

Traffic Safety Standard

Providing relevant information to Montana's prosecutors, law enforcement and judges

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2013 Legislature Makes Montana's Roads Safer

by Becky Sturdevant and Erin Inman

In the 2011 legislature there were several successful DUI bills which brought new approaches to Montana's DUI problem. Experience with these new laws prompted bills in 2013 to make these programs more effective:

HB 168 Revise DUI laws for THC: Over the last several years, the crime lab has seen a steady increase in DUI blood samples containing cannabinoids. HB 168 will assist prosecution of offenders who drive under the influence of marijuana. It created a new crime for a per se limit of 5 ng/ml for delta-9-tetrahydrocannabinol in blood. Also, law enforcement officers can now obtain a warrant for a first time medical marijuana card holder suspected of DUI who refuses to provide a blood sample. HB 168 becomes effective October 1, 2013.

HB 233 Modifies the 24/7 Sobriety Program: HB 233 expands and clarifies the 24/7 program in several important ways:

"Sobriety" is clearly defined as abstinence from drugs, not just alcohol. The new law is called the "Montana 24/7 Sobriety and Drug Monitoring Program Act."

- It expands opportunities for a court to require the 24/7 program for additional offenses, such as assault, when alcohol or drug intoxication contributed to the crime;
- It expands the type of monitoring programs that can be used for 24/7: examples include remote sensing, transdermal detection devices, and testing blood, urine, saliva, or perspiration for drugs;
- It allows for ignition interlock device or 24/7 sobriety program as a condition of a probationary license;
- It allows a sheriff to delegate 24/7 implementation to another law enforcement agency; and
- The 24/7 program may now be used for first offense aggravated DUI.

HB 233 became effective upon signing by the governor on April 26, 2013.

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Montana's Traffic Safety Resource Prosecutor (TSRP) position is funded by the Montana Department of Transportation as part of a comprehensive effort to reduce the number and severity of traffic crashes, injuries, and fatalities on Montana highways.

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HB 355 Eliminate the 5-year look back for alcohol and drug driving offenses: Several bills have been introduced in past sessions to eliminate the five-year look back period for second and third DUI offenders. This session saw success with HB 355. It increased the 5-year look back to 10 years for 2nd offense DUI, and eliminated look back for 3rd offense DUI. It also expands those look back periods for Aggravated DUI. HB 355 became effective upon signing by the governor on April 26, 2013.

SB 314 Generally revise driver licensing laws: The last section of this bill requires courts to report offenses that trigger license suspension, revocation, or restriction to the DMV within 5 days. It eliminates the exceptions that have caused delays in reporting. The implementation of this law brings Montana into compliance with federal reporting requirements. SB 314 is effective October 1, 2013.

SB294 Generally revise alcohol enforcement laws: SB294 allows the Department of Revenue to adjust penalties for liquor violations if there are mitigating or aggravating circumstances. SB294 becomes effective October 1, 2013.*

HB 155 Revise school bus safety laws: HB 155 requires a motor vehicle to stop 30 feet before reaching school bus instead of the former requirement of 15 feet. HB 155 becomes effective October 1, 2013.

HB 559 Generally revise motor vehicle laws: HB 559, in addition to several other items, modifies Montana Code Annotated Section 61-8-309, and provides that speed violations in special speed zones established by the Transportation Commission are misdemeanors and punishable in accordance with Section 61-8-711. It also modifies Section 61-8-310 to provide violations of special speed zones established by a local authority are misdemeanors and punishable in accordance with Section 61-8-711. Fines now double for speed violations in school zones and senior citizen zones. HB 559 became effective upon signing by the governor on May 6, 2013.

*Bill has been transmitted to the governor and awaits his signature.



Other Legislation That Didn't Quite Make It

SB 110	Provide for a Crime Prevention Program Paid for by offender surcharge	Sen Taylor Brown	TABLED in Senate judiciary committee
SB 367	Revise laws for DUI violations; 24/7 or interlock for underage DUI, and interlock	Sen Sue Malek	TABLED in Senate judiciary committee
HB 275	Revise DUI laws—Increase penalty for Felony DUI	Rep Keith Regier	TABLED in House Appropriations
HB 276	Generally revise DUI laws—special license plates for DUI offenders	Rep Champ Edmunds	TABLED in House Judiciary Committee
HB 300	Provide for passenger accountability in motor vehicle accidents	Rep Daniel Salomon	DIED on House Floor
HB 434	Revise DUI penalty laws; minimum fine increased to \$5000 with ½ to fund county drinking and driving programs	Rep Tom Woods	TABLED in House Judiciary Committee
HB 467	Require qualifications when justice of the peace is the court of record; JP would have to be a lawyer	Rep Franke Wilmer	TABLED in House Judiciary Committee
HB 487	Revise laws related to DUI convictions and restricted driver's license	Rep Pat Connell	TABLED in House Transportation Committee
HJ 18	Interim study on alcohol control code and licensing	Rep Christy Clark	DIED on House Floor.



Past issues of the Traffic Safety Standard
are online at:

www.mdt.mt.gov/tsrp/newsletters.shtml

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Training Dates

Course Title	Date	Location	Registration Information
North Dakota State's Attorneys Association Summer 2013 Conference - Big Trucks & Big Challenges – Agenda	June 18–19, 2013	Medora, N.D.	Agenda
NADCP Annual Conference	July 14-17, 2013	Gaylord National Resort Washington D.C.	For more information and registration
Cops In Court	By request		Course description
Conducting Compliance Check Operations	By request	Free - Online course	Course details
Environmental Strategies	By request	Free - Online course	Course details
Party Prevention and Controlled Party Dispersal	By request	Free - Online course	Course details
Techniques for Managing Special Events	Coming soon	Free - Online course	Course details

For information about more trainings and conferences, please go to <http://www.mdt.mt.gov/tsrp/> and click on "Education and Training Opportunities"

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