

HOUSE BILL NO. 480

INTRODUCED BY STEINBEISSER, LAWSON, B. OLSON, ROME, SMITH, STOKER

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR CERTAIN VIOLATIONS REGARDING MOTOR VEHICLE ACCIDENTS; AND AMENDING SECTION 61-7-118, MCA."

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

Section 1. Section 61-7-118, MCA, is amended to read:

"61-7-118. Penalty for violation. ~~(1) A person violating any provision of 61-7-104 through 61-7-110 or 61-7-112 through 61-7-114 is guilty of a misdemeanor. Upon a first conviction, the offender shall be punished by a fine of not less than \$10 \$200 or more than \$100 \$300 or by imprisonment for not more than 10 20 days. For a second conviction within 1 year thereafter of the first conviction, the offender shall be punished by a fine of not less than \$25 \$300 or more than \$200 \$400, or by imprisonment for not more than 20 30 days, or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year of the first conviction, an offender shall be punished by a fine of not less than \$50 \$400 or more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.~~

(1) A PERSON VIOLATING ANY PROVISION OF 61-7-107 THROUGH 61-7-110 OR 61-7-112 THROUGH 61-7-114 IS GUILTY OF A MISDEMEANOR. UPON A FIRST CONVICTION, THE OFFENDER SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$10 OR MORE THAN \$100 OR BY IMPRISONMENT FOR NOT MORE THAN 10 DAYS. FOR A SECOND CONVICTION WITHIN 1 YEAR THEREAFTER, THE OFFENDER SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$25 OR MORE THAN \$200 OR BY IMPRISONMENT FOR NOT MORE THAN 20 DAYS, OR BY BOTH FINE AND IMPRISONMENT. UPON A THIRD OR SUBSEQUENT CONVICTION WITHIN 1 YEAR OF THE FIRST CONVICTION, AN OFFENDER SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$50 OR MORE THAN \$500 OR BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BY BOTH FINE AND IMPRISONMENT.

(2) A PERSON CONVICTED UNDER 61-7-104 THROUGH 61-7-106 SHALL BE FINED AN AMOUNT NOT TO EXCEED \$500 OR BE IMPRISONED FOR NOT MORE THAN 30 DAYS, OR BOTH.

~~(2)~~(3) Subject to the limitations of 46-18-231(3), an offender who fails to pay a fine shall be imprisoned in the county jail in the county in which the offense was committed, and the punishment shall be commuted at the rate of 1 day's incarceration for each ~~\$40~~ \$20 of the fine."

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