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 2 INTRODUCED BY SENATE BILL NO. 113
Bradley Bennett Kelly Shea
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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 10 DAYS TO 6 MONTHS THE MAXIMUM
 5 JAIL SENTENCE THAT MAY BE IMPOSED UPON THE THIRD OR SUBSEQUENT CONVICTION OF DRIVING
 6 WITHOUT LIABILITY INSURANCE; AND AMENDING SECTION 61-6-304, MCA."
 7

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

10 **Section 1.** Section 61-6-304, MCA, is amended to read:

11 **"61-6-304. Penalties.** (1) It is unlawful for any person to operate a motor vehicle upon ways of this
 12 state open to the public without a valid policy of liability insurance in effect in an amount not less than that
 13 provided in 61-6-301 or unless the person has been issued a certificate of self-insurance, pursuant to
 14 61-6-143, or has previously posted an indemnity bond with the department, as provided by 61-6-301, or
 15 is operating a vehicle exempt under 61-6-303.

16 (2) Conviction of a first offense under 61-6-301 through 61-6-304 is punishable by a fine of not
 17 less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both.
 18 A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than
 19 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in
 20 the county jail for not more than ~~10 days~~ 6 months, or both.

21 (3) Upon a second or subsequent conviction, the sentencing court shall order the surrender of the
 22 vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that
 23 vehicle was operated by the registered owner or a member of the registered owner's immediate family or
 24 by a person whose operation of that vehicle was authorized by the registered owner. The court shall send
 25 the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which
 26 shall immediately suspend the receipt and plates for a period of 90 days from the date of a second
 27 conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not
 28 be reinstated until the expiration of that period, but if the vehicle is transferred to a new owner, the new
 29 owner is entitled to register the vehicle.

30 (4) The court may suspend a required fine only upon a determination that the offender is or will

1 be unable to pay the fine.

2 (5) A court may not defer imposition of penalties provided by this section."

3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0113, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing from 10 days to 6 months the maximum jail sentence that may be imposed upon the third or subsequent conviction of driving without liability insurance.

ASSUMPTIONS:

1. In FY94, 2,003 convictions were made for driving without liability insurance. Assume the same amount will be made in FY96 and FY97.
2. Assume that 10% are 3rd or subsequent convictions, and that the Montana Highway Patrol was responsible for 50% of the arrests ($10\% \times 2,003 \times 50\% = 100$).
3. The bill will be effective October 1, 1995.
4. Assume that 25% of the 3rd or subsequent convictions receive an average of 3 months in jail ($25\% \times 100 = 25/\text{yr}$). Estimate that 2,250 prisoner days are incurred in a year ($25 \times 90 \text{ days} = 2,250$).
5. Average daily rate charged a Highway Patrol prisoner in a county detention center is \$34.

FISCAL IMPACT:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Department of Justice:		
Highway Patrol Div.:		
Operating costs	57,300	76,500

Funding:

Highway SSR (02)	57,300	76,500
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County detention centers will see increased prisoner days, but the fiscal impact will not be as great as the state because of fixed or sunk costs.

Dave Lewis 1-17-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Vivian Brooke
VIVIAN BROOKE, PRIMARY SPONSOR DATE
Fiscal Note for SB0113, as introduced

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for SB0113, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing from 10 days to 6 months the maximum jail sentence that may be imposed upon the third or subsequent conviction of driving without liability insurance.

ASSUMPTIONS:

1. In FY94, 1,450 convictions were made for 2nd and 3rd offense of driving without liability insurance. Assume that 40%, or 580 of the total represents 3rd offenses.
2. Assume that the Montana Highway Patrol was responsible for 50% of the arrests (50% x 580 = 290).
3. The bill will be effective October 1, 1995, allowing 9 months activity in FY96.
4. Assume that 10% of the 3rd or subsequent convictions receive the maximum 6 month term in jail (10% x 290 = 29/yr). Estimate that 4,900 prisoner days are incurred in a year (29 x 170 days = 4,900).
5. Average daily rate charged a Highway Patrol prisoner in a county detention center is \$34.

FISCAL IMPACT:

Expenditures:

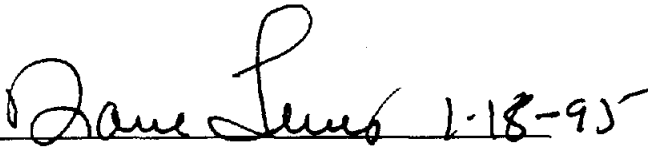
	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Department of Justice:		
Highway Patrol Div.:		
Operating costs	125,000	166,600

Funding:

Highway SSR (02)	125,000	166,600
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County detention centers will see increased prisoner days, but the fiscal impact will not be as great as the state because of fixed or sunk costs.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


VIVIAN BROOKE, PRIMARY SPONSOR DATE

Revised Fiscal Note for SB0113, as introduced

Rev. SB 113-#2

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for SB0113, 3rd reading, as amended

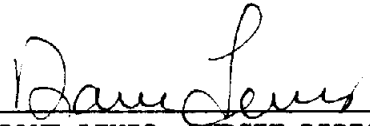
DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing from 10 days to 6 months the maximum jail sentence that may be imposed upon the third or subsequent conviction of driving without liability insurance, and increasing the fines.

ASSUMPTIONS:

1. There are three offenses related to driving without liability insurance, any one of which can lead to a conviction: no liability insurance, failure to carry proof of liability insurance, and failure to exhibit proof on demand.
2. In FY92, there were about 9,300 first offense convictions related to driving without liability insurance. It is estimated that, on average, there will be 10,000 first offense convictions each year. It is assumed generally that 100% of the first offense convictions are fined the minimum \$250 under present law. This bill sets the fine at a flat \$500 and is estimated to increase state revenues by \$1.25 million per year ($\$250 \times 10,000 \times 50\% = \$1,250,000$) and increase county revenues by \$1.25 million.
3. It is estimated that there are about 2,000 convictions each year for 2nd and 3rd or subsequent offenses related to driving without liability insurance. It is assumed that 60%, or 1,200, are for 2nd offenses and 40%, or 800, are for 3rd or subsequent offenses.
4. It is assumed generally that 100% of the second offense convictions are fined the \$350 under present law rather than imprisoned and/or fined. This bill sets the fine at \$750 and is estimated to increase state revenues by \$240,000 per year ($\$400 \times 1,200 \times 50\% = \$240,000$) and increase county revenues by \$240,000.
5. It is assumed that 95%, or 760, of the estimated 800 annual convictions for 3rd or subsequent offense will be subject to the fine and a suspended sentence. This bill raises the fine from \$500 to \$1,000 and is estimated to increase state revenues by \$190,000 each year ($760 \times \$500 \times 50\% = \$190,000$) and increase county revenues by \$190,000 each year.
6. It is assumed that the Montana Highway Patrol is responsible for 50% of the arrests for 3rd and subsequent offenses that lead to convictions.
7. It is assumed that 5% of the 3rd or subsequent offense convictions will receive the maximum six-month term in jail. It is estimated that 3,400 additional highway patrol prisoner days will be incurred in a year ($5\% \times 800 \text{ convictions} \times 50\% \times (180-10 \text{ days}) = 3,400$).
8. The average daily rate charged by counties for a highway patrol prisoner in a county detention center is \$34. The estimated cost to the highway patrol division for the additional prisoner days is \$86,700 in FY96 and \$115,600 in FY97 ($3,400 \times \$34 = \$115,600$).
9. The bill will be effective October 1, 1995, allowing nine months of fiscal impact in FY96.

(continued)

 3-21-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

VIVIAN BROOKE, PRIMARY SPONSOR DATE

Revised Fiscal Note for SB0113, 3rd reading, as amended

SB 113-#3

(continued)

FISCAL IMPACT:Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Department of Justice:		
Highway Patrol Division:		
Operating expenses	86,700	115,600
<u>Funding:</u>		
Highways special revenue (02)	86,700	115,600
 <u>Revenues:</u>		
General Fund (01)	564,700	753,000
Traffic education account (02)	213,400	284,600
Crime victims compensation (02)	200,300	267,100
Highways special revenue (02)	148,200	197,600
Other special revenue (02)	<u>133,400</u>	<u>177,700</u>
Total	1,260,000	1,680,000
 County revenue	1,260,000	1,680,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County detention centers will experience increased costs due to increased prisoner days, but the fiscal impact will not be as great as that to the state because of fixed or sunk costs. County general fund revenues are estimated to increase by approximately \$1.26 million in FY96 and \$1.68 million in FY97 and subsequent years.

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INTRODUCED BY SENATE BILL NO. 113
Bradley Bennett Kelly Shea

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 10 DAYS TO 6 MONTHS THE MAXIMUM JAIL SENTENCE THAT MAY BE IMPOSED UPON THE THIRD OR SUBSEQUENT CONVICTION OF DRIVING WITHOUT LIABILITY INSURANCE; AND AMENDING SECTION 61-6-304, MCA."

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

Section 1. Section 61-6-304, MCA, is amended to read:

"61-6-304. Penalties. (1) It is unlawful for any person to operate a motor vehicle upon ways of this state open to the public without a valid policy of liability insurance in effect in an amount not less than that provided in 61-6-301 or unless the person has been issued a certificate of self-insurance, pursuant to 61-6-143, or has previously posted an indemnity bond with the department, as provided by 61-6-301, or is operating a vehicle exempt under 61-6-303.

(2) Conviction of a first offense under 61-6-301 through 61-6-304 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more than ~~10 days~~ 6 months, or both.

(3) Upon a second or subsequent conviction, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and plates for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not be reinstated until the expiration of that period, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

(4) The court may suspend a required fine only upon a determination that the offender is or will

1 be unable to pay the fine.

2 (5) A court may not defer imposition of penalties provided by this section."

3 -END-

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Bradley Bennett

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3 -END-



HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 113 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. Carey

And, that such amendments read:

1. Title, line 6.

Following: "INSURANCE;"

Insert: "INCREASING FINES;"

2. Page 1, lines 16 and 17.

Strike: "not" on line 16 through "\$250 or more than" on line 17

3. Page 1, line 18.

Strike: "\$350"

Insert: "\$750"

4. Page 1, line 19.

Strike: "\$500"

Insert: "\$1,000"

-END-

SB 113

Committee Vote:
Yes 18, No 1.

HOUSE

SENATE BILL NO. 113

INTRODUCED BY BROOKE, BENEDICT, HALLIGAN, SHEA, CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 10 DAYS TO 6 MONTHS THE MAXIMUM JAIL SENTENCE THAT MAY BE IMPOSED UPON THE THIRD OR SUBSEQUENT CONVICTION OF DRIVING WITHOUT LIABILITY INSURANCE; INCREASING FINES; AND AMENDING SECTION 61-6-304, MCA."

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1 be unable to pay the fine.

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3 -END-

Conference Committee
on SB 113
Report No.1, April 12, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 113, met and considered:

House Judiciary Committee Amendments to third reading copy,
dated March 15, 1995.

We recommend that amendments considered above be rejected.

And that this Conference Committee report be adopted.

For the Senate:

Keating

Chair

Miller

Brooke

Amd. Coord.

Sec. of Senate

For the House:

Grimes

Chair

Bergman

Carey

ADOPT

REJECT

SB 113
CCR #1

841016CC.SRF

1 SENATE BILL NO. 113

2 INTRODUCED BY BROOKE, BENEDICT, HALLIGAN, SHEA, CLARK

3
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19 **\$350** or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent
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