

HOUSE BILL NO. 763  
INTRODUCED BY STANG

IN THE HOUSE

FEBRUARY 12, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 16, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991                   PRINTING REPORT.

FEBRUARY 21, 1991                   POSTED ON ALTERNATIVE CONSENT CALENDAR.

FEBRUARY 23, 1991                   THIRD READING, PASSED.  
AYES, 95; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 28, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 3, 1991                   ON MOTION, CONSIDERATION PASSED  
UNTIL THE 71ST LEGISLATIVE DAY.

APRIL 4, 1991                   SECOND READING, CONCURRED IN.

ON MOTION, SEGREGATED FROM COMMITTEE  
OF WHOLE REPORT AND PLACED ON SECOND  
READING NEXT LEGISLATIVE DAY.

APRIL 5, 1991                   SECOND READING, CONCURRED IN AS  
AMENDED.

APRIL 6, 1991                   THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 11, 1991

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 19, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

APRIL 20, 1991

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1991

FREE CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 763  
2 INTRODUCED BY [Signature]  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMANENT THE  
5 MOTORCYCLE SAFETY TRAINING PROGRAM; TO CONSOLIDATE THE  
6 MOTORCYCLE SAFETY TRAINING PROGRAM WITH THE TRAFFIC  
7 EDUCATION PROGRAM; TO PROVIDE FOR TRANSFER OF MONEY FROM THE  
8 MOTORCYCLE SAFETY TRAINING ACCOUNT TO THE STATE TRAFFIC  
9 EDUCATION ACCOUNT; AMENDING SECTIONS 17-7-502, 20-7-501,  
10 20-7-502, 20-7-504, 61-2-404, AND 61-2-405, MCA; AND  
11 REPEALING SECTION 61-2-406, MCA, AND SECTION 10, CHAPTER  
12 324, LAWS OF 1989."  
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 61-2-404, MCA, is amended to read:  
16 "61-2-404. ~~{Temporary}~~ Motorcycle safety training  
17 course -- fee. ~~{i}--The--superintendent---shall---conduct~~  
18 ~~motorcycle--safety--training--courses--throughout--the--state--to~~  
19 ~~the--extent--that--funds--are--available-~~

20 ~~{2}{1}~~ The superintendent may charge a fee for the cost  
21 of conducting motorcycle safety training courses. The fee  
22 must be deposited in the ~~motorcycle-safety-training state~~  
23 ~~traffic education~~ account, as provided in ~~61-2-406~~ 20-7-504.

24 ~~{3}{2}~~ The superintendent may contract with qualified  
25 persons throughout the state to conduct motorcycle safety

1 training courses outside of the formal education system at  
2 times and places that will attract the greatest number of  
3 students.

4 ~~{4}{3}~~ ~~{a}~~ State agencies and subdivisions of the state  
5 may provide facilities such as classrooms and outdoor paved  
6 areas or other resources for conducting motorcycle safety  
7 training courses.

8 ~~{b}{4}~~ Subject to the availability of funds, the  
9 superintendent may pay for construction, repair, or  
10 purchases or award grants from the ~~motorcycle--safety~~  
11 ~~training state traffic education~~ account to provide  
12 facilities for motorcycle safety training courses.  
13 ~~{Terminates-June-30-1993--sect-107-Ch-324-B--1989-}~~

14 **Section 2.** Section 61-2-405, MCA, is amended to read:

15 "61-2-405. ~~{Temporary}~~ Motorcycle registration fee --  
16 exemptions. (1) A motorcycle safety training fee of \$2.50  
17 must be assessed on each motorcycle required by 61-3-301 to  
18 be registered for licensing.

19 (2) The county treasurer shall collect the fee and  
20 remit the fee to the state treasurer for deposit in the  
21 ~~motorcycle--safety-training state traffic education~~ account,  
22 as provided in ~~61-2-406~~ 20-7-504.

23 (3) Exempt from payment of the fee specified in  
24 subsection (1) are vehicles:

25 (a) leased or owned by the state or a county or



-2- INTRODUCED BILL  
HB 763

1 municipality;

2 (b) used for transportation by a nonresident or  
3 migratory worker temporarily employed in agricultural work  
4 in this state; and or

5 (c) displaying dealer plates, as provided in 61-4-103,  
6 while owned by a dealer. ~~{terminates June 30, 1993--sec 7-107~~  
7 ~~{Ch 324-B--1989}~~"

8 **NEW SECTION. Section 3. Transfer of money.** Any money  
9 remaining in the motorcycle safety training account after  
10 [the effective date of this act] is transferred into the  
11 state traffic education account provided for in 20-7-504.

12 **Section 4.** Section 20-7-501, MCA, is amended to read:

13 "20-7-501. Definitions. As used in this title, unless  
14 the context clearly indicates otherwise the following  
15 definitions apply:

16 (1) "Traffic education" means instruction in the motor  
17 vehicle laws or motorcycle laws, in the acceptance of  
18 personal responsibility on the public highways, in the  
19 causes and consequences of traffic accidents, and in the  
20 skills necessary for the safe operation of motor vehicles or  
21 motorcycles.

22 (2) "Traffic education course" means a course of  
23 traffic education which has been approved by the  
24 superintendent of public instruction.

25 (3) "Teacher of traffic education" means an instructor

1 approved by the superintendent of public instruction to  
2 teach traffic education.

3 (4) "Traffic education account" means the state  
4 treasury account in the state special revenue fund for the  
5 deposit and disbursement of state traffic education revenue.

6 (5) "Motorcycle safety training course" means a course  
7 for beginning and experienced motorcycle riders with both  
8 classroom and on-road components that has been approved by  
9 the superintendent of public instruction and that is  
10 designed to teach motorcyclists how to safely operate their  
11 vehicles.

12 (6) "Instructor of motorcycle safety training" means an  
13 instructor approved by the superintendent of public  
14 instruction to instruct motorcycle safety training."

15 **Section 5.** Section 20-7-502, MCA, is amended to read:

16 "20-7-502. Duties of superintendent of public  
17 instruction. The superintendent of public instruction shall:

18 (1) develop, administer, and supervise the a program of  
19 instruction in traffic education;

20 (2) establish basic course requirements in classroom  
21 instruction-and--behind-the-wheel instruction for traffic  
22 education;

23 (3) establish the classroom instruction and--the  
24 behind-the-wheel-instruction qualifications for a teacher of  
25 traffic education and an instructor of motorcycle safety

1 training. Qualifications for an instructor of motorcycle  
 2 safety training must be based upon national standards  
 3 promulgated by the motorcycle safety foundation or a similar  
 4 organization recognized by the superintendent.

5 (4) approve teachers of traffic education and  
 6 instructions of motorcycle safety training when such the  
 7 teachers or instructors are qualified;

8 (5) establish criteria for traffic education and  
 9 motorcycle safety training course approval based on the  
 10 basic course requirements, teacher of traffic education  
 11 qualifications, and the requirements of law;

12 (6) approve traffic education courses when such the  
 13 courses meet the criteria for approval;

14 (7) promulgate a policy for the distribution of the  
 15 traffic education moneys money to approved traffic education  
 16 courses and annually order the distribution of the proceeds  
 17 of the traffic education account in the manner required by  
 18 law; and

19 (8) assist districts with the conduct of traffic  
 20 education; and

21 (9) periodically conduct on-site driver education  
 22 program reviews and motorcycle safety training course  
 23 monitoring."

24 **Section 6.** Section 20-7-504, MCA, is amended to read:

25 "20-7-504. State traffic education account -- proceeds

1 earmarked for the account. (1) There is a traffic education  
 2 account in the treasury of the state of Montana. There ~~shall~~  
 3 ~~must~~ be paid into this account a portion of the fines and  
 4 forfeitures collected in any court except a justice's court  
 5 from persons apprehended or arrested by highway patrol  
 6 officers or department of highways peace officers for any  
 7 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 8 through 10 of Title 61 relating to the operation or use of  
 9 motor vehicles in the following amounts:

10 (a) if a fine is imposed, 25% of the fine imposed;

11 (b) if multiple offenses are involved, 25% of the total  
 12 sum of all fines imposed;

13 (c) if a fine is suspended, in whole or in part, 25% of  
 14 the fine actually paid; and

15 (d) if any deposit of bail is made for an offense to  
 16 which this section applies and the bail is forfeited, 25% of  
 17 the forfeited bail.

18 (2) A portion of all money from the collection of fees  
 19 from driver's licenses, motorcycle endorsements, and  
 20 duplicate driver's licenses ~~shall~~ ~~must~~ be contributed to the  
 21 traffic education account as provided in 61-5-121.

22 (3) Money collected and accrued from motorcycle safety  
 23 training courses, designated grants, and motorcycle  
 24 registration fees or an amount equal to that amount must be  
 25 deposited in the state traffic education account as provided

1 in 61-2-404 and 61-2-405 and must be available to support  
 2 only approved motorcycle rider safety training courses,  
 3 appropriate motorcycle safety instructor training, and other  
 4 related motorcycle safety training activities."

5 **Section 7.** Section 17-7-502, MCA, is amended to read:

6 "17-7-502. **Statutory appropriations -- definition --**  
 7 **requisites for validity.** (1) A statutory appropriation is an  
 8 appropriation made by permanent law that authorizes spending  
 9 by a state agency without the need for a biennial  
 10 legislative appropriation or budget amendment.

11 (2) Except as provided in subsection (4), to be  
 12 effective, a statutory appropriation must comply with both  
 13 of the following provisions:

14 (a) The law containing the statutory authority must be  
 15 listed in subsection (3).

16 (b) The law or portion of the law making a statutory  
 17 appropriation must specifically state that a statutory  
 18 appropriation is made as provided in this section.

19 (3) The following laws are the only laws containing  
 20 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
 21 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
 22 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
 23 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
 24 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
 25 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;

1 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
 2 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
 3 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
 4 53-24-206; ~~61-2-406~~; 61-5-121; 67-3-205; 75-1-1101;  
 5 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
 6 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
 7 and section 13, House Bill No. 861, Laws of 1985.

8 (4) There is a statutory appropriation to pay the  
 9 principal, interest, premiums, and costs of issuing, paying,  
 10 and securing all bonds, notes, or other obligations, as due,  
 11 that have been authorized and issued pursuant to the laws of  
 12 Montana. Agencies that have entered into agreements  
 13 authorized by the laws of Montana to pay the state  
 14 treasurer, for deposit in accordance with 17-2-101 through  
 15 17-2-107, as determined by the state treasurer, an amount  
 16 sufficient to pay the principal and interest as due on the  
 17 bonds or notes have statutory appropriation authority for  
 18 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 19 664, L. 1987, the inclusion of 39-71-2504 terminates June  
 20 30, 1991.)"

21 **NEW SECTION. Section 8. Repealer.** Section 61-2-406,  
 22 MCA, and section 10, Chapter 324, Laws of 1989, are  
 23 repealed.

24 **NEW SECTION. Section 9. Codification instruction.**  
 25 Sections 61-2-401, 61-2-402, 61-2-403, 61-2-404, and

LC 0927/01

1 61-2-405 are intended to be renumbered and codified as an  
2 integral part of Title 20, chapter 7, part 5.

-End-





APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 763  
2 INTRODUCED BY STANG  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO MAKE PERMANENT THE~~  
5 ~~MOTORCYCLE SAFETY TRAINING PROGRAM,~~ TO CONSOLIDATE THE  
6 MOTORCYCLE SAFETY TRAINING PROGRAM WITH THE TRAFFIC  
7 EDUCATION PROGRAM; TO PROVIDE FOR TRANSFER OF MONEY FROM THE  
8 MOTORCYCLE SAFETY TRAINING ACCOUNT TO THE STATE TRAFFIC  
9 EDUCATION ACCOUNT; AMENDING SECTIONS 17-7-502, 20-7-501,  
10 20-7-502, 20-7-504, 61-2-404, AND 61-2-405, MCA; AND  
11 REPEALING SECTION 61-2-406, MCA, ~~AND SECTION 10, CHAPTER~~  
12 ~~3247 LAWS OF 1989;~~ AND PROVIDING AN EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 61-2-404, MCA, is amended to read:

16 "61-2-404. ~~{Temporary}~~ Motorcycle safety training  
17 course -- fee. ~~{The superintendent shall conduct~~  
18 ~~motorcycle safety training courses throughout the state to~~  
19 ~~the extent that funds are available.~~

20 ~~{2}(1)~~ The superintendent may charge a fee for the cost  
21 of conducting motorcycle safety training courses. The fee  
22 must be deposited in the ~~motorcycle safety training state~~  
23 ~~traffic education~~ account, as provided in ~~61-2-406~~ 20-7-504.

24 ~~{3}(2)~~ The superintendent may contract with qualified  
25 persons throughout the state to conduct motorcycle safety

1 training courses outside of the formal education system at  
2 times and places that will attract the greatest number of  
3 students.

4 ~~{4}(3)~~ ~~{a}~~ State agencies and subdivisions of the state  
5 may provide facilities such as classrooms and outdoor paved  
6 areas or other resources for conducting motorcycle safety  
7 training courses.

8 ~~{b}(4)~~ Subject to the availability of funds, the  
9 superintendent may pay for construction, repair, or  
10 purchases or award grants from the ~~motorcycle safety~~  
11 training state traffic education account to provide  
12 facilities for motorcycle safety training courses.  
13 ~~{Terminates June 30, 1993 -- sec. 107-217-3247-B-1989-}~~

14 **Section 2.** Section 61-2-405, MCA, is amended to read:

15 "61-2-405. ~~{Temporary}~~ Motorcycle registration fee --  
16 exemptions. (1) A motorcycle safety training fee of \$2.50  
17 must be assessed on each motorcycle required by 61-3-301 to  
18 be registered for licensing.

19 (2) The county treasurer shall collect the fee and  
20 remit the fee to the state treasurer for deposit in the  
21 ~~motorcycle safety training~~ state traffic education account,  
22 as provided in ~~61-2-406~~ 20-7-504.

23 (3) Exempt from payment of the fee specified in  
24 subsection (1) are vehicles:

25 (a) leased or owned by the state or a county or

SECOND READING



1 municipality;

2 (b) used for transportation by a nonresident or  
3 migratory worker temporarily employed in agricultural work  
4 in this state; and or

5 (c) displaying dealer plates, as provided in 61-4-103,  
6 while owned by a dealer. ~~{Terminates June 30, 1993--sec--107~~  
7 ~~Ch--3247-B7-1989--}~~"

8 **NEW SECTION. Section 3.** Transfer of money. Any money  
9 remaining in the motorcycle safety training account after  
10 [the effective date of this act] is transferred into the  
11 state traffic education account provided for in 20-7-504.

12 **Section 4.** Section 20-7-501, MCA, is amended to read:

13 **"20-7-501. Definitions.** As used in this title, unless  
14 the context clearly indicates otherwise the following  
15 definitions apply:

16 (1) "Traffic education" means instruction in the motor  
17 vehicle laws or motorcycle laws, in the acceptance of  
18 personal responsibility on the public highways, in the  
19 causes and consequences of traffic accidents, and in the  
20 skills necessary for the safe operation of motor vehicles or  
21 motorcycles.

22 (2) "Traffic education course" means a course of  
23 traffic education which has been approved by the  
24 superintendent of public instruction.

25 (3) "Teacher of traffic education" means an instructor

1 approved by the superintendent of public instruction to  
2 teach traffic education.

3 (4) "Traffic education account" means the state  
4 treasury account in the state special revenue fund for the  
5 deposit and disbursement of state traffic education revenue.

6 (5) "Motorcycle safety training course" means a course  
7 for beginning and experienced motorcycle riders with both  
8 classroom and on-road components that has been approved by  
9 the superintendent of public instruction and that is  
10 designed to teach motorcyclists how to safely operate their  
11 vehicles.

12 (6) "Instructor of motorcycle safety training" means an  
13 instructor approved by the superintendent of public  
14 instruction to instruct motorcycle safety training."

15 **Section 5.** Section 20-7-502, MCA, is amended to read:

16 **"20-7-502. Duties of superintendent of public**  
17 **instruction.** The superintendent of public instruction shall:

18 (1) develop, administer, and supervise the a program of  
19 instruction in traffic education;

20 (2) establish basic course requirements in classroom  
21 instruction-and--behind-the-wheel instruction for traffic  
22 education;

23 (3) establish the classroom instruction and--the  
24 behind-the-wheel-instruction qualifications for a teacher of  
25 traffic education and an instructor of motorcycle safety

1 training. Qualifications for an instructor of motorcycle  
 2 safety training must be based upon national standards  
 3 promulgated by the motorcycle safety foundation or a similar  
 4 organization recognized by the superintendent.

5 (4) approve teachers of traffic education and  
 6 instructions of motorcycle safety training when such the  
 7 teachers or instructors are qualified;

8 (5) establish criteria for traffic education and  
 9 motorcycle safety training course approval based on the  
 10 basic course requirements, teacher of traffic education  
 11 qualifications, and the requirements of law;

12 (6) approve traffic education courses when such the  
 13 courses meet the criteria for approval;

14 (7) promulgate a policy for the distribution of the  
 15 traffic education moneys money to approved traffic education  
 16 courses and annually order the distribution of the proceeds  
 17 of the traffic education account in the manner required by  
 18 law; and

19 (8) assist districts with the conduct of traffic  
 20 education; and

21 (9) periodically conduct on-site driver education  
 22 program reviews and motorcycle safety training course  
 23 monitoring."

24 **Section 6.** Section 20-7-504, MCA, is amended to read:

25 **"20-7-504. State traffic education account -- proceeds**

1 earmarked for the account. (1) There is a traffic education  
 2 account in the treasury of the state of Montana. There ~~shall~~  
 3 must be paid into this account a portion of the fines and  
 4 forfeitures collected in any court except a justice's court  
 5 from persons apprehended or arrested by highway patrol  
 6 officers or department of highways peace officers for any  
 7 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 8 through 10 of Title 61 relating to the operation or use of  
 9 motor vehicles in the following amounts:

10 (a) if a fine is imposed, 25% of the fine imposed;

11 (b) if multiple offenses are involved, 25% of the total  
 12 sum of all fines imposed;

13 (c) if a fine is suspended, in whole or in part, 25% of  
 14 the fine actually paid; and

15 (d) if any deposit of bail is made for an offense to  
 16 which this section applies and the bail is forfeited, 25% of  
 17 the forfeited bail.

18 (2) A portion of all money from the collection of fees  
 19 from driver's licenses, motorcycle endorsements, and  
 20 duplicate driver's licenses ~~shall~~ must be contributed to the  
 21 traffic education account as provided in 61-5-121.

22 (3) Money collected and accrued from motorcycle safety  
 23 training courses, designated grants, and motorcycle  
 24 registration fees or an amount equal to that amount must be  
 25 deposited in the state traffic education account as provided

1 in 61-2-404 and 61-2-405 and must be available to support  
2 only approved motorcycle rider safety training courses,  
3 appropriate motorcycle safety instructor training, and other  
4 related motorcycle safety training activities."

5 **Section 7.** Section 17-7-502, MCA, is amended to read:  
6 **"17-7-502. Statutory appropriations -- definition --**  
7 **requisites for validity.** (1) A statutory appropriation is an  
8 appropriation made by permanent law that authorizes spending  
9 by a state agency without the need for a biennial  
10 legislative appropriation or budget amendment.

11 (2) Except as provided in subsection (4), to be  
12 effective, a statutory appropriation must comply with both  
13 of the following provisions:

14 (a) The law containing the statutory authority must be  
15 listed in subsection (3).

16 (b) The law or portion of the law making a statutory  
17 appropriation must specifically state that a statutory  
18 appropriation is made as provided in this section.

19 (3) The following laws are the only laws containing  
20 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
21 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
22 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
23 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
24 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
25 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;

1 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
2 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
3 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
4 53-24-206; ~~61-2-406~~; 61-5-121; 67-3-205; 75-1-1101;  
5 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
6 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
7 and section 13, House Bill No. 861, Laws of 1985.

8 (4) There is a statutory appropriation to pay the  
9 principal, interest, premiums, and costs of issuing, paying,  
10 and securing all bonds, notes, or other obligations, as due,  
11 that have been authorized and issued pursuant to the laws of  
12 Montana. Agencies that have entered into agreements  
13 authorized by the laws of Montana to pay the state  
14 treasurer, for deposit in accordance with 17-2-101 through  
15 17-2-107, as determined by the state treasurer, an amount  
16 sufficient to pay the principal and interest as due on the  
17 bonds or notes have statutory appropriation authority for  
18 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
19 664, L. 1987, the inclusion of 39-71-2504 terminates June  
20 30, 1991.)"

21 **NEW SECTION. Section 8. Repealer.** Section 61-2-406,  
22 MCA, ~~and--section--107--Chapter--3247--Laws-of-1989--are IS~~  
23 ~~repealed.~~

24 **NEW SECTION. Section 9. Codification instruction.**  
25 Sections 61-2-401, 61-2-402, 61-2-403, 61-2-404, and

HB 0763/02

1 61-2-405 are intended to be renumbered and codified as an  
2 integral part of Title 20, chapter 7, part 5.

3 NEW SECTION. SECTION 10. EFFECTIVE DATE. [THIS ACT] IS  
4 EFFECTIVE JULY 1, 1991.

-End-

HOUSE BILL NO. 763

INTRODUCED BY STANG

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO MAKE--PERMANENT--THE~~  
5 ~~MOTORCYCLE--SAFETY--TRAINING--PROGRAM;~~ TO CONSOLIDATE THE  
6 MOTORCYCLE SAFETY TRAINING PROGRAM WITH THE TRAFFIC  
7 EDUCATION PROGRAM; TO PROVIDE FOR TRANSFER OF MONEY FROM THE  
8 MOTORCYCLE SAFETY TRAINING ACCOUNT TO THE STATE TRAFFIC  
9 EDUCATION ACCOUNT; AMENDING SECTIONS 17-7-502, 20-7-501,  
10 20-7-502, 20-7-504, 61-2-404, AND 61-2-405, MCA; AND  
11 REPEALING SECTION 61-2-406, MCA, ~~AND SECTION 18, CHAPTER~~  
12 ~~324, LAWS OF 1989;~~ AND PROVIDING AN EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 61-2-404, MCA, is amended to read:

16 "61-2-404. ~~{Temporary}~~ Motorcycle safety training  
17 course -- fee. ~~{}~~ ~~The--superintendent---shall---conduct~~  
18 ~~motorcycle--safety--training--courses--throughout--the--state--to~~  
19 ~~the--extent--that--funds--are--available.~~

20 ~~{2}{1}~~ The superintendent may charge a fee for the cost  
21 of conducting motorcycle safety training courses. The fee  
22 must be deposited in the ~~motorcycle-safety-training~~ state  
23 traffic education account, as provided in ~~61-2-406~~ 20-7-504.

24 ~~{3}{2}~~ The superintendent may contract with qualified  
25 persons throughout the state to conduct motorcycle safety

There are no changes in this bill,  
and will not be reprinted. Please  
refer to yellow copy for complete  
text.

THIRD READING



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1991

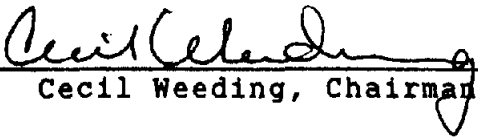
MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 763 (third reading copy -- blue), respectfully report that House Bill No. 763 be amended and as so amended be concurred in:

1. Page 4, line 23.  
Strike: "classroom instruction"

2. Page 5, line 6.  
Strike: "instructions"  
Insert: "instructors"

Signed: \_\_\_\_\_

  
Cecil Weeding, Chairman

 3-27-91  
Ad. Coord.

SB 3-27  
Sec. of Senate

3:05

SENATE  
HB 763

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 4, 1991 11:19 am

Mr. Chairman: I move to amend House Bill No. 763 (third reading copy -- blue) as follows:

1. Page 8, line 24.

Following: line 23

Insert: "NEW SECTION. Section 9. Coordination instruction. If House Bill No. 560, including provisions amending 61-5-121 to deposit money in the motorcycle safety training account, is passed and approved, then [section 1 of House Bill No. 560] is void and the code commissioner shall change "motorcycle safety training account" in 61-5-121, as amended by House Bill No. 560, to "state traffic education account".

Renumber: subsequent sections

ADOPT

REJECT

Signed: \_\_\_\_\_

*Clint Weeding*  
Senator Weeding

LB 4/4/91  
Amd. Coord.

SB 4/4 11:30  
Sec. of Senate

SENATE  
HB 763



HOUSE BILL NO. 763

INTRODUCED BY STANG

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO MAKE--PERMANENT--THE~~  
~~MOTORCYCLE--SAFETY--TRAINING--PROGRAM;~~ TO CONSOLIDATE THE  
MOTORCYCLE SAFETY TRAINING PROGRAM WITH THE TRAFFIC  
EDUCATION PROGRAM; TO PROVIDE FOR TRANSFER OF MONEY FROM THE  
MOTORCYCLE SAFETY TRAINING ACCOUNT TO THE STATE TRAFFIC  
EDUCATION ACCOUNT; AMENDING SECTIONS 17-7-502, 20-7-501,  
20-7-502, 20-7-504, 61-2-404, AND 61-2-405, MCA; AND  
REPEALING SECTION 61-2-406, MCA, ~~AND SECTION 107-CHAPTER~~  
~~3247-LAWS-OF-1989; AND PROVIDING AN EFFECTIVE DATE."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-2-404, MCA, is amended to read:

~~"61-2-404. {Temporary} Motorcycle safety training  
course -- fee. {1}--The--superintendent---shall---conduct  
motorcycle--safety--training--courses--throughout--the--state--to  
the--extent--that--funds--are--available-~~

{2}(1) The superintendent may charge a fee for the cost  
of conducting motorcycle safety training courses. The fee  
must be deposited in the ~~motorcycle-safety-training state~~  
traffic education account, as provided in ~~61-2-406~~ 20-7-504.

{3}(2) The superintendent may contract with qualified  
persons throughout the state to conduct motorcycle safety

training courses outside of the formal education system at  
times and places that will attract the greatest number of  
students.

{4}(3) {a} State agencies and subdivisions of the state  
may provide facilities such as classrooms and outdoor paved  
areas or other resources for conducting motorcycle safety  
training courses.

{b}(4) Subject to the availability of funds, the  
superintendent may pay for construction, repair, or  
purchases or award grants from the ~~motorcycle---~~safety  
training state traffic education account to provide  
facilities for motorcycle safety training courses.  
~~{Terminates June 30, 1993--sec--107-Chr-3247-Br-1989-}~~"

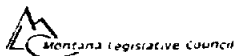
**Section 2.** Section 61-2-405, MCA, is amended to read:

"61-2-405. {Temporary} Motorcycle registration fee --  
exemptions. (1) A motorcycle safety training fee of \$2.50  
must be assessed on each motorcycle required by 61-3-301 to  
be registered for licensing.

(2) The county treasurer shall collect the fee and  
remit the fee to the state treasurer for deposit in the  
~~motorcycle--safety--training~~ state traffic education account,  
as provided in ~~61-2-406~~ 20-7-504.

(3) Exempt from payment of the fee specified in  
subsection (1) are vehicles:

(a) leased or owned by the state or a county or



1 municipality;

2 (b) used for transportation by a nonresident or  
3 migratory worker temporarily employed in agricultural work  
4 in this state; and or

5 (c) displaying dealer plates, as provided in 61-4-103,  
6 while owned by a dealer. ~~{Terminates-June-30-1993--sec--107~~  
7 ~~Enr--3247-b7--1989-}~~"

8 **NEW SECTION. Section 3.** Transfer of money. Any money  
9 remaining in the motorcycle safety training account after  
10 [the effective date of this act] is transferred into the  
11 state traffic education account provided for in 20-7-504.

12 **Section 4.** Section 20-7-501, MCA, is amended to read:

13 "20-7-501. **Definitions.** As used in this title, unless  
14 the context clearly indicates otherwise the following  
15 definitions apply:

16 (1) "Traffic education" means instruction in the motor  
17 vehicle laws or motorcycle laws, in the acceptance of  
18 personal responsibility on the public highways, in the  
19 causes and consequences of traffic accidents, and in the  
20 skills necessary for the safe operation of motor vehicles or  
21 motorcycles.

22 (2) "Traffic education course" means a course of  
23 traffic education which has been approved by the  
24 superintendent of public instruction.

25 (3) "Teacher of traffic education" means an instructor

1 approved by the superintendent of public instruction to  
2 teach traffic education.

3 (4) "Traffic education account" means the state  
4 treasury account in the state special revenue fund for the  
5 deposit and disbursement of state traffic education revenue.

6 (5) "Motorcycle safety training course" means a course  
7 for beginning and experienced motorcycle riders with both  
8 classroom and on-road components that has been approved by  
9 the superintendent of public instruction and that is  
10 designed to teach motorcyclists how to safely operate their  
11 vehicles.

12 (6) "Instructor of motorcycle safety training" means an  
13 instructor approved by the superintendent of public  
14 instruction to instruct motorcycle safety training."

15 **Section 5.** Section 20-7-502, MCA, is amended to read:

16 "20-7-502. **Duties of superintendent of public**  
17 **instruction.** The superintendent of public instruction shall:

18 (1) develop, administer, and supervise the a program of  
19 instruction in traffic education;

20 (2) establish basic course requirements in classroom  
21 instruction-and--behind-the-wheel instruction for traffic  
22 education;

23 (3) establish the classroom---instruction and--the  
24 behind-the-wheel-instruction qualifications for a teacher of  
25 traffic education and an instructor of motorcycle safety

1 training. Qualifications for an instructor of motorcycle  
 2 safety training must be based upon national standards  
 3 promulgated by the motorcycle safety foundation or a similar  
 4 organization recognized by the superintendent.

5 (4) approve teachers of traffic education and  
 6 instructions INSTRUCTORS of motorcycle safety training when  
 7 such the teachers or instructors are qualified;

8 (5) establish criteria for traffic education and  
 9 motorcycle safety training course approval based on the  
 10 basic course requirements, teacher of traffic education  
 11 qualifications, and the requirements of law;

12 (6) approve traffic education courses when such the  
 13 courses meet the criteria for approval;

14 (7) promulgate a policy for the distribution of the  
 15 traffic education moneys money to approved traffic education  
 16 courses and annually order the distribution of the proceeds  
 17 of the traffic education account in the manner required by  
 18 law; and

19 (8) assist districts with the conduct of traffic  
 20 education; and

21 (9) periodically conduct on-site driver education  
 22 program reviews and motorcycle safety training course  
 23 monitoring."

24 **Section 6.** Section 20-7-504, MCA, is amended to read:

25 **"20-7-504. State traffic education account -- proceeds**

1 earmarked for the account. (1) There is a traffic education  
 2 account in the treasury of the state of Montana. There shall  
 3 must be paid into this account a portion of the fines and  
 4 forfeitures collected in any court except a justice's court  
 5 from persons apprehended or arrested by highway patrol  
 6 officers or department of highways peace officers for any  
 7 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 8 through 10 of Title 61 relating to the operation or use of  
 9 motor vehicles in the following amounts:

10 (a) if a fine is imposed, 25% of the fine imposed;

11 (b) if multiple offenses are involved, 25% of the total  
 12 sum of all fines imposed;

13 (c) if a fine is suspended, in whole or in part, 25% of  
 14 the fine actually paid; and

15 (d) if any deposit of bail is made for an offense to  
 16 which this section applies and the bail is forfeited, 25% of  
 17 the forfeited bail.

18 (2) A portion of all money from the collection of fees  
 19 from driver's licenses, motorcycle endorsements, and  
 20 duplicate driver's licenses shall must be contributed to the  
 21 traffic education account as provided in 61-5-121.

22 (3) Money collected and accrued from motorcycle safety  
 23 training courses, designated grants, and motorcycle  
 24 registration fees or an amount equal to that amount must be  
 25 deposited in the state traffic education account as provided

1 in 61-2-404 and 61-2-405 and must be available to support  
2 only approved motorcycle rider safety training courses,  
3 appropriate motorcycle safety instructor training, and other  
4 related motorcycle safety training activities."

5 **Section 7.** Section 17-7-502, MCA, is amended to read:

6 \*17-7-502. Statutory appropriations -- definition --  
7 **requisites for validity.** (1) A statutory appropriation is an  
8 appropriation made by permanent law that authorizes spending  
9 by a state agency without the need for a biennial  
10 legislative appropriation or budget amendment.

11 (2) Except as provided in subsection (4), to be  
12 effective, a statutory appropriation must comply with both  
13 of the following provisions:

14 (a) The law containing the statutory authority must be  
15 listed in subsection (3).

16 (b) The law or portion of the law making a statutory  
17 appropriation must specifically state that a statutory  
18 appropriation is made as provided in this section.

19 (3) The following laws are the only laws containing  
20 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
21 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
22 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
23 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
24 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
25 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;

1 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
2 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
3 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
4 53-24-206; ~~61-2-406~~; 61-5-121; 67-3-205; 75-1-1101;  
5 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
6 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
7 and section 13, House Bill No. 861, Laws of 1985.

8 (4) There is a statutory appropriation to pay the  
9 principal, interest, premiums, and costs of issuing, paying,  
10 and securing all bonds, notes, or other obligations, as due,  
11 that have been authorized and issued pursuant to the laws of  
12 Montana. Agencies that have entered into agreements  
13 authorized by the laws of Montana to pay the state  
14 treasurer, for deposit in accordance with 17-2-101 through  
15 17-2-107, as determined by the state treasurer, an amount  
16 sufficient to pay the principal and interest as due on the  
17 bonds or notes have statutory appropriation authority for  
18 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
19 664, L. 1987, the inclusion of 39-71-2504 terminates June  
20 30, 1991.)"

21 NEW SECTION. Section 8. Repealer. Section 61-2-406,  
22 MCA, and ~~section 17-7-Chapter 3247~~ laws of 1989 are IS  
23 repealed.

24 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF  
25 HOUSE BILL NO. 560, INCLUDING PROVISIONS AMENDING 61-5-121

1 TO DEPOSIT MONEY IN THE MOTORCYCLE SAFETY TRAINING ACCOUNT,  
2 IS PASSED AND APPROVED, THEN [SECTION 1 OF HOUSE BILL NO.  
3 560] IS VOID AND THE CODE COMMISSIONER SHALL CHANGE  
4 "MOTORCYCLE SAFETY TRAINING ACCOUNT" IN 61-5-121, AS AMENDED  
5 BY HOUSE BILL NO. 560, TO "STATE TRAFFIC EDUCATION ACCOUNT".

6 NEW SECTION. Section 10. Codification instruction.  
7 Sections 61-2-401, 61-2-402, 61-2-403, 61-2-404, and  
8 61-2-405 are intended to be renumbered and codified as an  
9 integral part of Title 20, chapter 7, part 5.

10 NEW SECTION. SECTION 11. EFFECTIVE DATE. [THIS ACT] IS  
11 EFFECTIVE JULY 1, 1991.

-End-

9:30  
4/19/91  
vme

Free Conference Committee  
on House Bill 763  
Report No. 1, April 18, 1991

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 763 and recommend as follows:

1. Title, line 5.

Following: "~~PROGRAM,~~"

Insert: "TO MAKE PERMANENT THE MOTORCYCLE SAFETY TRAINING PROGRAM;"

2. Title, line 12.

Following: "~~1989~~"

Insert: ", AND SECTION 10, CHAPTER 324, LAWS OF 1989"

3. Page 8, line 22.

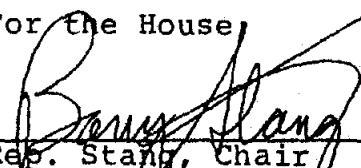
Strike: "IS"

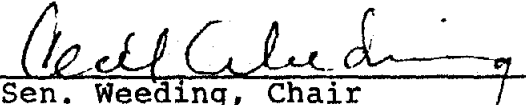
Insert: "and section 10, Chapter 324, Laws of 1989, are"

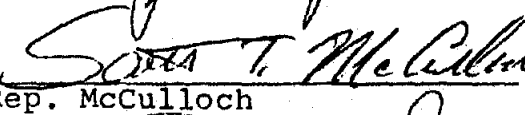
And this Free Conference Committee report be adopted.

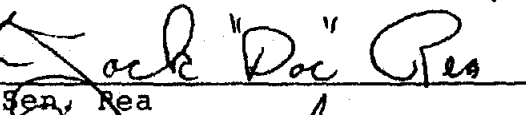
For the House:

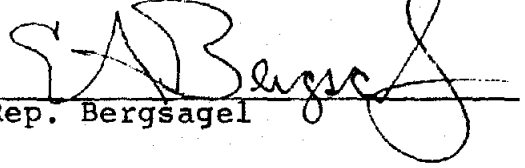
For the Senate:

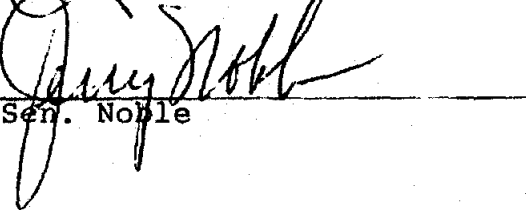
  
Rep. Stang, Chair

  
Sen. Weeding, Chair

  
Rep. McCulloch

  
Sen. Rea

  
Rep. Bergsagel

  
Sen. Noble

ADOPT

F.C.C.R. #1

HB 763

831125CC.HSF

1 HOUSE BILL NO. 763

2 INTRODUCED BY STANG

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO MAKE PERMANENT THE~~  
5 ~~MOTORCYCLE SAFETY TRAINING PROGRAM;~~ TO MAKE PERMANENT THE  
6 MOTORCYCLE SAFETY TRAINING PROGRAM; TO CONSOLIDATE THE  
7 MOTORCYCLE SAFETY TRAINING PROGRAM WITH THE TRAFFIC  
8 EDUCATION PROGRAM; TO PROVIDE FOR TRANSFER OF MONEY FROM THE  
9 MOTORCYCLE SAFETY TRAINING ACCOUNT TO THE STATE TRAFFIC  
10 EDUCATION ACCOUNT; AMENDING SECTIONS 17-7-502, 20-7-501,  
11 20-7-502, 20-7-504, 61-2-404, AND 61-2-405, MCA; AND  
12 REPEALING SECTION 61-2-406, MCA, ~~AND SECTION 10, CHAPTER~~  
13 ~~324, LAWS OF 1989,~~ AND SECTION 10, CHAPTER 324, LAWS OF  
14 1989; AND PROVIDING AN EFFECTIVE DATE."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 61-2-404, MCA, is amended to read:

18 "61-2-404. ~~{Temporary}~~ Motorcycle safety training  
19 course -- fee. ~~{1}--The--superintendent---shall---conduct~~  
20 ~~motorcycle--safety--training--courses--throughout--the--state--to~~  
21 ~~the--extent--that--funds--are--available--~~

22 ~~{2}{1}~~ The superintendent may charge a fee for the cost  
23 of conducting motorcycle safety training courses. The fee  
24 must be deposited in the ~~motorcycle-safety-training~~ state  
25 traffic education account, as provided in ~~61-2-406~~ 20-7-504.

1 ~~{3}{2}~~ The superintendent may contract with qualified  
2 persons throughout the state to conduct motorcycle safety  
3 training courses outside of the formal education system at  
4 times and places that will attract the greatest number of  
5 students.

6 ~~{4}{3}~~ ~~{a}~~ State agencies and subdivisions of the state  
7 may provide facilities such as classrooms and outdoor paved  
8 areas or other resources for conducting motorcycle safety  
9 training courses.

10 ~~{b}{4}~~ Subject to the availability of funds, the  
11 superintendent may pay for construction, repair, or  
12 purchases or award grants from the ~~motorcycle--safety~~  
13 training state traffic education account to provide  
14 facilities for motorcycle safety training courses.  
15 ~~{Terminates June 30, 1993--sec 10, Ch 324, L 1989--}~~

16 **Section 2.** Section 61-2-405, MCA, is amended to read:

17 "61-2-405. ~~{Temporary}~~ Motorcycle registration fee --  
18 exemptions. (1) A motorcycle safety training fee of \$2.50  
19 must be assessed on each motorcycle required by 61-3-301 to  
20 be registered for licensing.

21 (2) The county treasurer shall collect the fee and  
22 remit the fee to the state treasurer for deposit in the  
23 ~~motorcycle--safety--training~~ state traffic education account,  
24 as provided in ~~61-2-406~~ 20-7-504.

25 (3) Exempt from payment of the fee specified in

1 subsection (1) are vehicles:

2 (a) leased or owned by the state or a county or  
3 municipality;

4 (b) used for transportation by a nonresident or  
5 migratory worker temporarily employed in agricultural work  
6 in this state; and or

7 (c) displaying dealer plates, as provided in 61-4-103,  
8 while owned by a dealer. ~~(terminates June 30, 1993--sec--107~~  
9 ~~EH--3247--L--198977)~~"

10 NEW SECTION. Section 3. Transfer of money. Any money  
11 remaining in the motorcycle safety training account after  
12 [the effective date of this act] is transferred into the  
13 state traffic education account provided for in 20-7-504.

14 **Section 4.** Section 20-7-501, MCA, is amended to read:

15 "20-7-501. Definitions. As used in this title, unless  
16 the context clearly indicates otherwise the following  
17 definitions apply:

18 (1) "Traffic education" means instruction in the motor  
19 vehicle laws or motorcycle laws, in the acceptance of  
20 personal responsibility on the public highways, in the  
21 causes and consequences of traffic accidents, and in the  
22 skills necessary for the safe operation of motor vehicles or  
23 motorcycles.

24 (2) "Traffic education course" means a course of  
25 traffic education which has been approved by the

1 superintendent of public instruction.

2 (3) "Teacher of traffic education" means an instructor  
3 approved by the superintendent of public instruction to  
4 teach traffic education.

5 (4) "Traffic education account" means the state  
6 treasury account in the state special revenue fund for the  
7 deposit and disbursement of state traffic education revenue.

8 (5) "Motorcycle safety training course" means a course  
9 for beginning and experienced motorcycle riders with both  
10 classroom and on-road components that has been approved by  
11 the superintendent of public instruction and that is  
12 designed to teach motorcyclists how to safely operate their  
13 vehicles.

14 (6) "Instructor of motorcycle safety training" means an  
15 instructor approved by the superintendent of public  
16 instruction to instruct motorcycle safety training."

17 **Section 5.** Section 20-7-502, MCA, is amended to read:

18 "20-7-502. Duties of superintendent of public  
19 instruction. The superintendent of public instruction shall:

20 (1) develop, administer, and supervise the a program of  
21 instruction in traffic education;

22 (2) establish basic course requirements in classroom  
23 instruction-and--behind-the-wheel instruction for traffic  
24 education;

25 (3) establish the classroom---instruction and--the



1 ~~behind-the-wheel-instruction~~ qualifications for a teacher of  
 2 traffic education and an instructor of motorcycle safety  
 3 training. Qualifications for an instructor of motorcycle  
 4 safety training must be based upon national standards  
 5 promulgated by the motorcycle safety foundation or a similar  
 6 organization recognized by the superintendent.

7 (4) approve teachers of traffic education and  
 8 instructions INSTRUCTORS of motorcycle safety training when  
 9 such the teachers or instructors are qualified;

10 (5) establish criteria for traffic education and  
 11 motorcycle safety training course approval based on the  
 12 basic course requirements, teacher of traffic education  
 13 qualifications, and the requirements of law;

14 (6) approve traffic education courses when such the  
 15 courses meet the criteria for approval;

16 (7) promulgate a policy for the distribution of the  
 17 traffic education moneys money to approved traffic education  
 18 courses and annually order the distribution of the proceeds  
 19 of the traffic education account in the manner required by  
 20 law; and

21 (8) assist districts with the conduct of traffic  
 22 education; and

23 (9) periodically conduct on-site driver education  
 24 program reviews and motorcycle safety training course  
 25 monitoring."

1 **Section 6.** Section 20-7-504, MCA, is amended to read:

2 "20-7-504. State traffic education account -- proceeds  
 3 earmarked for the account. (1) There is a traffic education  
 4 account in the treasury of the state of Montana. There ~~shall~~  
 5 must be paid into this account a portion of the fines and  
 6 forfeitures collected in any court except a justice's court  
 7 from persons apprehended or arrested by highway patrol  
 8 officers or department of highways peace officers for any  
 9 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 10 through 10 of Title 61 relating to the operation or use of  
 11 motor vehicles in the following amounts:

12 (a) if a fine is imposed, 25% of the fine imposed;

13 (b) if multiple offenses are involved, 25% of the total  
 14 sum of all fines imposed;

15 (c) if a fine is suspended, in whole or in part, 25% of  
 16 the fine actually paid; and

17 (d) if any deposit of bail is made for an offense to  
 18 which this section applies and the bail is forfeited, 25% of  
 19 the forfeited bail.

20 (2) A portion of all money from the collection of fees  
 21 from driver's licenses, motorcycle endorsements, and  
 22 duplicate driver's licenses ~~shall~~ must be contributed to the  
 23 traffic education account as provided in 61-5-121.

24 (3) Money collected and accrued from motorcycle safety  
 25 training courses, designated grants, and motorcycle

1 registration fees or an amount equal to that amount must be  
 2 deposited in the state traffic education account as provided  
 3 in 61-2-404 and 61-2-405 and must be available to support  
 4 only approved motorcycle rider safety training courses,  
 5 appropriate motorcycle safety instructor training, and other  
 6 related motorcycle safety training activities."

7 **Section 7.** Section 17-7-502, MCA, is amended to read:

8 "17-7-502. **Statutory appropriations -- definition --**  
 9 **requisites for validity.** (1) A statutory appropriation is an  
 10 appropriation made by permanent law that authorizes spending  
 11 by a state agency without the need for a biennial  
 12 legislative appropriation or budget amendment.

13 (2) Except as provided in subsection (4), to be  
 14 effective, a statutory appropriation must comply with both  
 15 of the following provisions:

16 (a) The law containing the statutory authority must be  
 17 listed in subsection (3).

18 (b) The law or portion of the law making a statutory  
 19 appropriation must specifically state that a statutory  
 20 appropriation is made as provided in this section.

21 (3) The following laws are the only laws containing  
 22 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
 23 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
 24 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
 25 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;

1 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
 2 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
 3 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
 4 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
 5 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
 6 53-24-206; ~~61-2-406~~; 61-5-121; 67-3-205; 75-1-1101;  
 7 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
 8 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
 9 and section 13, House Bill No. 861, Laws of 1985.

10 (4) There is a statutory appropriation to pay the  
 11 principal, interest, premiums, and costs of issuing, paying,  
 12 and securing all bonds, notes, or other obligations, as due,  
 13 that have been authorized and issued pursuant to the laws of  
 14 Montana. Agencies that have entered into agreements  
 15 authorized by the laws of Montana to pay the state  
 16 treasurer, for deposit in accordance with 17-2-101 through  
 17 17-2-107, as determined by the state treasurer, an amount  
 18 sufficient to pay the principal and interest as due on the  
 19 bonds or notes have statutory appropriation authority for  
 20 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 21 664, L. 1987, the inclusion of 39-71-2504 terminates June  
 22 30, 1991.)"

23 NEW SECTION. Section 8. Repealer. Section 61-2-406,  
 24 MCA, and--section-107-Chapter-324--laws-of-1989--are ~~IS~~ AND  
 25 SECTION 10, CHAPTER 324, LAWS OF 1989, ARE repealed.

1        NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF  
2        HOUSE BILL NO. 560, INCLUDING PROVISIONS AMENDING 61-5-121  
3        TO DEPOSIT MONEY IN THE MOTORCYCLE SAFETY TRAINING ACCOUNT,  
4        IS PASSED AND APPROVED, THEN [SECTION 1 OF HOUSE BILL NO.  
5        560] IS VOID AND THE CODE COMMISSIONER SHALL CHANGE  
6        "MOTORCYCLE SAFETY TRAINING ACCOUNT" IN 61-5-121, AS AMENDED  
7        BY HOUSE BILL NO. 560, TO "STATE TRAFFIC EDUCATION ACCOUNT".

8        NEW SECTION. Section 10. Codification instruction.  
9        Sections 61-2-401, 61-2-402, 61-2-403, 61-2-404, and  
10       61-2-405 are intended to be renumbered and codified as an  
11       integral part of Title 20, chapter 7, part 5.

12       NEW SECTION. SECTION 11. EFFECTIVE DATE. [THIS ACT] IS  
13       EFFECTIVE JULY 1, 1991.

-End-