

HOUSE BILL NO. 902

INTRODUCED BY R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DRIVING LAWS; REVISING AUTHORITY TO SUSPEND OR REVOKE A RESTRICTED LICENSE; REVISING AREAS IN WHICH CARELESS DRIVING MAY BE COMMITTED; REVISING THE PENALTY FOR RECKLESS DRIVING; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 61-5-113, 61-8-302, AND 61-8-715, MCA; AND PROVIDING EFFECTIVE DATES."

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

**Section 1.** Section 61-5-113, MCA, is amended to read:

**"61-5-113. Restricted licenses.** (1) If, upon an applicant's completion of the vision, knowledge, and skills tests required under 61-5-110, 61-5-111, and 61-5-207, the department determines that an applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway depends on the use of adaptive equipment or operational restrictions, then the department shall include the appropriate restrictions on a license issued to the applicant. Once imposed, the restrictions may not be removed unless the department determines that the adaptive equipment or operational restrictions are no longer essential to the licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway.

(2) The department may either issue a special restricted license or may include the restrictions on the usual license form.

(3) ~~The department~~ A court of competent jurisdiction may upon receiving satisfactory evidence of a violation of the restrictions of a license or endorsement suspend or revoke the license. The licensee is entitled to a hearing as upon suspension or revocation under this chapter.

(4) It is a misdemeanor for a person to operate a motor vehicle in a manner in violation of the restrictions imposed in a restricted license."

1           **Section 2.** Section 61-8-302, MCA, is amended to read:

2           **"61-8-302. Careless driving.** (1) A person operating or driving a vehicle ~~on a public highway upon~~  
3 ways of this state open to the public shall drive it in a careful and prudent manner that does not unduly or  
4 unreasonably endanger the life, limb, property, or other rights of a person ~~entitled to the use of the highway~~  
5 using the ways of this state open to the public.

6           (2) A person who is convicted of the offense of careless driving is subject to the penalties provided  
7 in 61-8-711 or 61-8-716."

8

9           **Section 3.** Section 61-8-715, MCA, is amended to read:

10           **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- reckless**  
11 **endangerment of emergency personnel -- penalty.** (1) Except as provided in subsection (2), a person  
12 convicted of reckless driving under 61-8-301(1)(a) or (1)(b), convicted of reckless endangerment of a highway  
13 worker under 61-8-301(4), or convicted of reckless endangerment of emergency personnel under 61-8-346  
14 shall be punished upon a first conviction by imprisonment for a term of not more than 90 days, a fine of not less  
15 than \$100 or more than \$500, or both. On a second or subsequent conviction, the person shall be punished by  
16 imprisonment for a term of not less than ~~40~~5 days or more than 6 months, a fine of not less than \$500 or more  
17 than \$1,000, or both.

18           (2) A person who is convicted of reckless driving under 61-8-301 or convicted of reckless  
19 endangerment of emergency personnel under 61-8-346 and whose offense results in the death or serious  
20 bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, incarceration  
21 for a term not to exceed 1 year, or both."

22

23           NEW SECTION. **Section 4. Appropriation.** There is appropriated \$1,000 from the general fund to  
24 the department of justice for the biennium beginning July 1, 2023, to implement [section 2].

25

26           NEW SECTION. **Section 5. Effective dates.** (1) [Sections 1 through 3] are effective October 1, 2023.

27           (2) [Section 4] and this section are effective July 1, 2023.

28

- END -