

SUPREME COURT OF THE STATE OF MONTANA

Dale Wagstaff v. Montana Department of Justice, Motor Vehicle Division

2004 MT 228N (2004) · No. No. 02-728 · Decided August 24, 2004

SUMMARY

The Montana Supreme Court affirmed the dismissal of Dale Wagstaff’s petition for a probationary commercial driver’s license during a suspension arising from a DUI committed in a noncommercial vehicle. The court held that the commercial-driver suspension statute cited by Wagstaff was inapplicable and that he could not challenge the retroactivity of amended probationary-license provisions because he had not first applied for and been denied a license under the prior statute. The decision was designated noncitable precedent and filed as a public document.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Jim Rice; Justice James C. Nelson; Justice Patricia O. Cotter; Justice John Warner; Justice Jim Regnier
JURISDICTION	Montana
DECIDED	August 24, 2004
DOCKET	No. 02-728
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Yellowstone County District Court's denial of a petition seeking issuance of a probationary commercial driver's license during a license-suspension period.
STANDARD OF REVIEW	The Court reviews findings of fact regarding denial of a probationary commercial driver's license for clear error and reviews the district court's legal conclusions for correctness.
PRECEDENTIAL VALUE	Nonprecedential; noncitable public document
PARTIES	Dale Wagstaff v. Montana Department of Justice, Motor Vehicle Division

TOPICS

- appellate procedure
- administrative law
- statutory interpretation
- standard of review
- constitutional law

PRACTICE AREAS

administrative law

appellate procedure

motor vehicle licensing

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether the District Court erred by denying Wagstaff's petition for issuance of a probationary commercial driver's license.
2. Whether Wagstaff could challenge the retroactive application of the 2001 amendments to § 61-2-302, MCA, without first applying for and being denied a probationary license under the 1999 version of that statute.

HOLDINGS

1. Wagstaff could not contest retroactive application of the 2001 amendments because he had not first established that he applied for and was denied a probationary license under the 1999 version of § 61-2-302, MCA.
2. Section 61-8-811, MCA, did not govern Wagstaff's suspension because his DUI involved a noncommercial vehicle; his suspension instead arose under §§ 61-5-205(2) and 61-5-208(2)(b), MCA.

KEY QUOTATIONS

“the following decision shall not be cited as precedent but shall be filed as a public document with the clerk of the Supreme Court” (¶ 1)

“We therefore conclude that Wagstaff may not contest the retroactivity of the 2001 amendments since he did not first establish that he applied for, and was denied, a probationary license under the 1999 version of § 61-2-302, MCA.” (¶ 15)

FACTUAL BACKGROUND

Wagstaff, a semi-truck owner and operator, was cited for driving a private, noncommercial vehicle under the influence on July 10, 2001, and pleaded guilty to DUI on December 4, 2001. After the Division received notice of his conviction, it suspended his driver's license and driving privileges from March 14 through September 13, 2002, while advising him that he could obtain a probationary license upon payment of a reinstatement fee and surrender of his licenses and permits. Wagstaff challenged the denial of a probationary commercial license, asserting that applying 2001 statutory amendments retroactively would violate the Montana Constitution.

PROCEDURAL HISTORY

Wagstaff petitioned the Thirteenth Judicial District Court to require the Motor Vehicle Division to show cause why he should not receive a probationary commercial driver's license. The District Court denied the petition, concluding that Wagstaff had not requested a probationary license under § 61-2-302, MCA (1999). The Montana Supreme Court affirmed without reaching the retroactivity issue.

DISPOSITION

affirmed

CASES CITED

- Kleinsasser v. State, 2002 MT 36, ¶ 9, 42 P.3d 801, ¶ 9, 308 Mont. 325, ¶ 9

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