

SENATE BILL NO. 322

INTRODUCED BY BRUEGGEMAN, JORE, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO DRIVERS INVOLVED IN HIT-AND-RUN ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES; INCREASING THE PENALTY FROM A MISDEMEANOR TO A FELONY AND REQUIRING REVOCATION OF A LICENSE OR PERMIT TO DRIVE FOR A PERIOD OF 2 YEARS IN CERTAIN CASES; AND AMENDING SECTIONS 61-5-205 AND 61-7-103, MCA."

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

Section 1. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation or suspension of license upon certain convictions -- duration of action -- exceptions. (1) The department shall revoke an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:

- (a) negligent homicide resulting from the operation of a motor vehicle;
- (b) any felony in the commission of which a motor vehicle is used;
- (c) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (d) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;
- (e) fleeing from or eluding a peace officer; or
- (f) negligent vehicular assault as defined in 45-5-205 involving a motor vehicle.

(2) The department shall suspend an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:

- (a) driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or operating a motor vehicle with a blood alcohol concentration of 0.08 or more;
- (b) three reckless driving offenses committed within a period of 12 months; or
- (c) a theft offense under 45-6-301 if the theft consisted of theft of motor vehicle fuel and a motor vehicle

was used in the commission of the offense.

(3) A revocation under ~~subsection~~ subsections (1)(a), (1)(b), and (1)(d) through (1)(f) must be for a period of 1 year. A revocation under subsection (1)(c) must be for a period of 2 years IF THE OFFENDER RECEIVED A FELONY CONVICTION UNDER 61-7-103.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a suspension under subsection (2) must be for a period of 1 year.

(b) A suspension under subsection (2)(a) must be for the period set forth in 61-5-208(2)(b).

(c) A suspension under subsection (2)(c) must be for one of the following periods:

(i) 30 days for a first offense;

(ii) 6 months for a second offense; and

(iii) 1 year for a third or subsequent offense."

Section 2. Section 61-7-103, MCA, is amended to read:

"61-7-103. Accidents involving death or personal injuries. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close to the accident as possible but shall then return to and in every event remain at the scene of the accident until the driver has fulfilled the requirements of 61-7-105. Each stop at the scene of the accident must be made without obstructing traffic more than is necessary.

(2) ~~(A) A~~ EXCEPT AS PROVIDED IN SUBSECTION (2)(B), A driver failing to stop or to comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment ~~in the state prison for a term~~ OF NOT LESS THAN 30 DAYS OR MORE THAN 1 YEAR ~~to exceed 10 years~~ LESS THAN 30 DAYS OR MORE THAN 1 YEAR, by a fine ~~of not less than \$100 or more than \$5,000 in an amount not to exceed \$50,000~~ OF NOT LESS THAN \$100 OR MORE THAN \$5,000, or by both fine and imprisonment.

(B) IF THE ACCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH OF ANY PERSON, A DRIVER FAILING TO STOP OR TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1) SHALL UPON CONVICTION BE PUNISHED BY IMPRISONMENT IN THE STATE PRISON FOR A TERM OF NOT LESS THAN 1 YEAR OR MORE THAN 10 YEARS, BY A FINE IN AN AMOUNT NOT TO EXCEED \$50,000, OR BY BOTH FINE AND IMPRISONMENT.

(3) The department shall revoke the license or permit to drive of any resident and any nonresident operating privilege of a person convicted of violating this section for the period prescribed in 61-5-205."

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