

HOUSE BILL 533

Introduced by Davis

2/08	Introduced
2/08	Referred to Highways & Transportation
2/08	First Reading
2/08	Fiscal Note Requested
2/12	Hearing
2/13	Fiscal Note Received
2/15	Fiscal Note Printed
2/15	Tabled in Committee

1 House BILL NO. 533  
2 INTRODUCED BY [Signature]  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT HABITUAL  
5 MOTOR VEHICLE OFFENDER CONVICTION POINTS ACCUMULATED WHILE  
6 DRIVING UNDER A COMMERCIAL MOTOR VEHICLE OPERATOR'S  
7 ENDORSEMENT DO NOT APPLY TO ANY OTHER LICENSE OR  
8 ENDORSEMENT; PROVIDING THAT POINTS ACCUMULATED WHILE DRIVING  
9 UNDER ALL OTHER LICENSES AND ENDORSEMENTS COMBINED APPLY TO  
10 EACH OF THOSE LICENSES AND ENDORSEMENTS BUT DO NOT APPLY TO  
11 A COMMERCIAL MOTOR VEHICLE OPERATOR'S ENDORSEMENT; AND  
12 AMENDING SECTION 61-11-203, MCA."  
13

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

15 **Section 1.** Section 61-11-203, MCA, is amended to read:

16 "61-11-203. Definitions. As used in this part, the  
17 following definitions apply:

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

25 (2) "Habitual traffic offender" means any person who

1 within a 3-year period accumulates 30 or more conviction  
2 points, either while driving under a commercial vehicle  
3 operator's endorsement or while driving under all other  
4 licenses combined, according to the schedule specified in  
5 this subsection. Points accumulated while driving under a  
6 commercial vehicle operator's endorsement do not apply to  
7 any other license. Points accumulated while driving under  
8 any other license apply to each of those licenses except a  
9 commercial vehicle operator's endorsement. The schedule used  
10 to determine conviction points is:

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

13 (b) mitigated deliberate homicide, negligent homicide  
14 resulting from operation of a motor vehicle, or negligent  
15 vehicular assault, 12 points;

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

19 (d) driving while under the influence of intoxicating  
20 liquor or narcotics or drugs of any kind or operation of a  
21 motor vehicle by a person with alcohol concentration of 0.10  
22 or more, 10 points;

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

25 (f) failure of the driver of a motor vehicle involved

1 in an accident resulting in death or injury to any person to  
 2 stop at the scene of the accident and give the required  
 3 information and assistance, as defined in 61-7-105, 8  
 4 points;

5 (g) willful failure of the driver involved in an  
 6 accident resulting in property damage of \$250 to stop at the  
 7 scene of the accident and give the required information or  
 8 to otherwise fail to report an accident in violation of the  
 9 law, 4 points;

10 (h) reckless driving, 5 points;

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

13 (j) operating a motor vehicle without a license to do  
 14 so, 2 points (this subsection (j) does not apply to  
 15 operating a motor vehicle within a period of 180 days from  
 16 the date the license expired);

17 (k) speeding, 3 points;

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

19 (3) There ~~shall~~ may not be no multiple application of  
 20 cumulative points when two or more charges are filed  
 21 involving a single occurrence. If there are two or more  
 22 convictions involving a single occurrence, only the number  
 23 of points for the specific conviction carrying the highest  
 24 points ~~shall-be~~ is chargeable against that defendant.

25 (4) "License" means any type of license, endorsement,

1 or permit to operate a motor vehicle."

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0533, as introduced.

**DESCRIPTION OF PROPOSED LEGISLATION:** An act providing that habitual motor vehicle offender conviction points accumulated while driving under a commercial motor vehicle operator's endorsement do not apply to any other license or endorsement; providing that points accumulated while driving under all other licenses and endorsements combined apply to each of those licenses and endorsements but do not apply to a commercial motor vehicle operator's endorsement.

**ASSUMPTIONS:**

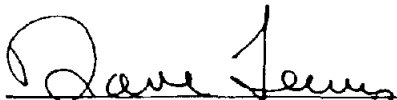
1. It is assumed that 150 hours of computer programming services would be needed in the Department of Justice to implement the intent of this bill. The estimated one-time expense is \$5,000 in FY94.
2. Although the executive budget recommends funding the Motor Vehicle Division with highways state special revenue, funding for the Driver Services Bureau is shown as general fund on this fiscal note to be consistent with the action of the General Government and Transportation Appropriations Subcommittee on January 22, 1993, to reject the funding switch.

**FISCAL IMPACT:** Department of Justice-Driver Services Bureau, Motor Vehicle Division:

	FY94			FY95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	108.25	108.25	0.00	108.25	108.25	0.00
Personal Services	2,704,338	2,704,338	0	2,711,578	2,711,578	0
Operating Expenses	978,661	983,661	5,000	990,202	990,202	0
Equipment	124,405	124,405	0	129,125	129,125	0
Debt Service	<u>131,472</u>	<u>131,472</u>	<u>0</u>	<u>131,472</u>	<u>131,472</u>	<u>0</u>
Total	3,938,876	3,943,876	5,000	3,962,377	3,962,377	0
<u>Funding:</u>						
General Fund	3,924,376	3,929,376	5,000	3,949,877	3,949,877	0
Federal Special	<u>14,500</u>	<u>14,500</u>	<u>0</u>	<u>12,500</u>	<u>12,500</u>	<u>0</u>
Total	3,938,876	3,943,876	5,000	3,962,377	3,962,377	0

**LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:**

Federal authorities are actively pursuing a "one driver's license per individual" concept for tracking violations. The withholding of federal grant funds has been suggested if states do not follow the federal guidelines. The intent of this bill may be construed as contrary to that concept.

 2-12-93  
 DAVE LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

 2-15-93  
 ERVIN DAVIS, PRIMARY SPONSOR DATE

Fiscal Note for HB0533, as introduced

HB 533