

SENATE BILL NO. 90

INTRODUCED BY N. SWANDAL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING DRIVING; REMOVING
5 MANDATORY INCARCERATION FOR DRIVING WHILE SUSPENDED OR REVOKED; ALLOWING A COURT
6 TO SUSPEND OR DEFER PENALTIES; AMENDING SECTION 61-5-212, MCA; AND PROVIDING AN
7 APPLICABILITY DATE."

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

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11 **Section 1.** Section 61-5-212, MCA, is amended to read:
12 **"61-5-212. Driving while license suspended or revoked -- penalty -- second offense of driving**
13 **without valid license or licensing exemption -- seizure of vehicle or rendering vehicle inoperable.** (1) (a)
14 A person commits the offense of driving a motor vehicle without a valid license or without statutory exemption or
15 during a suspension or revocation period if the person drives:
16 (i) a motor vehicle on any public highway of this state at a time when the person's privilege to drive or
17 apply for and be issued a driver's license is suspended or revoked in this state or any other state unless the
18 person has obtained a restricted-use driving permit under 61-5-232;
19 (ii) a commercial motor vehicle while the person's commercial driver's license is revoked, suspended,
20 or canceled in this state or any other state or the person is disqualified from operating a commercial motor vehicle
21 or from obtaining a commercial driver's license; or
22 (iii) a motor vehicle on any public highway of this state without possessing a valid driver's license, as
23 provided in 61-5-102, or without proof of a statutory exemption, as provided in 61-5-104.
24 (b) (i) ~~Except as provided in subsection (1)(b)(ii), a~~ A person convicted of the offense of driving a motor
25 vehicle without a valid driver's license or without proof of a statutory exemption for the second time ~~or driving~~
26 ~~during a suspension or revocation period~~ shall be punished by imprisonment for not less than 2 days or more than
27 6 months and may be fined not more than \$500.
28 (ii) Except as provided in subsection (1)(b)(iii), a person convicted of the offense of driving during a
29 suspension or revocation period shall be fined an amount not to exceed \$500 or imprisoned for a term of not more
30 than 6 months, or both.

