

HOUSE BILL NO. 27

INTRODUCED BY K. PETERSON

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A STATE-ISSUED IDENTIFICATION CARD OR A DRIVER'S LICENSE MUST BE CLEARLY MARKED WITH A NOTATION INDICATING THE HOLDER HAS BEEN CONVICTED OF AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING OFFENSE AFTER A CERTAIN NUMBER OF CONVICTIONS; AMENDING SECTIONS 61-5-208 AND 61-5-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license -- notation on driver's license or identification card. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as required under 61-8-732, the license suspension remains in effect until the course,

1 treatment, or both, are completed.

2 (c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or
3 subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior
4 conviction and the date of the offense that resulted in the most recent conviction.

5 (3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person
6 convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license
7 commences from the date of conviction or forfeiture of bail.

8 (b) A suspension commences from the last day of the prior suspension or revocation period if the
9 suspension is for a conviction of driving with a suspended or revoked license.

10 (4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor
11 vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

12 (5) (a) A driver's license that is issued after a license revocation to a person described in subsection
13 (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

14 (b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has
15 reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the
16 person may not operate a motor vehicle unless:

17 (i) operation is authorized by the person's probation officer; or

18 (ii) a motor vehicle operated by the person is equipped with an ignition interlock device.

19 (6) (a) A Montana identification card authorized by 61-12-501 or a driver's license, if either is issued after
20 a license revocation, or a driver's license that is returned after a license suspension to a person described in
21 subsection (6)(b) must be clearly marked on the face of the card with a notation that the person has been
22 convicted of an alcohol-related or drug-related driving offense.

23 (b) The provisions of subsection (6)(a) apply to an identification card or a driver's license issued to or
24 returned to a person who is convicted or forfeits bail or collateral not vacated for a second or subsequent offense
25 of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug
26 or a combination of alcohol or drugs or for a second or subsequent offense of operation of a motor vehicle by a
27 person with alcohol concentration of 0.08 or more.

28 (c) The notation required by subsection (6)(a) must remain on the identification card or the driver's
29 license until the next renewal. If the person has had no subsequent convictions described in subsection (6)(b)
30 from the time the notation was placed on the identification card or the driver's license until renewal, a renewed

1 identification card or driver's license must be issued without a notation. If the person has a subsequent conviction
2 described in subsection (6)(b), the notation must be placed on the renewed identification card or driver's license."

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4 **Section 2.** Section 61-5-209, MCA, is amended to read:
5 **"61-5-209. Surrender and return of license upon suspension or revocation.** When the department
6 suspends or revokes a license, it shall require that the license be surrendered to and be retained by the
7 department except that at the end of the period of suspension, the surrendered license must be returned to the
8 licensee with any notation required by 61-5-208."

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

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12 NEW SECTION. **Section 4. Applicability.** [This act] applies to identification cards and licenses issued
13 or returned on or after [the effective date of this act].

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