

Your Driving Record is For Life

Myth:

Once 3 years pass with no new traffic violations, a driver has a “clean” driving record.

TITLE 61 CHAPTER 11 PART 1 AND PART 5 MCA
RECORDS AND REPORTS OF CONVICTIONS
MCA 33-18-210 (9)

Reality:

- Traffic convictions stay on your driving record for **life!**
- The law restricts how some aspects of a driving record may be used.
- While convictions older than three years may not affect your insurance rates, convictions for 2nd or subsequent DUI violation will affect your record for five years between the date of the prior offense and the date of the most recent offense.
- All of the information on your motor vehicle record remains part of your **permanent record.**
- From year to year, and from state to state, your driver history stays with you.
- Your privilege, our obligation, safe driving counts.

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Licensed Driving in Montana: *Your Privilege, Our Obligation, . . . Your Choice*

MONTANA

- Anyone who operates a motor vehicle on public roadways in Montana is required to have a ***Driver's License***.
- If you violate traffic laws, your ***Driving Privilege*** may be withdrawn. Your driver's license may be suspended, revoked or cancelled.
- Law enforcement agencies, prosecutors, the courts and a wide range of city, county and state agencies are working together to fulfill their ***Obligation*** to enforce the law and make Montana highways safer.

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Traffic School *Works*

Whether it's ordered by the court or arranged by someone who cares, traffic school can help you or someone you love to be a better, safer driver. Sign up for a course at a location near you.

For more information regarding department approved driver rehabilitation programs, visit <http://www.doj.state.mt.us/driving/default.asp>

Montana law authorizes that a person who submits a certificate of completion from a department-approved driver rehabilitation program must receive a 50% reduction on a driver license reinstatement fee.

MCA § 61-5-219

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The \$ Cost of DUI



MCA § 61-8-714
MCA § 61-2-107
MCA § 61-5-208
MCA § 61-8-733

If you are convicted of ***Driving Under the Influence of Alcohol or Drugs***, significant costs add up fast: fines, increased insurance, substance abuse counseling, treatment, driver's license reinstatement, and ignition interlock.

How much are you willing to pay?

- Fines – up to \$5,000 or more
- Automobile Insurance – an increase of \$3,000 or more every six months
- Substance Abuse Treatment – at least \$250 for ACT – Alcohol/Drug Treatment may cost thousands of dollars
- License Reinstatement – a \$200 fee to the State of Montana
- Ignition Interlock – set-up fees and monthly costs per vehicle of \$75 or more

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***As a driver, the Choice is yours:
Act within the law or face the consequences.***

DUI 2nd Offense

If you are convicted of a 2nd offense of ***Driving Under the Influence of Alcohol or Drugs***, you won't drive at all for at least a year . . . and a court can order that any vehicle you own be seized by the arresting agency and forfeited in accordance with law.

***Your vehicle can be sold and
the proceeds shared by others.***

MCA § 61-5-208

MCA § 61-8-733

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Ignition Interlock

Convicted DUI offenders may be restricted to operating only those vehicles that are equipped with an ignition interlock device. To start the vehicle, the driver must blow into a handset that tests the driver's breath for the presence of alcohol.

An ignition interlock device will **Stop Drunk Driving**. When alcohol is detected, the car won't start.

*Every time a drunk driver
can't even start his car,
the rest of us are better off.*

MCA § 61-5-208
MCA § 61-8-733

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Blood Alcohol Concentration

Any Driver ► **0.08%**

To determine when a person is **Driving Under the Influence of Alcohol**, Montana law recognizes different blood alcohol levels (Blood Alcohol Concentration or "BAC")

For drivers operating non-commercial vehicles, a 0.08% BAC is the level whereby a person's ability to safely operate a vehicle is deemed to be diminished. It is unlawful and punishable to drive or be in actual physical control of a vehicle while a person's BAC is 0.08% or more.

**0.08% BAC—For any Driver,
Unsafe Operation of a Vehicle is Inferred.**

MCA § 61-8-401

MCA § 61-8-406

***Your privilege, our obligation, . . .
it's not worth it to drink and drive!***

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Blood Alcohol Concentration

Drivers Under 21 ▶ **0.02%**

Commercial Drivers ▶ **0.04%**

In terms of Blood Alcohol concentration (“BAC”), different levels have different meanings:

- **0.02% BAC**—Any Measurable Amount . . . *IF YOU ARE UNDER 21 YEARS OF AGE, ANY MEASURABLE AMOUNT OF ALCOHOL IN YOUR SYSTEM CONSTITUTES DRIVING UNDER THE INFLUENCE.*
- **0.04% BAC**—Any driver can be proven to be unsafe, . . . *AND IF YOU OPERATE A COMMERCIAL VEHICLE, THE LEVEL IS LOWER;*
- **0.04% BAC IS SUFFICIENT FOR A COMMERCIAL DRIVER TO BE CHARGED WITH DRIVING UNDER THE INFLUENCE.**

***Licensed Driving in Montana: Your privilege, our obligation,
... it's not worth it to drink and drive!***

MCA § 61-8-410

MCA § 61-8-406

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Blood Alcohol Concentration 0.16%

A BLOOD ALCOHOL CONCENTRATION (BAC) OF 0.16% IS A VERY HIGH BAC. UPON CONVICTION FOR DUI, A HIGH BAC MAY TRIGGER ***SIGNIFICANTLY INCREASED PENALTIES . . . EVEN FOR A FIRST TIME OFFENDER.***

If the person's blood alcohol concentration at the time of arrest was 0.16% or greater, a court may require the person to pay the cost of leasing, installing and maintaining an ignition interlock device before any probationary license will be granted: set-up charges and at least \$75 per vehicle per month.

***Significantly Increased Penalties . . .
Even for a First Time Offender.***

MCA § 61-8-442

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Commercial Driver's License— *Personal Vehicle*

***Your privilege, our obligation, . . .
it's not worth it to drink and drive!***

MCA § 61-8-802

Myth: How I drive my personal vehicle has no effect upon my Commercial Driver's License.

Reality: If you commit a major traffic offense while driving a non-commercial vehicle, your commercial driver's license can be suspended or revoked . . . sometimes even for life:

- DUI;
- Driving your personal vehicle with a Blood Alcohol Concentration of 0.08% or more;
- Leaving the Scene of an Accident with a Death or Personal Injury;
- Using a Motor Vehicle in the Commission of a Felony

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Commercial Driver's License—

Suspended!!

... Possibly

Suspended for Life!

Your commercial driver's license can be suspended for these "major offenses".

- A refusal to take a test under an implied consent law;

- A conviction for:

Driving a motor vehicle while under the influence of alcohol, a drug, or a combination of the two;

Driving a noncommercial motor vehicle and having an alcohol concentration of 0.08% or more;

Driving a commercial motor vehicle and having an alcohol concentration of 0.04% or more;

Leaving the scene of an accident involving death or personal injury or failing to give information and render aid.

MCA § 61-8-802

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Commercial Driver's License—

Serious Traffic Violations

- Speeding in excess of 15 miles an hour above a posted speed limit;
- Reckless driving;
- Improper or erratic traffic lane changes;
- Following too closely;
- A violation arising in connection with a fatal accident;
- Operating a commercial motor vehicle without a CDL;
- Operating a commercial motor vehicle without a CDL in one's possession or refusing to display a CDL upon request;
- Operating a commercial motor vehicle without the proper COMMERCIAL DRIVERS LICENSE class / endorsements for the type of vehicle being operated, passengers or type of cargo being transported;

Commercial drivers who commit serious traffic violations can lose their driver's license, and when the Montana Motor Vehicle Division receives notice of conviction . . . the period of suspension or revocation is just beginning.

MCA § 61-8-803

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Liability Insurance

Liability is imposed by law for bodily injury, death or damage to property caused by maintenance or use of a motor vehicle.

- The owner of a vehicle that is registered and operated in Montana **must provide insurance** for loss resulting from liability.
- It is unlawful for a person to operate a motor vehicle without a valid motor vehicle liability insurance policy in effect.

Conviction for any mandatory motor vehicle liability protection offense = **5 Conviction Points on your Driving Record.**

MCA § 61-6-301
MCA § 61-11-203

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Motor Vehicle Used in the Commission of a Crime

*Licensed Driving in Montana: Your privilege,
our obligation, . . . your choice*

MCA § 61-5-205

MCA § 61-8-802

MCA § 61-8-804

When someone is convicted of a serious offense like drug possession, aggravated assault, felony partner or family member assault, or attempting to elude a peace officer,

. . . and a motor vehicle is used,

*The offender's driver's license
can be revoked.*

For a felony offense involving a controlled substance while driving a commercial vehicle, the convicted offender's commercial driver's license will be **suspended for life!**

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Driving While Suspended or Revoked

Consider the penalties:

Imprisonment for at least 2 days and up to 6 months . . .

A fine of as much as \$500 . . .

an additional year added on to the required period of driver's license suspension or revocation . . .

6 Conviction Points on your Montana Motor Vehicle Record . . .

Consider your obligation...licensed driving matters.

***Driving While License Suspended or
Revoked is serious business.***

MCA § 61-5-212

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