

In Montana, the Legislature has declared that driving is a privilege, not a right.

Go online to **doj.mt.gov/driving**

Montana Department of Justice – Motor Vehicle Division
For more information, email the MVD: **mvd@mt.gov**

Information from the Montana Department of Transportation State Highway Traffic Safety is available online: **www.mdt.mt.gov/safety/impaired.shtml**

BOTTOM LINE: As the driver, the choice is yours. Obey the law or face the consequences.



Driving in Montana

Anyone who drives on public roads is required to have a valid Montana driver license.

A driver license is a privilege. If you break traffic laws, your driving privilege can be suspended, revoked, or canceled.

Law enforcement, government agencies, and the courts work together to fulfill their duty to make Montana roadways safer.

*Driving in Montana:
Your Privilege, Our Duty, Your Choice*



Consequences of Impaired Driving

- Court Requirements**
 - Sentencing Requirements**
 - Jail time
 - Fines
 - Substance abuse treatment
 - Added Provisions**
 - No drinking
 - 24/7
 - SCRAM monitoring device
 - Ignition interlock
 - Other alcohol or drug detection program
- Driver License Consequences**
 - 1st offense: 6 month suspension
 - 2nd+ offense: 1 year suspension
 - Mandatory waiting periods: 45 or 90 days
 - Compliance with A – C – T**
 - A – Assessment
 - C – Course (Prime for Life)
 - T – Treatment
 - \$200 license reinstatement fee
 - Proof of ignition interlock
 - Proof of high risk insurance
 - Driver license restricted to essential driving only
- Other Impacts**
 - Substance abuse treatment
 - Evaluation
 - Monitoring
 - Increased motor vehicle liability insurance premiums
 - Monitored driver record
 - Employment restrictions
 - 10 conviction points on your driving record
 - Travel restrictions to Canada

BOTTOM LINE: Even one conviction will take your license.

Blood Alcohol Concentration 0.08%

For Every Driver: 0.08% BAC = Unsafe Operation of a Vehicle

- 1st offense DUI/BAC = Driver license consequences**
 - 6 month driver license suspension
 - \$200 driver license reinstatement fee
 - Enroll, complete, and comply with A-C-T program
 - Probationary driver license with limited driving privilege, if recommended by the sentencing judge
- 2nd+ offense DUI/BAC = All of the 1st offense consequences and**
 - Driver license suspension for 1 year
 - Probationary driver license issued only after:
 - Recommendation by the sentencing judge
 - Waiting period of up to 90 days
 - 24/7; alcohol detection device; DUI court

BOTTOM LINE: You're breaking the law if you drive and your BAC is 0.08% or more.

Blood Alcohol Concentration 0.04%

You are breaking the law if you drive a commercial motor vehicle (CMV) and your BAC is 0.04% or more.

- For Commercial Drivers: 0.04% BAC = Unsafe Operation of a CMV**
 - 1st offense 0.04% BAC = Driver license consequences**
 - 1 year CDL suspension, no probationary CDL allowed
 - If transporting hazardous materials: a 3 year suspension, no probationary CDL allowed
 - \$200 driver license reinstatement fee and A-C-T program
 - 2nd or subsequent offense 0.04% BAC = Driver license consequences**
 - Minimum 10 year CDL suspension – could be suspended for life

BOTTOM LINE: Your livelihood is at risk.

Impaired Driving: Alcohol, Marijuana, Other Drugs Including Prescription Drugs

- Montana has the resources to deal with repeat offenders.
- Options are available to prosecutors and judges.
- Search Warrants:** Prior refusals • Prior convictions • Pending convictions
- Aggravated DUI:** Penalties increase dramatically for certain offenders.
- Court-Approved Alcohol or Drug Detection Testing Programs:**
 - 24/7** The Montana 24/7 Sobriety Program includes *twice-a-day alcohol tests* at a location designated by the Sheriff.
- DUI Court** Courts can implement incentives and sanctions to help the convicted driver complete treatment and end the criminal behavior of driving under the influence.

Marijuana-Impaired Driving 5 ng/ml

Marijuana impairs reaction time, coordination, and concentration – even if the user doesn't feel these effects.

- People who use marijuana and then drive are significantly more likely to be in a crash.
- Regular users experience a build-up of the drug in their systems and must avoid driving at all.
- Other chemicals - alcohol, prescription and illegal drugs, over-the-counter medications - compound the effects of marijuana and critically impair your ability to drive.

People on Montana's marijuana registry can be cited for DUI and have their card revoked.

BOTTOM LINE: Don't use and drive.

• 5 ng/ml of Delta-9-THC = illegal to drive.
• With sufficient evidence of impairment, you can be convicted of DUI even if your THC level is below 5 ng/ml.

Commercial Driver License

How you drive your personal vehicle impacts your CDL.

If you commit a major offense while driving a commercial vehicle, or a non-commercial vehicle, your CDL can be suspended:

- Refusing an alcohol test in Montana or other jurisdiction
- Driving under the influence of alcohol or drugs
- Driving with a BAC of 0.04% (CMV) or 0.08% (non-CMV)
- Leaving the scene of a crash
- Using a motor vehicle to commit a felony

BOTTOM LINE: Your CDL can be suspended, maybe suspended for life.

Commercial Driver License

Your CDL can be suspended for a serious traffic violation, which is a conviction for any of the following while operating a commercial motor vehicle (CMV):

- Speeding 15+ MPH over the limit
- Reckless driving; improper lane changes; following too closely
- A violation arising in connection with a fatal crash
- Operating a CMV without the proper CDL
- Texting
- 2 convictions in 3 years = 60 day suspension
- 3 convictions in 3 years = 120 day suspension

BOTTOM LINE: Commercial drivers who commit serious traffic violations can lose their CDL.

CDL holders must determine the type of business they operate in and certify that to the Montana Motor Vehicle Division (MVD). Based on self-certification, most drivers who want to get or keep a CDL must provide a current medical examiner's certificate (MEC).

Self-certify your type of commercial driving

- Montana CDL self-certification categories are:**
 - Interstate non-excepted:** Most commercial driving for interstate commerce is *not* excepted
 - MEC Required
 - Interstate excepted:** If commercial driving is strictly limited to specific excepted activities in an excepted industry
 - No MEC Required
 - Intrastate non-excepted:** All Montana-Only (intrastate) CDL holders must meet medical requirements

CDL Holder: Your Medical Examiner's Certificate (MEC)

- To get or keep a CDL, **non-excepted drivers** must provide a valid, unexpired MEC to the Montana Motor Vehicle Division (MVD).
- The MVD is required to add information about your MEC (previously referred to as a DOT card) to your Montana driver record and the national Commercial Driver's License Information System.
- If you have kept the MVD up to date with all address changes since your CDL was issued, you will receive notification prior to your MEC expiration. If the MVD doesn't have your current address, update your record now.
- Before your MEC expires, **FAX a legible copy of your new MEC to the MVD at 406-444-1987.**

BOTTOM LINE: If you don't submit your current MEC, your interstate CDL will be downgraded to a base, Class D license.

Driving Record for Life

Your motor vehicle record is a *permanent record*. With a few exceptions, *traffic convictions stay on your driver record for life*.

BOTTOM LINE: Year to year and state to state, your driving history stays with you.

A Lifetime of Safe Driving

- Learner license
- Restricted 1st year driver license
- Safe, qualified driving
- Recognizing your limits
- Driver retirement

**For a Lifetime of Driving
Safe Driving Matters**

If reliable evidence shows that you can no longer drive safely, the rest of us have a duty to act.

Has the time come when you no longer feel safe to drive? Have you been told that you can no longer drive?

If the effects of aging or changing physical abilities affect safe driving, consider **Driver Retirement**.

- Talk to a family member.
- Speak with your health care provider.
- Consider transportation options that meet your needs *and* the safety of your community.
- Apply for an ID card if needed to replace your license as identification.

Warning signs!

- Slower reaction times
- Effects of medication
- Memory loss

Do you know of an unsafe or incapable driver?

- The Recommendation for Re-exam form may be found at: **doj.mt.gov/driving** Click Forms and Manuals – Driver Licensing and scroll down to Form 32-1800.
- Questions? Drivers or concerned persons can email Driver Control: **mvd@mt.gov**

Meet federal regulations by completing these two steps:

1. Self-certify to your type of commercial driving
2. Submit a valid MEC to the Motor Vehicle Division

Visit **doj.mt.gov/driving** and go to CDL Medical Certification