

HOUSE BILL NO. 368

INTRODUCED BY COCCHIARELLA, VINCENT

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 4, 1989	PRINTING REPORT.
FEBRUARY 6, 1989	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
FEBRUARY 8, 1989	THIRD READING, PASSED. AYES, 96; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 14, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

MARCH 17, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 368  
2 INTRODUCED BY Carolynella Vincent  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
5 CONVICTION OF NEGLIGENT VEHICULAR ASSAULT IS GROUNDS FOR  
6 MANDATORY REVOCATION OF A DRIVER'S LICENSE AND COUNTS FOR 12  
7 CONVICTION POINTS IN DETERMINING HABITUAL TRAFFIC OFFENDERS;  
8 AND AMENDING SECTIONS 61-5-205 AND 61-11-203, MCA."

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

11 **Section 1.** Section 61-5-205, MCA, is amended to read:

12 "61-5-205. Mandatory revocation of license upon proper  
13 authority. The department upon proper authority shall revoke  
14 the driver's license, including the commercial vehicle  
15 operator's endorsement, or the operating privilege of any  
16 driver upon receiving a record of the driver's conviction or  
17 forfeiture of bail not vacated of any of the following  
18 offenses, when such the conviction or forfeiture has become  
19 final:

20 (1) negligent homicide resulting from the operation of  
21 a motor vehicle;

22 (2) driving a motor vehicle while under the influence  
23 of alcohol or any drug or a combination thereof, except as  
24 provided in 61-5-208, or operation of a motor vehicle by a  
25 person with a blood alcohol concentration of 0.10 or more;

1 (3) any felony in the commission of which a motor  
2 vehicle is used;

3 (4) failure to stop and render aid as required under  
4 the laws of this state in the event of a motor vehicle  
5 accident resulting in the death or personal injury of  
6 another;

7 (5) perjury or the making of a false affidavit or  
8 statement under oath to the department under this chapter or  
9 under any other law relating to the ownership or operation  
10 of motor vehicles;

11 (6) conviction or forfeiture of bail not vacated upon  
12 three charges of reckless driving committed within a period  
13 of 12 months; or

14 (7) negligent vehicular assault as defined in  
15 45-5-205."

16 **Section 2.** Section 61-11-203, MCA, is amended to read:

17 "61-11-203. Definitions. As used in this part, the  
18 following definitions apply:

19 (1) "Conviction" means a finding of guilt by duly  
20 constituted judicial authority, a plea of guilty, or a  
21 forfeiture of bail, bond, or other security deposited to  
22 secure appearance by a person charged with having committed  
23 any offense relating to the use or operation of a motor  
24 vehicle which is prohibited by law, ordinance, or  
25 administrative order.

1 (2) "Habitual traffic offender" means any person who  
2 within a 3-year period accumulates 30 or more conviction  
3 points according to the schedule specified in this  
4 subsection:

5 (a) deliberate homicide resulting from the operation  
6 of a motor vehicle, 15 points;

7 (b) mitigated deliberate homicide, or negligent  
8 homicide resulting from operation of a motor vehicle, or  
9 negligent vehicular assault, 12 points;

10 (c) any offense punishable as a felony under the motor  
11 vehicle laws of Montana or any felony in the commission of  
12 which a motor vehicle is used, 12 points;

13 (d) driving while under the influence of intoxicating  
14 liquor or narcotics or drugs of any kind or operation of a  
15 motor vehicle by a person with alcohol concentration of 0.10  
16 or more, 10 points;

17 (e) operating a motor vehicle while his license to do  
18 so has been suspended or revoked, 6 points;

19 (f) failure of the driver of a motor vehicle involved  
20 in an accident resulting in death or injury to any person to  
21 stop at the scene of the accident and give the required  
22 information and assistance, as defined in 61-7-105, 8  
23 points;

24 (g) willful failure of the driver involved in an  
25 accident resulting in property damage of \$250 to stop at the

1 scene of the accident and give the required information or  
2 to otherwise fail to report an accident in violation of the  
3 law, 4 points;

4 (h) reckless driving, 5 points;

5 (i) illegal drag racing or engaging in a speed contest  
6 in violation of the law, 5 points;

7 (j) operating a motor vehicle without a license to do  
8 so, 2 points (this subsection (j) does not apply to  
9 operating a motor vehicle within a period of 180 days from  
10 the date the license expired);

11 (k) speeding, 3 points;

12 (l) all other moving violations, 2 points.

13 (3) There shall be no multiple application of  
14 cumulative points when two or more charges are filed  
15 involving a single occurrence. If there are two or more  
16 convictions involving a single occurrence, only the number  
17 of points for the specific conviction carrying the highest  
18 points shall be chargeable against that defendant.

19 (4) "License" means any type of license or permit to  
20 operate a motor vehicle."

21 NEW SECTION. **Section 3.** Extension of authority. Any  
22 existing authority to make rules on the subject of the  
23 provisions of [this act] is extended to the provisions of  
24 [this act].

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 368  
2 INTRODUCED BY Christiansen, Vincent  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
5 CONVICTION OF NEGLIGENT VEHICULAR ASSAULT IS GROUNDS FOR  
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11 **Section 1.** Section 61-5-205, MCA, is amended to read:

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13 authority. The department upon proper authority shall revoke  
14 the driver's license, including the commercial vehicle  
15 operator's endorsement, or the operating privilege of any  
16 driver upon receiving a record of the driver's conviction or  
17 forfeiture of bail not vacated of any of the following  
18 offenses, when such the conviction or forfeiture has become  
19 final:

20 (1) negligent homicide resulting from the operation of  
21 a motor vehicle;

22 (2) driving a motor vehicle while under the influence  
23 of alcohol or any drug or a combination thereof, except as  
24 provided in 61-5-208, or operation of a motor vehicle by a  
25 person with a blood alcohol concentration of 0.10 or more;

1 (3) any felony in the commission of which a motor  
2 vehicle is used;

3 (4) failure to stop and render aid as required under  
4 the laws of this state in the event of a motor vehicle  
5 accident resulting in the death or personal injury of  
6 another;

7 (5) perjury or the making of a false affidavit or  
8 statement under oath to the department under this chapter or  
9 under any other law relating to the ownership or operation  
10 of motor vehicles;

11 (6) conviction or forfeiture of bail not vacated upon  
12 three charges of reckless driving committed within a period  
13 of 12 months; or

14 (7) negligent vehicular assault as defined in  
15 45-5-205."

16 **Section 2.** Section 61-11-203, MCA, is amended to read:

17 "61-11-203. Definitions. As used in this part, the  
18 following definitions apply:

19 (1) "Conviction" means a finding of guilt by duly  
20 constituted judicial authority, a plea of guilty, or a  
21 forfeiture of bail, bond, or other security deposited to  
22 secure appearance by a person charged with having committed  
23 any offense relating to the use or operation of a motor  
24 vehicle which is prohibited by law, ordinance, or  
25 administrative order.

1 (2) "Habitual traffic offender" means any person who  
2 within a 3-year period accumulates 30 or more conviction  
3 points according to the schedule specified in this  
4 subsection:

5 (a) deliberate homicide resulting from the operation  
6 of a motor vehicle, 15 points;

7 (b) mitigated deliberate homicide, ~~or~~ negligent  
8 homicide resulting from operation of a motor vehicle, or  
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10 (c) any offense punishable as a felony under the motor  
11 vehicle laws of Montana or any felony in the commission of  
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13 (d) driving while under the influence of intoxicating  
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15 motor vehicle by a person with alcohol concentration of 0.10  
16 or more, 10 points;

17 (e) operating a motor vehicle while his license to do  
18 so has been suspended or revoked, 6 points;

19 (f) failure of the driver of a motor vehicle involved  
20 in an accident resulting in death or injury to any person to  
21 stop at the scene of the accident and give the required  
22 information and assistance, as defined in 61-7-105, 8  
23 points;

24 (g) willful failure of the driver involved in an  
25 accident resulting in property damage of \$250 to stop at the

1 scene of the accident and give the required information or  
2 to otherwise fail to report an accident in violation of the  
3 law, 4 points;

4 (h) reckless driving, 5 points;

5 (i) illegal drag racing or engaging in a speed contest  
6 in violation of the law, 5 points;

7 (j) operating a motor vehicle without a license to do  
8 so, 2 points (this subsection (j) does not apply to  
9 operating a motor vehicle within a period of 180 days from  
10 the date the license expired);

11 (k) speeding, 3 points;

12 (l) all other moving violations, 2 points.

13 (3) There shall be no multiple application of  
14 cumulative points when two or more charges are filed  
15 involving a single occurrence. If there are two or more  
16 convictions involving a single occurrence, only the number  
17 of points for the specific conviction carrying the highest  
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19 (4) "License" means any type of license or permit to  
20 operate a motor vehicle."

21 NEW SECTION. Section 3. Extension of authority. Any  
22 existing authority to make rules on the subject of the  
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24 [this act].

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2 INTRODUCED BY *Carliacella Vincent*  
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## HOUSE BILL NO. 368

INTRODUCED BY COCCHIARELLA, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CONVICTION OF NEGLIGENT VEHICULAR ASSAULT IS GROUNDS FOR MANDATORY REVOCATION OF A DRIVER'S LICENSE AND COUNTS FOR 12 CONVICTION POINTS IN DETERMINING HABITUAL TRAFFIC OFFENDERS; AND AMENDING SECTIONS 61-5-205 AND 61-11-203, MCA."

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