698

Revenues:

Driver Education	\$ 36,914	\$ 49,219
Crime Victim	26,579	35,438
General Fund	10,335	13,780
TOTAL	<u>\$ 73,828</u>	<u>\$ 98,437</u>

Local Government Revenue	\$690,000	\$690,000
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 DATE 1/28/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE _____
 FRED VAN VALKENBURG, PRIMARY SPONSOR

Fiscal Note for SB181, as introduced.

SB 181

Fiscal Note Request, SB181, as introduced.

Form BD-15

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NOTE: Highway patrol officers are used to collect driver's licenses from individuals who do not voluntarily release their license upon suspension. The equivalent of approximately 3 officers would be taken off the highways to collect the additional suspensions as a result of this bill.

SB 181

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 181

INTRODUCED BY VAN VALKENBURG, GRADY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SUSPENSION OF
A DRIVER'S LICENSE FOR FAILURE TO APPEAR IN COURT OR FAILURE
TO PAY A FINE, COSTS, OR RESTITUTION AFTER CONVICTION OF
CERTAIN OFFENSES; AND REQUIRING PAYMENT OF A REINSTATEMENT
FEE."

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

Section 1. Mandatory suspension for failure to appear
or pay fine. The department shall suspend the license or
driving privilege of an operator or chauffeur immediately
upon receipt of a certified copy of a docket page or other
sufficient evidence from the court that the operator or
chauffeur:

(1) is guilty of a violation of 61-5-302 through
61-5-306, 61-5-309, CHAPTER 12, PART 6, or chapters 3, 7, 8,
9, or 10 of this title or is guilty of a criminal offense
and was driving or was in actual physical control of a motor
vehicle when the offense occurred; and

(2) (a) failed to POST THE SET BOND AMOUNT OR appear
as ordered by the court or APPEAR upon issued summons; or

(b) failed to FORFEIT THE POSTED BOND AMOUNT OR TO pay
a fine OF \$100 OR MORE, costs OF \$100 OR MORE, or

restitution amount OF \$100 OR MORE; and

(3) received notice, evidenced by a signed receipt for
a certified letter or by a statement signed before the court
of the provisions of this section, INCLUDING THE
REINSTATEMENT FEE.

SECTION 2. PROVISIONAL LICENSES PROHIBITED --
REINSTATEMENT FEE. (1) NO PROVISIONAL, RESTRICTED, OR
PROBATIONARY LICENSE MAY BE ISSUED UPON A SUSPENSION UNDER
[SECTION 1].

(2) A PERSON WHOSE LICENSE IS SUSPENDED UNDER [SECTION
1] SHALL PAY A REINSTATEMENT FEE OF \$25 TO THE COURT.

SECTION 3. REINSTATEMENT OF LICENSE. UPON RECEIPT OF
NOTIFICATION FROM THE COURT THAT THE OPERATOR OR CHAUFFEUR
HAS APPEARED, POSTED THE BOND, OR PAID THE FINE, COSTS, OR
RESTITUTION AMOUNTS AND THE REINSTATEMENT FEE, THE
DEPARTMENT SHALL IMMEDIATELY REINSTATE THE LICENSE.

Section 4. Extension of authority. Any existing
authority of the department of justice to make rules on the
subject of the provisions of this act is extended to the
provisions of this act.

Section 5. Codification instruction. Section 1 is
intended to be codified as an integral part of Title 61,
chapter 5, part 2, and the provisions of Title 61, chapter
5, part 2, apply to section 1.

-End-

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SENATE BILL NO. 181

INTRODUCED BY VAN VALKENBURG, GRADY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SUSPENSION OF A DRIVER'S LICENSE FOR FAILURE TO APPEAR IN COURT OR FAILURE TO PAY A FINE, COSTS, OR RESTITUTION AFTER CONVICTION OF CERTAIN OFFENSES; AND REQUIRING PAYMENT OF A REINSTATEMENT FEE."

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

Section 1. Mandatory suspension for failure to appear or pay fine. The department shall suspend the license or driving privilege of an operator or chauffeur immediately upon receipt of a certified copy of a docket page or other sufficient evidence from the court that the operator or chauffeur:

(1) is guilty of a violation of 61-5-302 through 61-5-306, 61-5-309, CHAPTER 12, PART 6, or chapters 3, 7, 8, 9, or 10 of this title or is guilty of a criminal offense and was driving or was in actual physical control of a motor vehicle when the offense occurred; and

(2) (a) failed to POST THE SET BOND AMOUNT OR appear as ordered by the court or APPEAR upon issued summons; or

(b) failed to FORFEIT THE POSTED BOND AMOUNT OR TO pay a fine OF \$100 OR MORE, costs OF \$100 OR MORE, or

restitution amount OF \$100 OR MORE; and

(3) received notice, evidenced by a signed receipt for a certified letter or by a statement signed before the court of the provisions of this section, INCLUDING THE REINSTATEMENT FEE.

SECTION 2. PROVISIONAL LICENSES PROHIBITED -- REINSTATEMENT FEE. (1) NO PROVISIONAL, RESTRICTED, OR PROBATIONARY LICENSE MAY BE ISSUED UPON A SUSPENSION UNDER [SECTION 1].

(2) A PERSON WHOSE LICENSE IS SUSPENDED UNDER [SECTION 1] SHALL PAY A REINSTATEMENT FEE OF \$25 TO THE COURT.

SECTION 3. REINSTATEMENT OF LICENSE. UPON RECEIPT OF NOTIFICATION FROM THE COURT THAT THE OPERATOR OR CHAUFFEUR HAS APPEARED, POSTED THE BOND, OR PAID THE FINE, COSTS, OR RESTITUTION AMOUNTS AND THE REINSTATEMENT FEE, THE DEPARTMENT SHALL IMMEDIATELY REINSTATE THE LICENSE.

Section 4. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 5. Codification instruction. Section 1 is intended to be codified as an integral part of Title 61, chapter 5, part 2, and the provisions of Title 61, chapter 5, part 2, apply to section 1.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB181, third reading copy.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring suspension of a driver's license for failure to appear in court or failure to pay a fine, costs or restitution after conviction of certain offenses; and requiring payment of a reinstatement fee.

ASSUMPTIONS:

1. 18,000 convictions annually with a fine of over \$100 for the violations listed in the bill.
2. 50% of the current convictions will not pay. But 30% of the "50% will not pay" will pay upon the threat of losing their licenses. Half of the remaining 70% of the "50% will not pay", will eventually pay after their licenses have been suspended.
3. The average fine over \$100 is \$125, which includes a \$7.50 court cost, and a \$10 fee for deputy county attorneys.

FISCAL IMPACT:

	<u>FY88</u>	<u>FY89</u>
<u>Expenditures for Motor Vehicle Division:</u>		
Personal Services	\$ 34,200	\$ 45,600
Operating Expenses	2,700	3,650
Equipment	8,200	0
TOTAL	\$ 45,100	\$ 49,250
 <u>Funding:</u>		
General Fund Revenue	\$ 1,371	\$ 1,828
Additional General Fund Required	\$ 43,729	\$ 47,422
 <u>Revenues:</u>		
Driver Education	\$ 34,277	\$ 45,703
Crime Victims	24,680	32,906
General Fund	1,371	1,828
TOTAL	\$ 60,328	\$ 80,437
Local Government Revenue	\$547,172	\$729,563

David L. Hunter DATE 2/17/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Fred Van Valkenburg DATE 2/18/87
 FRED VAN VALKENBURG, PRIMARY SPONSOR

Fiscal Note for SB181, third reading copy.

SB 181
H 2

Fiscal Note Request, SB181, as introduced.

Form BD-15

Page 2

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

1. New Section 2 does not specify the distribution of the \$25 reinstatement of fee.
2. Section 5 was not updated to include Sections 2, 3, and 4 for codification instructions.
3. Section 3 mandates reinstatement if the fine is paid. What if the license has been suspended previously for another offense?

SB181
H.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB181, third reading copy.
REVISED FISCAL NOTE

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring suspension of a driver's license for failure to appear in court or failure to pay a fine, costs or restitution after conviction of certain offenses; and requiring payment of a reinstatement fee.

ASSUMPTIONS:

1. 18,000 convictions annually with a fine of over \$100 for the violations listed in the bill.
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3. The average fine over \$100 is \$125, which includes a \$7.50 court cost, and a \$10 fee for deputy county attorneys.

FISCAL IMPACT:

	<u>FY88</u>	<u>FY89</u>
<u>Expenditures for Motor Vehicle Division:</u>		
Personal Services	\$ 34,200	\$ 45,600
Operating Expenses	2,700	3,650
Equipment	8,200	0
TOTAL	<u>\$ 45,100</u>	<u>\$ 49,250</u>
 <u>Funding:</u>		
General Fund Revenue	\$ 45,100	\$ 49,250
 <u>Revenues:</u>		
Driver Education	\$ 34,277	\$ 45,703
Crime Victims	24,680	32,906
General Fund	58,956	78,608
TOTAL	<u>\$117,913</u>	<u>\$157,217</u>
 Local Government Revenue	 \$489,587	 \$652,783

David L. Hunter DATE 3/5/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Fred Van Valkenburg DATE 3/6/87
 FRED VAN VALKENBURG, PRIMARY SPONSOR

Fiscal Note for SB181, third reading copy.
REVISED FISCAL NOTE

SB 181
#3

Fiscal Note Request, SB181, as introduced. REVISED FISCAL NOTE.

Form BD-15

Page 2

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

1. New Section 2 does not specify the distribution of the \$25 reinstatement of fee.
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SB-181

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

Section 1. Mandatory suspension for failure to appear or pay fine. The department shall suspend the license or driving privilege of an operator or chauffeur immediately upon receipt of a certified copy of a docket page or other sufficient evidence from the court that the operator or chauffeur:

(1) is guilty of a violation of 61-5-302 through 61-5-306, 61-5-309, CHAPTER 12, PART 6, or chapters 3, 7, 8, 9, or 10 of this title or is guilty of a criminal offense and was driving or was in actual physical control of a motor vehicle when the offense occurred; and

(2) (a) failed to POST THE SET BOND AMOUNT OR appear as ordered by the court or APPEAR upon issued summons; or

(b) failed to FORFEIT THE POSTED BOND AMOUNT OR TO pay a fine OF--\$100--OR--MORE, costs OF--\$100--OR--MORE, or

restitution--amount OF--\$100--OR--MORE, WHEN ASSESSED A FINE, COSTS, OR RESTITUTION OF \$100 OR MORE, FAILED TO PAY SUCH FINE, COSTS, OR RESTITUTION; and

(3) received notice, evidenced by a signed receipt for a certified letter or by a statement signed before the court of the provisions of this section, INCLUDING THE REINSTATEMENT FEE.

SECTION 2. PROVISIONAL LICENSES PROHIBITED -- REINSTATEMENT FEE. (1) NO PROVISIONAL, RESTRICTED, OR PROBATIONARY LICENSE MAY BE ISSUED UPON A SUSPENSION UNDER [SECTION 1].

(2) A PERSON WHOSE LICENSE IS SUSPENDED UNDER [SECTION 1] SHALL PAY A REINSTATEMENT FEE OF \$25 TO THE COURT FOR DEPOSIT IN THE STATE GENERAL FUND.

SECTION 3. REINSTATEMENT OF LICENSE. UPON RECEIPT OF NOTIFICATION FROM THE COURT THAT THE OPERATOR OR CHAUFFEUR HAS APPEARED, POSTED THE BOND, OR PAID THE FINE, COSTS, OR RESTITUTION AMOUNTS AND THE REINSTATEMENT FEE, THE DEPARTMENT SHALL IMMEDIATELY REINSTATE THE LICENSE, UNLESS THE OPERATOR OR CHAUFFEUR OTHERWISE IS NOT ENTITLED TO REINSTATEMENT.

Section 4. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act.



SB 0181/03

1 Section 5. Codification instruction. ~~Section--1--is~~
2 SECTIONS 1 THROUGH 3 ARE intended to be codified as an
3 integral part of Title 61, chapter 5, part 2, and the
4 provisions of Title 61, chapter 5, part 2, apply to ~~section~~
5 + SECTIONS 1 THROUGH 3.

-End-

HOUSE

STANDING COMMITTEE REPORT

MARCH 25,

19 87

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 181

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Carl L. ...
Chairman

1. Page 1, line 24 through line 1 of page 2.
Strike: "TO pay" on page 1, line 24 through "OR MORE" on line 1 of page 2
Insert: ", when assessed a fine, costs, or restitution of \$100 or more, failed to pay such fine, costs, or restitution"

2. Page 2, line 11.
Following: "COURT"
Insert: "for deposit in the state general fund"

3. Page 2, line 16.
Following: "LICENSE"
Insert: ", unless the operator or chauffeur otherwise is not entitled to reinstatement"

4. Page 2, line 21.
Strike: "Section 1 is"
Insert: "Sections 1 through 3 are"

5. Page 2, line 24.
Strike: "section 1"
Insert: "sections 1 through 3"

~~ADDED~~

THIRD reading copy (BLUE)
color

REP. GRADY WILL CARRY THE BILL!

22
) *MS*