

Montana's 2018 Impaired Driving Assessment

Montana is above the national average for the percentage of alcohol related fatalities on roadways. Montana's alcohol-impaired fatality rate is 0.62 per 100 million Vehicle Miles Traveled (VMT) for 2014-2016, according to classifications provided by the National Highway Traffic Safety Administration. 0.62 is consider high-range, with the threshold being .60.

High Range States are required to complete an Impaired Driving (ID) Assessment every three years. On December 3-7, 2018, an ID Assessment was conducted where over 60 professionals representing various state and local organizations participated, discussing their respective roles and programs with impaired driving. The ID Assessment was conducted by a five (5) member team designed to take a comprehensive look at state, local and tribal impaired driving programs within Montana.

In total, there were **six (6) priority recommendations** and nineteen (19) lower tier recommendations. Outlined below are those recommendations, their tie to Montana's Comprehensive Highway Safety Plan (CHSP) and how it is addressed by the state.

Access to the full State of Montana Impaired Driving Assessment <https://www.mdt.mt.gov/visionzero/docs/Montana-Impaired-Driving-Assessment-Report.pdf>

Priority Recommendations

I. Program Management and Strategic Planning

Priority Recommendations	CHSP EA Strategy	Addressed by state
Expand the data analysis used for Comprehensive Highway Safety Plan problem identification to include not only crash, but all other available data sets (e.g., arrest, conviction, driver record).	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	Montana’s Comprehensive Highway Safety Plan (CHSP) implementation process currently includes analysis of other data sources such as citation data, conviction data, and driver’s records, as well as the assessment of need for improvements and integration of these data sources. These data sets inform the approach to stronger laws and penalties, arrest rates and repeat offenders. Montana will continue to strive for improvements, enhancements and use of these data sets.

II. Prevention – No Recommendations

III. Criminal Justice System

Enact legislation that re-codifies all DUI laws into a single location within the Montana Code.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	During the 2019 Legislative Session, legislation was introduced that would reorganize, simplify, and correct current DUI in Montana. It would strengthen and restructure current DUI law into 18 primary sections, which should be codified in the same Part within Title 61, Chapter 8 of the Montana Code Annotated. Unfortunately, Legislation did not pass. 2021 Session will begin in January of 2021. Proposed Legislation that impact DUI Laws will be monitored closely.
Enact a primary seat belt law.	Strategies for increasing occupant protection fall under the purview of CHSP Occupant Protection Emphasis Area Team.	During the 2019 Legislative Session, House Bill 49 was introduced, which would create an Occupant Protection Safety Pilot Program. HB 49 includes primary seatbelt codification. HB 49 was tabled in House Judiciary.

	CHSP OP EA Strategy 1: Support policies, education, training, programs, and activities that promote and increase seat belt and child safety seat use.	2021 Session will begin in January of 2021. Primary Seatbelt proposed Legislation will be monitored closely.
Encourage law enforcement agencies to implement a data driven approach to conducting aggressive traffic enforcement while combating crime.	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	<p>The Great Falls Police Department is hosting a DDACTS training in September of 2020. MDT will be participating in this training. MDT is also assisting with outreach and is encouraging all its law enforcement partners to participate in DDACTS.</p> <p>MDT provides crash data and mapping options to agencies statewide. These data are available to law enforcement agencies and the public. Law enforcement agencies partnering with MDT frequently access these data to assist in providing up-to-date data in their grant applications.</p> <p>Thematic maps showing Montana's high crash corridors and fatalities are frequently used by law enforcement for scheduling high visibility enforcement efforts.</p>
Expand DUI Courts in Montana	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>There are eight dedicated DUI Courts in Montana and an additional twenty-six other treatment courts that have specialized dockets. Treatment courts other than DUI Courts often serve offenders that have a history of DUI.</p> <p>MDT and the Office of the Court Administrator (OCA) work closely and collaboratively to ensure fidelity of current treatment courts and continue to evaluate funding options for new courts or expanding current courts capacity.</p> <p>MDT allocates training funding every year for new/existing courts to receive best practice treatment.</p>

IV. Communication Program – No Recommendations

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation – No Recommendations

VI. Program Evaluation and Data

<p>Expand the use of compatible electronic crash reporting systems to increase the timeliness, accuracy, and completeness of crash data across all agencies.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Currently, Montana's largest law enforcement, the Montana Highway Patrol (MHP), utilizes SMARTCOP, which is a comprehensive and integrated informational tool for crash data. The larger City and County law enforcement agencies utilize electronic crash reporting systems as well. Not all of those agencies use SMARTCOP. MHP has dedicated personnel who work with local law enforcement agencies to enhance crash reporting systems.</p> <p>MHP is in ongoing discussions on establishing a new crash data repository (database) that could have the capacity to receive electronically created crash reports from the majority of law enforcement agencies.</p>
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All Recommendations

I. Program Management and Strategic Planning

A. State and Tribal DWI Task Forces or Commissions

Recommendation	CHSP EA Strategy	Addressed by state
Expand the Executive Leadership Team Charter to include a representative from the business sector.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	Montana's Executive leadership team includes the Montana Tavern Association (MTA) whose purpose is to be policy advocates, provide advice and direction to its members. The MTA is made up of businesses and local tavern associations across the state. Montana will continue to explore opportunities to enhance business relationships and involvement through the emphasis area teams and the implementation of strategies to reduce the number and severity of impaired driving crashes.

B. Strategic Planning

Recommendation	CHSP EA Strategy	Addressed by state
Priority Recommendation: Expand the data analysis used for Comprehensive Highway Safety Plan problem identification to include not only crash, but all other available data sets (e.g., arrest, conviction, driver record).	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations	Montana's CHSP implementation process currently includes analysis of other data sources such as citation data, conviction data, and driver's records, as well as the assessment of need for improvements and integration of these data sources. These data sets inform the approach to stronger laws and penalties, arrest rates and repeat offenders. Montana will continue to strive for improvements, enhancements and use of these data sets.

C. Program Management

Recommendation	CHSP EA Strategy	Addressed by state
Monitor the impact of the City of Helena's dedicated traffic safety pilot program to apprehend impaired drivers and educate community members and, if successful, replicate it in other communities.	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	2019 is the second year of the Helena Traffic Resource Officer Pilot project. The goal of this project is to reduce the incidents of impaired drivers and unrestrained occupants through enforcement of traffic laws and education. 2070 hours of traffic enforcement focusing primarily on Impaired driving and occupant protection laws, and 10 hours of education for novice drivers at Helena's High Schools took place in 2019. The program was highly effective in traffic enforcement and alcohol impaired driving

		<p>enforcement. During the grant year, the assigned officer made a total of 1295 traffic stops which resulted in 593 citations being issued and 146 DUI arrests made. Five training sessions were conducted with an approximated 230 students in attendance.</p>
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D. Resources

Recommendation	CHSP EA Strategy	Addressed by state
<p>Allocate to a county DUI Task Force a portion of the DUI fines a county receives to supplement the reduction in revocation fees.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Fines are disposed of pursuant to 3-10-601 (Justice Courts) ½ to County General Fund, ½ to State General Fund. District Court fines are disposed of pursuant to 46-18-235 to the State General Fund.</p> <p>Counties have local control of local funds and utilize based upon local priorities and resources available. Any strategy changing proportion of fines distribution will require legislative approval.</p> <p>There were no specific legislative bills introduced that would allocate a portion of fines to DUI Task Forces. However, in the 2019 Session HB 635 was introduced that would create a DUI Reduction Grant Board, funded by adjustments in the alcohol tax. DUI Task Forces would have been eligible for those funds. The Bill did not make it to Committee.</p> <p>MDT does provide NHTSA funding opportunities to DUI Task Forces through an annual application process and through mini grants, which are open-ended and up to \$5,000.</p>
<p>Allocate a portion of the DUI fines a county receives to establish a DUI Task Force and once State-approved, supplement the revocation fees as needed.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Fines are disposed of pursuant to 3-10-601 (Justice Courts) ½ to County General Fund, ½ to State General Fund. District Court fines are disposed of pursuant to 46-18-235 to the State General Fund.</p> <p>Counties have local control of local funds and utilize based upon local priorities and resources available. Any strategy changing proportion of fines distribution will require legislative approval.</p> <p>There were no specific legislative bills introduced that would allocate a portion of fines to DUI Task Forces. However, HB 635 was introduced that would create a DUI Reduction Grant Board, funded by adjustments in the alcohol tax. DUI Task Forces would have been eligible for those funds. The Bill did not make it to Committee.</p> <p>MDT does provide NHTSA funding opportunities to DUI Task Forces through an annual application process and through mini grants, which are open-ended and up to \$5,000. This can be used to establish a DUITF.</p>

II. Prevention

A. Responsible Alcohol Service – No Recommendations

B. Community-Based Programs

B. 1 Schools

Recommendation	CHSP EA Strategy	Addressed by state
<p>Promote and seek sustainable sources of funding for schools to adopt evidence-based prevention education programs.</p>	<p>CHSP ID EA Strategy 3: Reduce impaired road users through prevention education.</p>	<p>The Office of Public Instruction’s (OPI) Health Enhancement and Safety Division supports schools and communities through standards and programs designed to promote health, increase safety, and improve nutrition in Montana schools. Through federal grants and other resources, this Division provides resources designed to prevent major health problems and health-risk behaviors among youth and to help Montana students reach their full potential.</p> <p>The OPI’s Traffic Education Unit approves instructors and school-based driver’s education for Montana School Districts based on standards. Limited funding for driver’s education is provided through the Cooperative Driver Testing Program from a percentage of driver license fees. Curriculum, training resources and technical assistance is part of OPI’s business practices</p> <p>Montana colleges participate in the American College Health Association (ACHA) the Student Affairs Administrators in Higher Education (NASPA). Both organizations focus on college substance abuse prevention, intervention and treatment.</p>

B-2. Employers – No Recommendations

B-3. Community Coalitions and Traffic Safety Programs – No Recommendations

B-4. Transportation Alternatives – No Recommendations

Criminal Justice System

A. Laws

Recommendation	CHSP EA Strategy	Addressed by state
<p>Priority Recommendation</p> <p>Enact legislation that re-codifies all DUI laws into a single location within the Montana Code.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>During the 2019 Legislative Session, legislation was introduced that would reorganize, simplify, and correct current DUI in Montana. It would strengthen and restructure current DUI law into 18 primary sections, which should be codified in the same Part within Title 61, Chapter 8 of the Montana Code Annotated. Unfortunately, Legislation did not pass.</p> <p>2021 Session will begin in January of 2021. Proposed Legislation that impact DUI Laws will be monitored closely.</p>
<p>Priority Recommendation</p> <p>Enact a primary seat belt law for Montana</p>	<p>Strategies for increasing occupant protection fall under the purview of CHSP Occupant Protection Emphasis Area Team.</p> <p>CHSP OP EA Strategy 1: Support policies, education, training, programs, and activities that promote and increase seat belt and child safety seat use.</p>	<p>During the 2019 Legislative Session, House Bill 49 was introduced, which would create an Occupant Protection Safety Pilot Program. HB 49 includes primary seatbelt codification. HB 49 was tabled in House Judiciary.</p> <p>2021 Session will begin in January of 2021. Primary Seatbelt proposed Legislation will be monitored closely.</p>
<p>Enact legislation that removes restrictions to the issuance of blood draw search warrants in misdemeanor DUI and allows a properly trained peace officer to serve as a certified phlebotomist.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>Proposed legislation that would allow for a search warrant on the first Implied Consent Refusal in aggravated DUI cases did not pass. Additionally, Legislation that would allow phlebotomy by law enforcement with proper training did not pass the 2019 Legislative Session.</p> <p>2021 Session will begin in January of 2021. Proposed Legislation that impact DUI Laws will be monitored closely.</p>

B. Enforcement

Recommendation	CHSP EA Strategy	Addressed by state
<p>Increase the number and retention of Drug Recognition Experts</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>Currently, Montana has 47 Drug Recognition Experts (DRE's) that are stationed at different locations across the state.</p> <p>14 New DRE's were certified during Montana's 2020 DRE school. 13 law enforcement officials and one toxicologist. This brings the</p>

		number of currently certified DRE's to 60. Promotions and attrition resulted in an overall loss of five DRE's since 2018. Montana continues with its DRE recruitment and education efforts. The next DRE school is scheduled for spring of 2022.
Expand the 24/7 Sobriety Program and evaluate additional monitoring methodologies.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>The 24/7 Sobriety Program Statewide Coordinator continues to expand the 24/7 to counties/reservations, but also expand the use of the 24/7 Programs that have an operational program.</p> <p>The 24/7 Program currently uses twice daily breath testing, SCRAM and drug testing. Additional testing options like remote breath testing are being evaluated and can be used on a case-by-case basis.</p> <p>Passed legislation during the 2019 Session will expand the ability for the Department to evaluate and approve additional monitoring methodologies.</p>
Priority Recommendation Encourage law enforcement agencies to implement a data driven approach to conducting aggressive traffic enforcement while combating crime.	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	<p>The Great Falls Police Department is hosting a DDACTS training in September of 2020. MDT will be participating in this training. MDT is also assisting with outreach and is encouraging all its law enforcement partners to participate in DDACTS.</p> <p>MDT provides crash data and mapping options to agencies statewide. These data are available to law enforcement agencies and the public. Law enforcement agencies partnering with MDT frequently access these data to assist in providing up-to-date data in their grant applications.</p> <p>Thematic maps showing Montana's high crash corridors and fatalities are frequently used by law enforcement for scheduling high visibility enforcement efforts.</p>

C. Prosecution

Recommendation	CHSP EA Strategy	Addressed by state
Sustain funding and support for the Traffic Safety Resource Prosecutor position.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	Funds are currently provided to the Montana Department of Justice (MDOJ) Attorney General's Office, Prosecution Services Bureau for Traffic Safety Resource Prosecutor (TSRP) services. The TSRP concept a collaborative project with the MDOJ. Priorities for the TSRP remain intact and will be included in the process for State Highway Safety Funding. Programs that are funded are determined by the program's past success, federal requirements, funding

		availability and priorities set forth by the Governor’s Representative for Highway Safety.
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D. Adjudication

Recommendation	CHSP EA Strategy	Addressed by state
<p>Priority Recommendation Expand DUI Courts in Montana.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>There are eight dedicated DUI Courts in Montana and an additional twenty-six other treatment courts that have specialized dockets. Treatment courts other than DUI Courts often serve offenders that have a history of DUI.</p> <p>MDT and the Office of the Court Administrator (OCA) work closely and collaboratively to ensure fidelity of current treatment courts and continue to evaluate funding options for new courts or expanding current courts capacity.</p> <p>MDT allocates training funding every year for new/existing courts to receive best practice treatment.</p>
<p>Provide adequate resources to improve the supervision and monitoring of DUI offenders at all stages of pre- and post-adjudication.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>Outlined in Montana Code Annotated (MCA), there are varying levels and types of supervision/monitoring required of DUI offenders with judicial discretion. Supervision/monitoring may include: 24/7 sobriety program, interlock, treatment courts or other court approved alcohol or drug testing program. MCA also requires monitoring of repeat DUI Offenders after treatment is concluded.</p> <p>Resources are provided to treatment courts to supervise habitual DUI Offenders. Additionally, the 24/7 Program is a statewide program with a full-time coordinator. Counties are also provided funds to assist implementing local 24/7 programs.</p> <p>State-approved treatment programs receive a portion of alcohol tax revenue that can be used for the treatment/monitoring of DUI offenders.</p>
<p>Create, fund, and maintain a State Judicial Outreach Liaison position.</p>		<p>MDT applied and was successful in receiving support for a State Judicial Outreach Liaison (SJOL) from the American Bar Association (ABA). MDT will work in coordination with the ABA and other partners in securing a SJOL.</p> <p>NHTSA Region 10 currently has a Judicial Outreach Liaison, Judge Knisely out of the 13th Judicial District. Judge Knisely provides training opportunities in Montana.</p>

E. Administrative Sanctions and Driver Licensing Programs

Recommendation	CHSP EA Strategy	Addressed by state
Extend the driver license suspension period for a test refusal to be longer than for a test failure.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	<p>Currently, there is no suspension period for a base license for a test failure. The period of suspension for a test refusal (6 months or 1 year, plus \$300 administrative fee) is currently longer than for a test failure (no suspension period).</p> <p>For individuals in a commercial vehicle who fail a test or who refuse a test are both treated as a major offense and in compliance with federal law receive a one year or lifetime suspension, depending on whether it is a first or second major offense.</p>
Identify an agency to track Ignition Interlock Device violations on a consistent basis.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	<p>The Motor Vehicle Division (MVD) of the Montana Department of Justice (MDOJ) is the state agency with oversight of the ignition interlock program. MVD developed administrative rules for interlock, including:</p> <ul style="list-style-type: none"> -oversight of vendor selection, certification, and monitoring. -review of interlock reports, including all instances where an interlock device was circumvented or tampered with. -sanction for circumvention or tampering and taking action on other non-compliance with IID licensure when reported by the referring agency.

E-2. Programs

Recommendation	CHSP EA Strategy	Addressed by state
Increase the minimum age for a Learner License to sixteen.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	Set by Montana statute, learner license without driver education in Montana is age 16. There were no legislative proposals to change age eligibility for driver licensing.

<p>Use only official records to verify an applicant for a Graduated Driver License Restricted License has not incurred any alcohol, drug, or traffic violations.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>The Graduated Driver’s License process requires a GDL document signed by parents certifying no alcohol, drug or traffic violations. MVD does not have the statutory authority to not issue a GDL if an offense is found. MDV will continue to utilize the process place for approving GDL Restricted Licenses.</p>
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Communication Program: No Recommendations

Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation

A. Screening and Assessment – Criminal Justice System

Recommendation	CHSP EA Strategy	Addressed by state
<p>Strengthen uniform supervision of offender compliance with assessment requirements for convicted DUI offenders.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>Addictive Mental Disorders Division (AMDD), a division of Montana Department of Health and Human Services (DPHHS), approves all state approved treatment programs throughout Montana.</p> <p>Compliance with assessment requirements for repeat offenders are monitored by local jurisdictions per statute and Courts are notified of non-compliance by treatment providers.</p> <p>Training and technical assistance provided by AMDD to state-approved programs does increase uniform monitoring of assessment requirements across jurisdictions.</p>

A-2. Medical and Other Settings

Recommendation	CHSP EA Strategy	Addressed by state
<p>Expand Screening, Brief Intervention, and Referral to Treatment (SBIRT) in healthcare and into other settings throughout Montana.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>DPHHS has been highly active in moving forward with Medicaid Expansion.</p> <p>As part of Medicaid Expansion, alcohol screening questions have been added to a Health Risk Assessment (HRA), which is given to all Medicaid members during an outpatient visit to their healthcare provider. The HRA is an assessment of primary chronic diseases and provides an opportunity for the healthcare provider to follow-up with a brief intervention using motivational interviewing to promote behavior change with risky drinking behaviors.</p> <p>One of Montana’s Healthcare Foundation’s (MHF) focus areas is Behavior Health and advocating for substance use disorder prevention and treatment. Implement screening, brief intervention, and referral to treatment (SBIRT) in primary care and hospital settings is a specific project that MHF is providing funding for.</p>

B. Treatment and Rehabilitation – No Recommendations

Program Evaluation and Data

A. Evaluation

Recommendation	CHSP EA Strategy	Addressed by state
<p>Evaluate all funded programs to assess effectiveness.</p>	<p>Internal Process</p>	<p>MDT has a statewide competitive Highway Safety Request For Proposal (RFP) process. Through that processes, MDT requires that applicants for funding provided detailed information on evaluation processes.</p> <p>Funded programs typically follow the NHTSA’s Countermeasures that work for Highway Safety Offices. Programs. The guide is a basic reference to assist State Highway Offices in selecting effective, evidence-based countermeasures for traffic safety problem areas.</p> <p>Funded programs are monitored on a regular basis.</p>

B. Data and Records

Recommendation	CHSP EA Strategy	Addressed by state
<p>Acquire outcome data from treatment programs and incorporate that information to build a comprehensive DUI tracking system.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>There is no one single repository for substance abuse treatment outcomes in the State. Addictive Mental Disorders Division (AMDD), a division of Montana Department of Health and Human Services (DPHHS) is implementing a new data management system. The new system will include data from treatment programs.</p> <p>A comprehensive DUI tracking system is an ongoing discussion.</p>
<p>Priority Recommendation</p> <p>Expand the use of compatible electronic crash reporting systems to increase the timeliness, accuracy, and completeness of crash data across all agencies.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Currently, Montana’s largest law enforcement, the Montana Highway Patrol (MHP), utilizes SMARTCOP, which is a comprehensive and integrated informational tool for crash data. The larger City and County law enforcement agencies utilize electronic crash reporting systems as well. Not all of those agencies use SMARTCOP.. MHP has dedicated personnel who work with local law enforcement agencies to enhance crash reporting systems.</p> <p>MHP is in ongoing discussions on establishing a new crash data repository (database) that could have the capacity to receive electronically created crash reports from the majority of law enforcement agencies.</p>

Driver Records Systems – No Recommendations