

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

Senate Bill Number 139

Legislative Action:

House Committee: _____

Introduced by: Justin Lewis

Authored by: Justin Lewis

Senate Committee: _____

Senate: _____

Delegation: Great Falls

Governor: _____

Referred to Committee: Senate Natural Resources & Transportation Committee

1 A BILL FOR AN ACT ENTITLED: "NO THIRD CHANCE"

2 **61-6-304. Penalties.** (1) Conviction of a first offense under [61-6-301](#) or [61-6-302](#) is
3 punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county
4 jail for not more than 10 days, or both. ~~A second conviction is punishable by a fine of \$350 or by~~
5 ~~imprisonment in the county jail for not more than 10 days, or both. A third or subsequent~~
6 ~~conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more~~
7 ~~than 6 months, or both.~~

8 (2) Upon a second or subsequent conviction under [61-6-301](#) or [61-6-302](#), the sentencing court
9 shall order the surrender of the vehicle registration receipt, driver's license, and license plates for
10 the vehicle operated at the time of the offense if that vehicle was operated by the registered
11 owner or a member of the registered owner's immediate family or by a person whose operation
12 of that vehicle was authorized by the registered owner. The court shall report the surrender of the
13 registration receipt, driver's license, and license plates to the department, which shall
14 immediately suspend both the vehicle's registration and the driver's license. The vehicle's
15 registration status and the driver's license may not be reinstated until proof of compliance with
16 [61-6-301](#) is furnished to the department, but if the vehicle is transferred to a new owner, the new
17 owner is entitled to register the vehicle. The surrendered license plates must be recycled or
18 destroyed by the court unless the court decides to retain the license plates for the owner until the
19 registration suspension has been completed or the requirements for a restricted registration
20 receipt have been met. The department may not reinstate a driver's license suspended under this
21 subsection until the registered owner provides the department proof of compliance with [61-6-301](#)
22 and the department determines that the registered owner is otherwise eligible for licensure.
23 ~~Upon proof of compliance with [61-6-301](#) and payment of fees required under [61-3-333](#) for~~
24 ~~replacement license plates and registration decal and under [61-3-341](#) for a replacement~~
25 ~~registration receipt, during the period of 90 days from the date of a second conviction or 180~~
26 ~~days from the date of a third or subsequent conviction, the department shall issue a restricted~~
27 ~~registration receipt to the offender. A restricted registration receipt limits the use of the motor~~
28 ~~vehicle operated at the time of the offense to use solely for employment purposes until the date~~
29 ~~indicated on the restricted registration receipt.~~

30 — (3) Upon a fourth or subsequent conviction under [61-6-301](#) or [61-6-302](#), the court shall order
31 the surrender of the driver's license of the offender, if the vehicle operated at the time of the
32 offense was registered to the offender or a member of the offender's immediate family. The court
33 shall send the driver's license, along with a copy of the complaint and the dispositional order, to

34 ~~the department, which shall immediately suspend the driver's license. The department may not~~
35 ~~reinstate a driver's license suspended under this subsection until the registered owner provides~~
36 ~~the department proof of compliance with [61-6-301](#) and the department determines that the~~
37 ~~registered owner is otherwise eligible for licensure.~~

38 (4) The court may suspend a required fine only upon a determination that the offender is or
39 will be unable to pay the fine.

40 (5) A court may not defer imposition of penalties provided by this section.

41 (6) An offender is considered to have been previously convicted for the purposes of
42 sentencing if less than 5 years have elapsed between the commission of the present offense and a
43 previous conviction.

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