

HOUSE BILL 61

Introduced by J. Johnson

12/23	Introduced
12/30	Referred to Education & Cultural Resources
12/31	Fiscal Note Requested
1/04	First Reading
1/11	Fiscal Note Received
1/11	Fiscal Note Printed
1/13	Hearing
1/15	Tabled in Committee

## HOUSE BILL NO. 61

INTRODUCED BY J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO SUSPEND THE DRIVER'S LICENSE OF A STUDENT 15 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE UPON NOTIFICATION THAT THE STUDENT IS NO LONGER ATTENDING SCHOOL; REQUIRING A COUNTY SUPERINTENDENT TO NOTIFY THE DEPARTMENT OF JUSTICE WHEN SUCH A STUDENT IS NO LONGER ATTENDING SCHOOL; PROVIDING AN EXCEPTION IN CASES OF DEMONSTRATED FINANCIAL HARDSHIP; PROHIBITING THE ISSUANCE OF A PROBATIONARY LICENSE; AMENDING SECTIONS 20-3-205 AND 61-5-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in his the

superintendent's county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition application submitted ~~to him~~ in accordance with the provisions of 20-5-301, 20-5-302, 20-5-304, and 20-5-311 and transmit the tuition information required by 20-5-312;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(7) keep a transcript and reconcile the district boundaries of the county in accordance with the provisions of 20-6-103;

(8) fulfill all responsibilities assigned ~~to him~~ under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(10) estimate the average number belonging (ANB) of an

1 opening school in accordance with the provisions of  
2 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

3 (11) process and, when required, act on school isolation  
4 applications in accordance with the provisions of 20-9-302;

5 (12) complete the budgets, compute the budgeted revenues  
6 and tax levies, file final budgets and budget amendments,  
7 and fulfill other responsibilities assigned to him under the  
8 provisions of this title regulating school budgeting  
9 systems;

10 (13) submit an annual financial report to the  
11 superintendent of public instruction in accordance with the  
12 provisions of 20-9-211;

13 (14) monthly, unless otherwise provided by law, order  
14 the county treasurer to apportion state money, county school  
15 money, and any other school money subject to apportionment  
16 in accordance with the provisions of 20-9-212, 20-9-334,  
17 20-9-347, 20-10-145, or 20-10-146;

18 (15) act on any request to transfer average number  
19 belonging (ANB) in accordance with the provisions of  
20 20-9-313(3);

21 (16) calculate the estimated budgeted general fund  
22 sources of revenue in accordance with the provisions of  
23 20-9-348 and the other general fund revenue provisions of  
24 the general fund part of this title;

25 (17) compute the revenues and the district and county

1 levy requirements for each fund included in each district's  
2 final budget and report the computations to the board of  
3 county commissioners in accordance with the provisions of  
4 the general fund, transportation, bonds, and other school  
5 funds parts of this title;

6 (18) file and forward bus driver certifications,  
7 transportation contracts, and state transportation  
8 reimbursement claims in accordance with the provisions of  
9 20-10-103, 20-10-143, or 20-10-145;

10 (19) for districts that do not employ a district  
11 superintendent or principal, recommend library book and  
12 textbook selections in accordance with the provisions of  
13 20-7-204 or 20-7-602;

14 (20) notify the superintendent of public instruction of  
15 a textbook dealer's activities when required under the  
16 provisions of 20-7-605 and otherwise comply with the  
17 textbook dealer provisions of this title;

18 (21) act on district requests to allocate federal money  
19 for indigent children for school food services in accordance  
20 with the provisions of 20-10-205;

21 (22) perform any other duty prescribed from time to time  
22 by this title, any other act of the legislature, the  
23 policies of the board of public education, the policies of  
24 the board of regents relating to community college  
25 districts, or the rules of the superintendent of public

1 instruction;

2 (23) administer the oath of office to trustees without  
3 the receipt of pay for administering the oath;

4 (24) keep a record of his official acts, preserve all  
5 reports submitted to him under the provisions of this title,  
6 preserve all books and instructional equipment or supplies,  
7 keep all documents applicable to the administration of the  
8 office, and surrender all records, books, supplies, and  
9 equipment to his successor the next superintendent;

10 (25) within 90 days after the close of the school fiscal  
11 year, publish an annual report in the county newspaper  
12 stating the following financial information for the school  
13 fiscal year just ended for each district of the county:

14 (a) the total of the cash balances of all funds  
15 maintained by the district at the beginning of the year;

16 (b) the total receipts that were realized in each fund  
17 maintained by the district;

18 (c) the total expenditures that were made from each  
19 fund maintained by the district; and

20 (d) the total of the cash balances of all funds  
21 maintained by the district at the end of the school fiscal  
22 year; and

23 (26) notify the department of justice, pursuant to  
24 61-5-206, whenever a student 15 years of age or older but  
25 less than 18 years of age is no longer attending school; and

1 ~~(26)~~(27) hold meetings for the members of the trustees  
2 from time to time at which matters for the good of the  
3 districts must be discussed."

4 **Section 2.** Section 61-5-206, MCA, is amended to read:

5 "61-5-206. Authority of department to suspend license  
6 or driving privilege or issue probationary license. (1) ~~The~~  
7 Except as provided in subsection (5), the department is  
8 hereby authorized to suspend the driver's license, including  
9 the commercial vehicle operator's endorsement, or driving  
10 privilege of a driver without preliminary hearing upon a  
11 showing by its records or other sufficient evidence that the  
12 licensee:

13 (a) has been involved as a driver in any accident  
14 resulting in the death or personal injury of another or  
15 serious property damage;

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

20 (c) is an habitually reckless or negligent driver of a  
21 motor vehicle;

22 (d) is incompetent to drive a motor vehicle;

23 (e) has committed or permitted an unlawful or  
24 fraudulent use of such a license as specified in 61-5-302;

25 (f) has committed an offense in another state which if

1 committed in this state would be grounds for suspension or  
2 revocation;

3 (g) has falsified ~~his~~ the date of birth on ~~his~~ the  
4 driver's application for a driver's license;

5 (h) is under 21 years of age and has altered ~~his~~ the  
6 driver's personal license or identification card or  
7 another's driver's license or identification card to obtain  
8 alcohol; or

9 (i) has authorized another to use ~~his~~ the driver's  
10 personal license or identification card to obtain alcohol;  
11 or

12 (j) is 15 years of age or older but is less than 18  
13 years of age and has been reported by a public, private, or  
14 parochial school as no longer attending school.

15 (2) However Except when a license is suspended pursuant  
16 to subsection (1)(j), the department may, in-its--discretion  
17 and in lieu of such-suspension-of suspending a license or  
18 driving privilege, issue a probationary license to a driver,  
19 without preliminary hearing, upon a showing by its records  
20 or other sufficient evidence that the licensee's driving  
21 record ~~is-such-as~~ would authorize suspension as provided in  
22 subsection (1) hereof. Upon-issuance-of When a probationary  
23 license is issued, the licensee ~~shall-be~~ is subject to the  
24 restrictions set forth thereon on the license. The  
25 licensee's driving privilege may be suspended upon

1 conviction or forfeiture of bail not vacated of any traffic  
2 violation during the period of such probation. The licensee  
3 shall surrender to the department all driver licenses  
4 ~~theretofore~~ issued to ~~him~~ the licensee before such a  
5 probationary license ~~shall-be~~ is issued. ~~His~~ The licensee's  
6 refusal or neglect to surrender such the licenses upon  
7 demand ~~shall-be--ground~~ is grounds for suspending all such  
8 licenses. Probationary licenses may be issued for a period  
9 not to exceed 12 months.

10 (3) Upon suspending the license of any a person or upon  
11 placing such a person on probation, as hereinbefore  
12 authorized in this section ~~authorized,~~ the department shall  
13 immediately notify the licensee in writing and upon his  
14 request shall ~~afford--him~~ provide an opportunity for a  
15 hearing as early as practical within ~~not-to-exceed~~ 20 days  
16 after receipt of such a request in the county ~~wherein~~ where  
17 the licensee resides, unless the department and the licensee  
18 agree that such the hearing may be held in some other  
19 county. ~~Upon-such-hearing-the~~ The department through its  
20 duty authorized agent may administer oaths, ~~and-may~~ issue  
21 subpoenas for the attendance of witnesses and the production  
22 of relevant books and papers, and may require a  
23 reexamination of the licensee. ~~Upon--such~~ Following the  
24 hearing, the department shall either rescind its order of  
25 suspension or probation, ~~or good-cause-appearing-therefor,~~

1 may for good cause affirm, reduce, or extend the period of  
2 probation or suspension of such the license.

3 (4) A student 15 years of age or older whose license is  
4 suspended pursuant to subsection (1)(j) may retain or regain  
5 the license from the department by providing evidence that  
6 the licensee:

7 (a) is 18 years of age;

8 (b) is attending school; or

9 (c) has obtained a high school diploma or its  
10 equivalent.

11 (5) If a student 15 years of age or older who is not  
12 attending school provides convincing evidence that a  
13 financial hardship would result from the suspension of the  
14 student's license, the department may grant an exception  
15 only to the extent necessary to ameliorate the hardship."

16 NEW SECTION. Section 3. Effective date. [This act] is  
17 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0061, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Department of Justice to suspend the drivers's license of a student 15 years of age or older but less than 18 years of age upon notification that the student is no longer attending school.

ASSUMPTIONS:

1. Assume that the Department of Justice will have to suspend and monitor an ongoing database of 3,000 students in the age range of 15-18 who are not attending school. These additional duties will require an additional FTE in the Motor Vehicle Division.

FISCAL IMPACT:

Expenditures: General fund expenditures will increase \$27,000 in FY 1994 and \$19,000 in FY 1995.

Revenues: No new revenue are generated by the bill.

Net Impact: General fund cost of \$27,000 in FY 1994 and \$19,000 in FY 1995.



DAVE LEWIS, BUDGET DIRECTOR  
Office of Budget and Program Planning

1-8-93

DATE



JOHN JOHNSON, PRIMARY SPONSOR

1/11/93

DATE

Fiscal Note for HB0061, as introduced

HB 61