

## HOUSE BILL NO. 238

INTRODUCED BY F. ANDERSON, B. BEARD, D. FERN, S. FITZPATRICK, J. FLEMING, F. GARNER,  
B. GRUBBS, S. LAVIN, W. MCKAMEY, J. PATELIS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PENALTIES FOR NONCOMPLIANCE WITH  
MANDATORY MOTOR VEHICLE LIABILITY INSURANCE LAWS; AND AMENDING SECTION 61-6-304, MCA."

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

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

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

(2) ~~(A) Upon a second or subsequent conviction~~ (A) Upon a conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall report the surrender of the registration receipt and license plates to the department, which shall immediately suspend the vehicle's registration. The vehicle's registration status may not be reinstated until proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle. ~~The~~

~~(B) THE DEPARTMENT SHALL REINSTATE THE REGISTRATION AND LICENSE PLATES OF AN OFFENDER WITH A FIRST CONVICTION UNDER 61-6-301 OR 61-6-302 IF THE OFFENDER PROVIDES PROOF OF INSURANCE OR PROOF OF COMPLIANCE WITHIN 20 BUSINESS DAYS OR 30 CALENDAR DAYS OF BEING CONVICTED, WHICHEVER COMES FIRST.~~

~~(C) AFTER 30 CALENDAR DAYS IN THE CASE OF A FIRST OFFENSE OR UPON CONVICTION OF A SECOND OR SUBSEQUENT OFFENSE, THE~~ surrendered license plates must be recycled or destroyed by the court unless the court decides to retain the license plates for the owner until the registration suspension has been completed or the requirements for a restricted registration receipt have been met. ~~Upon~~

