

## 1 HOUSE BILL NO. 243

2 INTRODUCED BY D. KARY, ARNTZEN, GREEF, K. PETERSON, BERRY, MCNIVEN, EDMUNDS,  
3 C. SMITH, WARBURTON, BRODEHL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS ON UNINSURED MOTORISTS; INCREASING  
6 FINES FOR A SECOND OR SUBSEQUENT OFFENSE OF FAILING TO MAINTAIN LIABILITY INSURANCE;  
7 CHANGING FROM THE FOURTH CONVICTION OF DRIVING WITHOUT INSURANCE TO THE SECOND  
8 CONVICTION THE POINT AT WHICH A DRIVER'S LICENSE IS SUSPENDED AND NOT REINSTATED UNTIL  
9 THE DEPARTMENT OF JUSTICE IS GIVEN PROOF THAT THE DRIVER HAS OBTAINED THE REQUIRED  
10 INSURANCE; PROVIDING THAT THE INSURANCE MAY NOT BE CANCELED UNTIL 10 DAYS AFTER  
11 NOTICE OF CANCELLATION IS GIVEN TO THE DEPARTMENT OF JUSTICE; AND AMENDING ~~SECTION~~  
12 SECTIONS 61-6-131 AND 61-6-304, MCA."

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

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16 **SECTION 1. SECTION 61-6-131, MCA, IS AMENDED TO READ:**

17 **"61-6-131. When proof of financial responsibility required.** (1) Whenever the department under any  
18 of the laws of this state revokes the license of any person, the license must remain revoked and may not be  
19 renewed and a license may not be issued to the person until permitted under the motor vehicle laws of this state  
20 and not then unless and until the person maintains proof of financial responsibility.

21 (2) When the department suspends a license or vehicle registration under 61-6-304, the license and  
22 registration must remain suspended and a license or registration may not be issued until permitted under the  
23 motor vehicle laws of this state and not then unless and until the person maintains proof of financial responsibility.

24 ~~(2)~~(3) If a person is not licensed, but by the final order or judgment is convicted of or forfeits any bail or  
25 collateral deposited to secure an appearance for trial for any offense requiring the revocation of a license, a  
26 license may not be issued to the person until the person gives and maintains proof of financial responsibility.

27 ~~(3)~~(4) Whenever the department revokes a nonresident's operating privilege by reason of a conviction  
28 or forfeiture of bail, the privilege remains revoked unless the person has previously given or immediately gives  
29 and maintains proof of financial responsibility."  
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1           **Section 2.** Section 61-6-304, MCA, is amended to read:

2           **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a  
3 fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or  
4 both. A second conviction is punishable by a fine of ~~\$350~~ \$500 or by imprisonment in the county jail for not more  
5 than 10 days, or both. A third or subsequent conviction is punishable by a fine of ~~\$500~~ \$1,000 or by imprisonment  
6 in the county jail for not more than 6 months, or both.

7           (2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall  
8 order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of  
9 the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate  
10 family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall  
11 report the surrender of the registration receipt and license plates to the department, which shall immediately  
12 suspend the vehicle's registration. The vehicle's registration status may not be reinstated until proof of compliance  
13 with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is  
14 entitled to register the vehicle. The surrendered license plates must be recycled or destroyed by the court unless  
15 the court decides to retain the license plates for the owner until the registration suspension has been completed  
16 or the requirements for a restricted registration receipt have been met. Upon proof of compliance with 61-6-301  
17 and payment of fees required under 61-3-333 for replacement license plates and registration decal and under  
18 61-3-341 for a replacement registration receipt, during the period of 90 days from the date of a second conviction  
19 or 180 days from the date of a third or subsequent conviction, the department shall issue a restricted registration  
20 receipt to the offender. A restricted registration receipt limits the use of the motor vehicle operated at the time of  
21 the offense to use solely for employment purposes until the date indicated on the restricted registration receipt.

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

29           ~~(b) Proof of compliance with 61-6-301 may be furnished by filing with the department the written~~  
30 ~~certificate of an insurer authorized to do business in this state certifying that there is in effect a motor vehicle~~

1 ~~liability policy for the benefit of the person required to furnish proof of compliance with 61-6-301. The certificate~~  
2 ~~must state the effective date of the policy and must designate by explicit description or appropriate reference all~~  
3 ~~motor vehicles covered by the policy unless the policy is issued to a person who is not the owner of a motor~~  
4 ~~vehicle.~~

5 (4) (A) WHEN A VEHICLE REGISTRATION OR DRIVER'S LICENSE IS SUSPENDED PURSUANT TO THIS SECTION, PROOF  
6 OF COMPLIANCE WITH 61-6-301 MAY BE FURNISHED AS PROVIDED IN 61-6-131 THROUGH 61-6-140 AND 61-6-142.

7 ~~(e)(B) A policy certified under subsection (3)(b) 61-6-133 and any renewal policy may not be canceled~~  
8 ~~or terminated by either the insurer or the insured until at least 10 days after THE INSURER HAS FILED a notice of~~  
9 ~~cancellation or termination of the policy has been filed with the department.~~

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

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

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

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