

April 30, 1975

second offense in January of 1975. You'd get 6 points in each case and you would lose your license. If in the intervening 10 year time you have no violations of any kind, you got a third offense of this reckless willful driving, that offense then would be an automatic 12 points and loss of license. If you look at reckless driving, the same thing would happen. You could lose your license, ten years could elapse with no violations of any kind, you could have one of these violations and that would result, automatically, in twelve points or loss of license. Then here is the narrative. The statute does not say whether every violation after the second one would result in 12 points or whether only the third one would. After the third offense, will the points drop back to the number specified in subsection (7) and (10). It is not clear in the statute. If they do drop back after the third offense, that means that instead of 12 points, it would be 6 and 5 respectively. On the other hand, if every offense after the second one would result in loss of license, then you have actually upped the penalty for these two offenses for the rest of a person's driving lifetime. If that was the intent of the statute when it was drawn, I think it was wrong. I don't think it was the intent. But whether it was the intent or not, I think it ought to be changed. By striking this section, this subsection, there would still be a 6 point penalty for willful reckless driving and a 5 point penalty for reckless driving. One other point. There is no way to get a third offense of either one of these without getting enough points to lose your license for the specified period of time but after that has occurred, it doesn't mean that the third offense whenever it occurred after that would lead to loss of license. If you have any questions, I hope you will ask them. This is not a tricky amendment. It is difficult to explain it clearly and I hope I have been clear. But in case I haven't, I will answer any questions that you may have.

PRESIDENT: Senator Kremer.

SENATOR KREMER: Would Senator Chambers yield to a question please?

SENATOR CHAMBERS: Certainly.

SENATOR KREMER: Senator Chambers, I think I understand what you are trying to do and I am inclined to agree with you. I am not sure what the intent was at that time but as I understand it now, you are not changing the 6 points for willful reckless driving. It remains a 6 point law.

SENATOR CHAMBERS: Right. This does not touch subsection (7) or (10) where those penalties are found.

SENATOR KREMER: And two violations forfeits his driver's license.

SENATOR CHAMBERS: Right.

SENATOR KREMER: He has lost 12 points.

SENATOR CHAMBERS: Right.