

HOUSE BILL NO. 193

INTRODUCED BY F. ANDERSON, S. KERNS, M. REGIER, N. NICOL, R. FITZGERALD, G. KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PENALTY LAWS RELATED TO DRIVING WITHOUT MANDATORY AUTOMOBILE INSURANCE; INCREASING FINES; REQUIRING THE SURRENDER OF AN OFFENDER'S LICENSE IF THE OFFENDER CAUSED AN ACCIDENT AND HAS NOT MADE THE VICTIM WHOLE; PROVIDING FOR A RESTRICTED LICENSE; PROVIDING A FEE FOR THE RESTRICTED LICENSE; 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~~ \$350 or more than \$500. A second conviction is punishable by a fine of ~~\$350~~ not less than \$500 or more than \$750. A third or subsequent conviction is punishable by a fine of ~~\$500~~ not less than \$750 or more than \$1,000 or by imprisonment in the county jail for not more than 10 days, or both.

(2) Upon a second or subsequent 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 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 proof of compliance with 61-6-301 and payment of fees required under 61-3-333 for replacement license plates and registration decal and under 61-3-341 for a replacement registration receipt, during the period of 90 days

1 from the date of a second conviction or 180 days from the date of a third or subsequent conviction, the
2 department shall issue a restricted registration receipt to the offender. A restricted registration receipt limits the
3 use of the motor vehicle operated at the time of the offense to use solely for employment purposes until the
4 date indicated on the restricted registration receipt.

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

12 (4) (a) In addition to the penalties imposed under this section, the court shall order the surrender of
13 the offender's driver's license and follow the procedure provided for in subsection (3) if the offender:

14 (i) is convicted of violating 61-6-301 or 61-6-302; and

15 (ii) while violating 61-6-301 or 61-6-302, was considered at fault for causing an accident that
16 resulted in personal injury or property damage to a victim and for which the victim has not been made whole as
17 determined by the court. IF A VICTIM WILLINGLY ACCEPTS AN OFFER FOR LESS THAN THE TOTAL DAMAGES, THE COURT
18 SHALL FIND THE VICTIM HAS BEEN MADE WHOLE. Fault for causing an accident is determined by the investigating
19 officer's report or a final determination by a court of competent jurisdiction.

20 (b) AN EXCEPT AS PROVIDED IN SUBSECTION (4)(C), AN offender's driver's license may not be
21 reinstated until the victim of the accident has been made whole for personal injury or property damage
22 sustained as determined by a court of competent jurisdiction. IF A VICTIM WILLINGLY ACCEPTS AN OFFER FOR LESS
23 THAN THE TOTAL DAMAGES, THE COURT SHALL FIND THE VICTIM HAS BEEN MADE WHOLE.

24 (c) An offender who surrenders a driver's license pursuant to this subsection (4) may apply for a
25 restricted license that allows the offender to drive between the offender's residence and the offender's school or
26 place of work SUBJECT TO TRAVEL RESTRICTIONS SET FORTH BY THE COURT. IF THE COURT GRANTS THE OFFENDER'S
27 REQUEST FOR A RESTRICTED LICENSE, THE OFFENDER SHALL PAY A \$20 ADMINISTRATIVE FEE TO THE DEPARTMENT OF
28 JUSTICE.

