

1 HOUSE BILL NO. 243

2 INTRODUCED BY D. KARY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS ON UNINSURED MOTORISTS; INCREASING
5 FINES FOR A SECOND OR SUBSEQUENT OFFENSE OF FAILING TO MAINTAIN LIABILITY INSURANCE;
6 CHANGING FROM THE FOURTH CONVICTION OF DRIVING WITHOUT INSURANCE TO THE SECOND
7 CONVICTION THE POINT AT WHICH A DRIVER'S LICENSE IS SUSPENDED AND NOT REINSTATED UNTIL
8 THE DEPARTMENT OF JUSTICE IS GIVEN PROOF THAT THE DRIVER HAS OBTAINED THE REQUIRED
9 INSURANCE; PROVIDING THAT THE INSURANCE MAY NOT BE CANCELED UNTIL 10 DAYS AFTER
10 NOTICE OF CANCELLATION IS GIVEN TO THE DEPARTMENT OF JUSTICE; AND AMENDING SECTION
11 61-6-304, MCA."

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

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

16 **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a
17 fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or
18 both. A second conviction is punishable by a fine of ~~\$350~~ \$500 or by imprisonment in the county jail for not more
19 than 10 days, or both. A third or subsequent conviction is punishable by a fine of ~~\$500~~ \$1,000 or by imprisonment
20 in the county jail for not more than 6 months, or both.

21 (2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall
22 order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of
23 the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate
24 family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall
25 report the surrender of the registration receipt and license plates to the department, which shall immediately
26 suspend the vehicle's registration. The vehicle's registration status may not be reinstated until proof of compliance
27 with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is
28 entitled to register the vehicle. The surrendered license plates must be recycled or destroyed by the court unless
29 the court decides to retain the license plates for the owner until the registration suspension has been completed
30 or the requirements for a restricted registration receipt have been met. Upon proof of compliance with 61-6-301

1 and payment of fees required under 61-3-333 for replacement license plates and registration decal and under
2 61-3-341 for a replacement registration receipt, during the period of 90 days from the date of a second conviction
3 or 180 days from the date of a third or subsequent conviction, the department shall issue a restricted registration
4 receipt to the offender. A restricted registration receipt limits the use of the motor vehicle operated at the time of
5 the offense to use solely for employment purposes until the date indicated on the restricted registration receipt.

6 (3) ~~(a)~~ Upon a ~~fourth~~ or second or subsequent conviction under 61-6-301 or 61-6-302, the court shall
7 order the surrender of the driver's license of the offender; if the vehicle operated at the time of the offense was
8 registered to the offender or a member of the offender's immediate family. The court shall send the driver's
9 license, along with a copy of the complaint and the dispositional order, to the department, which shall immediately
10 suspend the driver's license. The department may not reinstate a driver's license suspended under this
11 subsection until the registered owner provides the department proof of compliance with 61-6-301 and the
12 department determines that the registered owner is otherwise eligible for licensure.

13 (b) Proof of compliance with 61-6-301 may be furnished by filing with the department the written
14 certificate of an insurer authorized to do business in this state certifying that there is in effect a motor vehicle
15 liability policy for the benefit of the person required to furnish proof of compliance with 61-6-301. The certificate
16 must state the effective date of the policy and must designate by explicit description or appropriate reference all
17 motor vehicles covered by the policy unless the policy is issued to a person who is not the owner of a motor
18 vehicle.

19 (c) A policy certified under subsection (3)(b) and any renewal policy may not be canceled or terminated
20 by either the insurer or the insured until at least 10 days after a notice of cancellation or termination of the policy
21 has been filed with the department.

22 (4) The court may suspend a required fine only upon a determination that the offender is or will be unable
23 to pay the fine.

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

25 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less
26 than 5 years have elapsed between the commission of the present offense and a previous conviction."

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