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SENATE BILL NO. 185

INTRODUCED BY Van Valkenburg

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE PROCESS BY WHICH A HABITUAL TRAFFIC OFFENDER IS PENALIZED; PROVIDING FOR ADMINISTRATIVE REVOCATION OF A HABITUAL TRAFFIC OFFENDER'S DRIVING PRIVILEGES; PROVIDING A METHOD FOR AN OFFENDER TO CONTEST THE DECLARATION; PROVIDING THAT CERTIFIED DRIVING RECORDS ARE EVIDENCE OF CONVICTIONS; PROVIDING FOR A MANDATORY MINIMUM SENTENCE FOR A PERSON DRIVING WHILE A LICENSE IS REVOKED BECAUSE OF A HABITUAL TRAFFIC OFFENDER DECLARATION; AMENDING SECTIONS 61-11-204, 61-11-207, 61-11-210, 61-11-211, 61-11-212, AND 61-11-213, MCA; AND REPEALING SECTIONS 61-11-205, 61-11-206, 61-11-208, AND 61-11-209, MCA."

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

Section 1. Section 61-11-204, MCA, is amended to read:

"61-11-204. Department's duties. ~~Whenever it appears from~~ (1) If the records maintained ~~in~~ by the department show that a person's driving record brings ~~him~~ the person within the definition of ~~an~~ a habitual traffic offender, ~~as defined in 61-11-203(2)~~, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified copy of the ~~forthwith certify two copies of that person's driving record and two copies of all relevant abstracts of conviction~~ convictions and bond forfeitures. ~~One copy of the record and abstracts shall be certified to the attorney general and one copy of the record and abstracts shall be certified to the county attorney for the county wherein the person is found. If the person is not licensed by Montana to drive a motor vehicle but is licensed in another state, the department may certify the copy of the records and abstracts to the attorney general and also to the county attorney for the county in which the person is found or, in the alternative, to the county attorney for the county of~~

1 ~~Lewis and Clark.~~ The notice must inform the person of the right under 61-11-210 to appeal the declaration
2 and revocation. Service of the notice is complete upon mailing."

3
4 **Section 2.** Section 61-11-207, MCA, is amended to read:

5 **"61-11-207. Abstracts admissible as evidence.** ~~Official~~ A copy of a driving record maintained by
6 the department, including abstracts of the records of convictions and bond forfeitures in the custody of the
7 department, certified in writing by the department to be a correct account of the said convictions and bond
8 forfeitures its records, may be admitted in evidence in any a judicial proceeding under this part upon
9 establishing the proper foundation. A certified driving record is evidence that the person was convicted
10 of each offense shown in the record. A copy of a driving record may be a copy of an original paper record,
11 a digital image of a paper record, or an electronically transmitted copy of a record."

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13 **Section 3.** Section 61-11-210, MCA, is amended to read:

14 **"61-11-210. Court hearing Appeals.** (1) A person declared to be a habitual traffic offender may
15 file a petition in the district court in the county in which the person resides, or in Lewis and Clark County
16 if the person is not a resident of the state, challenging the declaration and revocation. The petition must
17 be filed within 30 days after the person received notice under 61-11-204. Receipt under 61-11-204 is
18 presumed to be on the third day after the date of mailing. After the petition is filed, a copy must be
19 promptly served on the county attorney of the county in which the petition was filed. The county attorney
20 shall represent the department in the proceeding. Proof of service must be filed with the clerk of the court
21 prior to a hearing or grant of relief. Untimely service or lack of service upon the county attorney waives
22 the right to a hearing. The filing of the petition does not stay enforcement of the revocation.

23 (2) Upon receipt from the county attorney of notice of the petition, the department shall give the
24 county attorney a certified copy of the abstracts of the records of convictions and bond forfeitures upon
25 which the habitual traffic offender declaration was based.

26 (3) A hearing date must be set and at least 10 days' notice of the date must be given to the
27 parties. The scope of the hearing is limited to whether ~~At the time and place designated in the order, the~~
28 ~~court shall hold a hearing upon the show cause order. If the court finds that the defendant petitioner is not~~
29 ~~the person named in the verified complaint or that he is not~~ certified abstracts of convictions and bond
30 forfeitures upon which the habitual traffic offender declaration was based and whether the petitioner is an

1 a habitual traffic offender as defined in 61-11-203(2), the proceedings shall be dismissed. The petitioner
 2 has the burden of proving that the department's actions are invalid or that its records are erroneous.

3 (4) If the court finds that the defendant petitioner is the same person named in the verified
 4 complaint declared by the department to be a habitual traffic offender and that the defendant petitioner is
 5 an a habitual traffic offender as defined in 61-11-203(2), the court shall so find and adjudge the defendant
 6 an habitual traffic offender, and by appropriate order direct the person so adjudged to surrender to the court
 7 his license to operate a motor vehicle on the streets and highways of this state dismiss the petition. If the
 8 court finds that the petitioner is not the person declared by the department to be a habitual traffic offender
 9 or that the petitioner is not a habitual traffic offender, the court shall grant the petition and provide the
 10 petitioner with appropriate relief.

11 (5) Upon a finding adverse to the defendant petitioner, the clerk of the court wherein the hearing
 12 is held shall file with the department a copy of the court's order, together with the defendant's petitioner's
 13 driver's license if the license has not been previously surrendered. If the proceeding is dismissed petition
 14 is granted, the clerk of the court wherein the hearing is held shall file with the department a copy of the
 15 court's order dismissing the proceeding, which granting the petition.
 16 The order shall must state the grounds upon which the dismissal relief was based, granted and shall must
 17 specify the court findings on the conviction points, if any, which that have been accrued by the defendant
 18 petitioner. The department shall then correct the petitioner's driving record to comport with the court's
 19 specific findings."

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 21 **Section 4.** Section 61-11-211, MCA, is amended to read:
 22 **"61-11-211. Department to revoke license of habitual offender -- method of removal of points upon**
 23 **revocation.** ~~Upon receipt of a court order declaring an individual a~~ After it declares a person to be a habitual
 24 offender, the department shall revoke the person's driver's license or driving privilege of the individual
 25 named in the order for a period of 3 years from the date of the order declaration, subject to the provisions
 26 of 61-2-302. Additionally, the The department shall remove from that individual's the person's record these
 27 the habitual offender points that were certified to the county attorney in the certification required by
 28 61-11-204 upon which the habitual traffic offender designation was based."

29
 30 **Section 5.** Section 61-11-212, MCA, is amended to read:

1 "**61-11-212. Penalties.** A person who has been ~~adjudged a~~ declared to be a habitual traffic offender
2 may not be issued a license to operate a motor vehicle in this state until:

3 (1) a period of 3 years has elapsed from the date of the ~~final order of the court adjudging the~~
4 ~~person a habitual traffic offender~~ declaration, subject to the provisions of 61-2-302;

5 (2) the person has met the requirements of all applicable laws and rules relating to the licensing
6 of motor vehicle operators in this state; and

7 (3) the person files with the department, and maintains for a period of 3 years, proof of ~~his~~
8 financial responsibility in the limits required by law."

9

10 **Section 6.** Section 61-11-213, MCA, is amended to read:

11 "**61-11-213. Habitual traffic offender operating motor vehicle guilty of misdemeanor.** A person
12 ~~found who is declared~~ to be a habitual traffic offender under this part ~~and~~ who operates a motor vehicle
13 in this state ~~while the order of the court prohibiting the operation remains in effect~~ during the period of
14 revocation of the person's driver's license or driving privileges is guilty of a misdemeanor and upon
15 conviction shall be imprisoned for a period of not less than 14 days or more than 1 year or fined not more
16 than \$1,000, or both, and the department, upon receiving a record of the conviction of a person under this
17 section, shall extend the period of revocation for an additional 1 year. However, in cases in which the
18 prohibited operation of a motor vehicle by a habitual traffic offender is necessitated in a situation of extreme
19 emergency in order to save life, limb, or property, ~~he~~ the person may not be considered guilty of a violation
20 under this part."

21

22 **NEW SECTION. Section 7. Repealer.** Sections 61-11-205, 61-11-206, 61-11-208, and 61-11-209,
23 MCA, are repealed.

24

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0185, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


An act generally revising the process by which a habitual traffic offender is penalized.

ASSUMPTIONS:

1. The Department of Justice will experience minimal costs in implementing this bill and those costs can be absorbed in their current budget.

FISCAL IMPACT:

Passage of SB0185 will have no fiscal impact on state government.

 1-23-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-24-95
FRED VAN VALKENBURG, PRIMARY SPONSOR DATE

Fiscal Note for SB0185, as introduced

SB 185

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INTRODUCED BY De Valkenburg ^{SENATE} BILL NO. 135
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE PROCESS BY WHICH A HABITUAL TRAFFIC OFFENDER IS PENALIZED; PROVIDING FOR ADMINISTRATIVE REVOCATION OF A HABITUAL TRAFFIC OFFENDER'S DRIVING PRIVILEGES; PROVIDING A METHOD FOR AN OFFENDER TO CONTEST THE DECLARATION; PROVIDING THAT CERTIFIED DRIVING RECORDS ARE EVIDENCE OF CONVICTIONS; PROVIDING FOR A MANDATORY MINIMUM SENTENCE FOR A PERSON DRIVING WHILE A LICENSE IS REVOKED BECAUSE OF A HABITUAL TRAFFIC OFFENDER DECLARATION; AMENDING SECTIONS 61-11-204, 61-11-207, 61-11-210, 61-11-211, 61-11-212, AND 61-11-213, MCA; AND REPEALING SECTIONS 61-11-205, 61-11-206, 61-11-208, AND 61-11-209, MCA."

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(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified copy of the ~~forthwith certify two copies of that person's driving record and two copies of all relevant abstracts of conviction~~ convictions and bond forfeitures. One copy of the record and abstracts shall be certified to the attorney general and one copy of the record and abstracts shall be certified to the county attorney for the county wherein the person is found. If the person is not licensed by Montana to drive a motor vehicle but is licensed in another state, the department may certify the copy of the records and abstracts to the attorney general and also to the county attorney for the county in which the person is found or, in the alternative, to the county attorney for the county of

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 2 and revocation. Service of the notice is complete upon mailing."

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 17 be filed within 30 days after the person received notice under 61-11-204. Receipt under 61-11-204 is
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 19 promptly served on the county attorney of the county in which the petition was filed. The county attorney
 20 shall represent the department in the proceeding. Proof of service must be filed with the clerk of the court
 21 prior to a hearing or grant of relief. Untimely service or lack of service upon the county attorney waives
 22 the right to a hearing. The filing of the petition does not stay enforcement of the revocation.

23 (2) Upon receipt from the county attorney of notice of the petition, the department shall give the
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 27 parties. The scope of the hearing is limited to whether ~~At the time and place designated in the order, the~~
 28 ~~court shall hold a hearing upon the show cause order. If the court finds that the defendant petitioner is not~~
 29 ~~the person named in the verified complaint or that he is not~~ certified abstracts of convictions and bond
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1 a habitual traffic offender as defined in 61-11-203(2), the proceedings shall be dismissed. The petitioner
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3 (4) If the court finds that the defendant petitioner is the same person named in the verified
 4 complaint declared by the department to be a habitual traffic offender and that the defendant petitioner is
 5 an a habitual traffic offender as defined in 61-11-203(2), the court shall so find and adjudge the defendant
 6 an habitual traffic offender, and by appropriate order direct the person so adjudged to surrender to the court
 7 his license to operate a motor vehicle on the streets and highways of this state dismiss the petition. If the
 8 court finds that the petitioner is not the person declared by the department to be a habitual traffic offender
 9 or that the petitioner is not a habitual traffic offender, the court shall grant the petition and provide the
 10 petitioner with appropriate relief.

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 12 is held shall file with the department a copy of the court's order, together with the defendant's petitioner's
 13 driver's license if the license has not been previously surrendered. If the proceeding is dismissed petition
 14 is granted, the clerk of the court wherein the hearing is held shall file with the department a copy of the
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 16 The order shall must state the grounds upon which the dismissal relief was based, granted and shall must
 17 specify the court findings on the conviction points, if any, which that have been accrued by the defendant
 18 petitioner. The department shall then correct the petitioner's driving record to comport with the court's
 19 specific findings."

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 21 **Section 4.** Section 61-11-211, MCA, is amended to read:

22 **"61-11-211. Department to revoke license of habitual offender -- ~~method of removal of points upon~~**
 23 **revocation. ~~Upon receipt of a court order declaring an individual a~~ After it declares a person to be a habitual**
 24 **offender, the department shall revoke the person's driver's license or driving privilege of the individual**
 25 **named in the order for a period of 3 years from the date of the order declaration, subject to the provisions**
 26 **of 61-2-302. Additionally, the The department shall remove from that individual's the person's record these**
 27 **the habitual offender points that were certified to the county attorney in the certification required by**
 28 **61-11-204 upon which the habitual traffic offender designation was based."**

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 30 **Section 5.** Section 61-11-212, MCA, is amended to read:

1 "**61-11-212. Penalties.** A person who has been ~~adjudged a~~ declared to be a habitual traffic offender
2 may not be issued a license to operate a motor vehicle in this state until:

3 (1) a period of 3 years has elapsed from the date of the ~~final order of the court adjudging the~~
4 ~~person a habitual traffic offender~~ declaration, subject to the provisions of 61-2-302;

5 (2) the person has met the requirements of all applicable laws and rules relating to the licensing
6 of motor vehicle operators in this state; and

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14 revocation of the person's driver's license or driving privileges is guilty of a misdemeanor and upon
15 conviction shall be imprisoned for a period of not less than 14 days or more than 1 year or fined not more
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17 section, shall extend the period of revocation for an additional 1 year. However, in cases in which the
18 prohibited operation of a motor vehicle by a habitual traffic offender is necessitated in a situation of extreme
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SENATE BILL NO. 185
INTRODUCED BY Sen. Valkenburg
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE PROCESS BY WHICH A HABITUAL TRAFFIC OFFENDER IS PENALIZED; PROVIDING FOR ADMINISTRATIVE REVOCATION OF A HABITUAL TRAFFIC OFFENDER'S DRIVING PRIVILEGES; PROVIDING A METHOD FOR AN OFFENDER TO CONTEST THE DECLARATION; PROVIDING THAT CERTIFIED DRIVING RECORDS ARE EVIDENCE OF CONVICTIONS; PROVIDING FOR A MANDATORY MINIMUM SENTENCE FOR A PERSON DRIVING WHILE A LICENSE IS REVOKED BECAUSE OF A HABITUAL TRAFFIC OFFENDER DECLARATION; AMENDING SECTIONS 61-11-204, 61-11-207, 61-11-210, 61-11-211, 61-11-212, AND 61-11-213, MCA; AND REPEALING SECTIONS 61-11-205, 61-11-206, 61-11-208, AND 61-11-209, MCA."

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22 **NEW SECTION. Section 7. Repealer.** Sections 61-11-205, 61-11-206, 61-11-208, and 61-11-209,
23 MCA, are repealed.

24

-END-



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 185 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. Anderson

And, that such amendments read:

1. Page 3, line 10.

Following: "relief"

Insert: ", which must include an order that the department reimburse the petitioner for court fees paid by the petitioner"

-END-

SB 185

Committee Vote:

Yes 18, No 0.

3-13 Ma

HOUSE

1 SENATE BILL NO. 185

2 INTRODUCED BY VAN VALKENBURG

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4

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7 TRAFFIC OFFENDER'S DRIVING PRIVILEGES; PROVIDING A METHOD FOR AN OFFENDER TO CONTEST
8 THE DECLARATION; PROVIDING THAT CERTIFIED DRIVING RECORDS ARE EVIDENCE OF CONVICTIONS;
9 PROVIDING FOR A MANDATORY MINIMUM SENTENCE FOR A PERSON DRIVING WHILE A LICENSE IS
10 REVOKED BECAUSE OF A HABITUAL TRAFFIC OFFENDER DECLARATION; AMENDING SECTIONS
11 61-11-204, 61-11-207, 61-11-210, 61-11-211, 61-11-212, AND 61-11-213, MCA; AND REPEALING
12 SECTIONS 61-11-205, 61-11-206, 61-11-208, AND 61-11-209, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15

16 Section 1. Section 61-11-204, MCA, is amended to read:

17 "61-11-204. Department's duties. ~~Whenever it appears from~~ (1) If the records maintained ~~in~~ by
18 the department show that a person's driving record brings ~~him~~ the person within the definition of ~~an a~~
19 habitual traffic offender, ~~as defined in 61-11-203(2)~~, the department shall:

20 (a) declare the person a habitual traffic offender;21 (b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and22 (c) notify the person in writing of the declaration and revocation.

23 (2) The notice must be sent by first-class mail to the most current address on record with the
24 department. The notice must include a certified copy of the ~~forthwith certify two copies of that person's~~
25 driving record and two copies of all relevant abstracts of conviction convictions and bond forfeitures. One
26 copy of the record and abstracts shall be certified to the attorney general and one copy of the record and
27 abstracts shall be certified to the county attorney for the county wherein the person is found. If the person
28 is not licensed by Montana to drive a motor vehicle but is licensed in another state, the department may
29 certify the copy of the records and abstracts to the attorney general and also to the county attorney for
30 the county in which the person is found or, in the alternative, to the county attorney for the county of

1 ~~Lewis and Clark.~~ The notice must inform the person of the right under 61-11-210 to appeal the declaration
2 and revocation. Service of the notice is complete upon mailing."

3
4 **Section 2.** Section 61-11-207, MCA, is amended to read:

5 **"61-11-207. Abstracts admissible as evidence.** ~~Official~~ A copy of a driving record maintained by
6 the department, including abstracts of the records of convictions and bond forfeitures in the custody of the
7 department, certified in writing by the department to be a correct account of the said convictions and bond
8 forfeitures its records, may be admitted in evidence in any a judicial proceeding under this part upon
9 establishing the proper foundation. A certified driving record is evidence that the person was convicted
10 of each offense shown in the record. A copy of a driving record may be a copy of an original paper record,
11 a digital image of a paper record, or an electronically transmitted copy of a record."

12
13 **Section 3.** Section 61-11-210, MCA, is amended to read:

14 **"61-11-210. Court hearing Appeals.** (1) A person declared to be a habitual traffic offender may
15 file a petition in the district court in the county in which the person resides, or in Lewis and Clark County
16 if the person is not a resident of the state, challenging the declaration and revocation. The petition must
17 be filed within 30 days after the person received notice under 61-11-204. Receipt under 61-11-204 is
18 presumed to be on the third day after the date of mailing. After the petition is filed, a copy must be
19 promptly served on the county attorney of the county in which the petition was filed. The county attorney
20 shall represent the department in the proceeding. Proof of service must be filed with the clerk of the court
21 prior to a hearing or grant of relief. Untimely service or lack of service upon the county attorney waives
22 the right to a hearing. The filing of the petition does not stay enforcement of the revocation.

23 (2) Upon receipt from the county attorney of notice of the petition, the department shall give the
24 county attorney a certified copy of the abstracts of the records of convictions and bond forfeitures upon
25 which the habitual traffic offender declaration was based.

26 (3) A hearing date must be set and at least 10 days' notice of the date must be given to the
27 parties. The scope of the hearing is limited to whether ~~At the time and place designated in the order, the~~
28 ~~court shall hold a hearing upon the show cause order. If the court finds that the defendant~~ petitioner is not
29 the person named in the ~~verified complaint or that he is not~~ certified abstracts of convictions and bond
30 forfeitures upon which the habitual traffic offender declaration was based and whether the petitioner is an

1 ~~a habitual traffic offender as defined in 61-11-203(2), the proceedings shall be dismissed. The petitioner~~
 2 ~~has the burden of proving that the department's actions are invalid or that its records are erroneous.~~

3 (4) If the court finds that the defendant petitioner is the same person named in the verified
 4 complaint declared by the department to be a habitual traffic offender and that the defendant petitioner is
 5 an a habitual traffic offender as defined in 61-11-203(2), the court shall so find and adjudge the defendant
 6 an habitual traffic offender, and by appropriate order direct the person so adjudged to surrender to the court
 7 his license to operate a motor vehicle on the streets and highways of this state dismiss the petition. If the
 8 court finds that the petitioner is not the person declared by the department to be a habitual traffic offender
 9 or that the petitioner is not a habitual traffic offender, the court shall grant the petition and provide the
 10 petitioner with appropriate relief, WHICH MUST INCLUDE AN ORDER THAT THE DEPARTMENT REIMBURSE
 11 THE PETITIONER FOR COURT FEES PAID BY THE PETITIONER.

12 (5) Upon a finding adverse to the defendant petitioner, the clerk of the court wherein the hearing
 13 is held shall file with the department a copy of the court's order, together with the defendant's petitioner's
 14 driver's license if the license has not been previously surrendered. If the proceeding is dismissed petition
 15 is granted, the clerk of the court wherein the hearing is held shall file with the department a copy of the
 16 court's order dismissing the proceeding, which granting the petition.
 17 The order shall must state the grounds upon which the dismissal relief was based, granted and shall must
 18 specify the court findings on the conviction points, if any, which that have been accrued by the defendant
 19 petitioner. The department shall then correct the petitioner's driving record to comport with the court's
 20 specific findings."

21
 22 **Section 4.** Section 61-11-211, MCA, is amended to read:

23 **"61-11-211. Department to revoke license of habitual offender -- method of removal of points upon**
 24 **revocation. Upon receipt of a court order declaring an individual a** After it declares a person to be a habitual
 25 offender, the department shall revoke the person's driver's license or driving privilege of the individual
 26 named in the order for a period of 3 years from the date of the order declaration, subject to the provisions
 27 of 61-2-302. Additionally, the The department shall remove from that individual's the person's record those
 28 the habitual offender points that were certified to the county attorney in the certification required by
 29 61-11-204 upon which the habitual traffic offender designation was based."

1 **Section 5.** Section 61-11-212, MCA, is amended to read:

2 "**61-11-212. Penalties.** A person who has been ~~adjudged a~~ declared to be a habitual traffic offender
3 may not be issued a license to operate a motor vehicle in this state until:

4 (1) a period of 3 years has elapsed from the date of the ~~final order of the court adjudging the~~
5 ~~person a habitual traffic offender~~ declaration, subject to the provisions of 61-2-302;

6 (2) the person has met the requirements of all applicable laws and rules relating to the licensing
7 of motor vehicle operators in this state; and

8 (3) the person files with the department, and maintains for a period of 3 years, proof of his
9 financial responsibility in the limits required by law."

10

11 **Section 6.** Section 61-11-213, MCA, is amended to read:

12 "**61-11-213. Habitual traffic offender operating motor vehicle guilty of misdemeanor.** A person
13 ~~found~~ who is declared to be a habitual traffic offender under this part ~~and~~ who operates a motor vehicle
14 in this state ~~while the order of the court prohibiting the operation remains in effect~~ during the period of
15 revocation of the person's driver's license or driving privileges is guilty of a misdemeanor and upon
16 conviction shall be imprisoned for a period of not less than 14 days or more than 1 year or fined not more
17 than \$1,000, or both, and the department, upon receiving a record of the conviction of a person under this
18 section, shall extend the period of revocation for an additional 1 year. However, in cases in which the
19 prohibited operation of a motor vehicle by a habitual traffic offender is necessitated in a situation of extreme
20 emergency in order to save life, limb, or property, ~~he~~ the person may not be considered guilty of a violation
21 under this part."

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23 **NEW SECTION. Section 7. Repealer.** Sections 61-11-205, 61-11-206, 61-11-208, and 61-11-209,
24 MCA, are repealed.

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