

MINUTES

MONTANA SENATE  
53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON JUDICIARY

**Call to Order:** By Senator Bill Yellowtail, on December 10, 1993,  
at 7:30 a.m.

ROLL CALL

**Members Present:**

Sen. Bill Yellowtail, Chair(D)  
Sen. Steve Doherty, Vice Chair (D)  
Sen. Sue Bartlett (D)  
Sen. Chet Blaylock (D)  
Sen. Bob Brown (R)  
Sen. Eve Franklin (D)  
Sen. Loran Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. John Harp (R)  
Sen. David Rye (D)  
Sen. Tom Towe (D)

**Members Excused:** Senator Crippen

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Council  
Shari Briggeman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: SB 24  
Executive Action: None

EXECUTIVE ACTION ON SENATE BILL 24

**Discussion:** Senator Yellowtail said Valencia Lane had drafted  
some amendments.

Senator Towe asked about the allocation of the state's portion to  
the general fund and the state special revenue accounts and  
Senator Grosfield said that remains the same for the \$2.50, but  
anything above the \$2.50 goes into the state general fund. He  
said the \$5.00 is split with half going to the county and half to  
the state. If you have a \$15 fine, \$7.50 would go to the state  
of which \$2.50 is distributed as it was before and the other  
\$5.00 goes to the general fund.

Senator Towe asked about fines for exceeding 65 miles per hour

and Senator Grosfield said that was an example he gave of the \$15. It is a \$10 minimum.

Senator Towe said the \$10 minimum is included in the bill and asked if it would mean less money to the county because the \$2.50 would have been higher with the larger fines. Senator Grosfield said the current law is \$5. \$2.50 goes to the county, and \$2.50 to the state which is distributed to a special account. Under this law, if you have a \$10 fine, half goes to the county so they are getting \$2.50 more than they did before. The other \$5 goes to the state.

Senator Towe asked if it wasn't a cut to the counties and Senator Grosfield said no, the county gets half and if the fine is \$50 they would get half of that.

Senator Towe asked what happens if you have more than a minimum fine, where before the counties received a little more than \$2.50 would they now be limited to \$2.50 on larger fines and Senator Grosfield answered yes.

Senator Towe said then it is a cut to the counties and Senator Grosfield answered no, whatever the fine, they get half.

Senator Yellowtail asked Ms. Lane to explain the amendments to the committee.

Valencia Lane responded if you look at the title, the first amendment would be an amendment to the title, it would provide that the state's share of the increase in the fine would be deposited in the state general fund. Then amendment 3 is the main amendment. If you look at subsection (3), amendment 3 amends 3-10-601 which is the statute that is the distribution of the fine collected by the justice of the peace courts. Subsection (3) is amended to say that except as provided in subsection (5), what that means is that other types of fines would continue to be distributed as they currently are in the law under 3-10-601. Looking at subsection (5) on the back of the page, subsection (5) is a new subsection in that 3-10-601 and it shows that the County Treasurer shall distribute the fines in violation of 61-80-718 will be fuel conservation speeding statute. So, the only monies we're talking about are the fuel conservation speeding fines. It would go 50% to county and 50% to the State Treasurer so that means that under current law the \$5.00 is divided \$2.50 to the county and \$2.50 to the state. Under this amendment, there will be a minimum of a \$10.00 fine. \$5.00 will now go to the county. A minimum of \$5.00 goes to the state. Of the \$5.00 that goes to the state, \$2.50 will still be distributed in accordance with subsection (4) on the front of this page, and that's the current amount, Fish & Game, Traffic Education, Livestock, Crime Victims, etc. Those funds will continue to get what they currently get which is \$2.50. They will get no more or less than that of each ticket written. The excess over that \$2.50 which is a minimum of \$2.50 will go to the

state general fund. A \$10.00 ticket, \$2.50 will continue to go to all the accounts listed, \$2.50 will go to the general fund. If the ticket is more than \$10.00, anything in excess of what the state gets will go to the state general fund.

Senator Yellowtail said if a person was apprehended going 77 miles per hour it would be a \$16 fine of which \$8 would go to the county, \$2.50 to the old distribution fund in the state and the remaining \$5.50 to the general fund.

Ms. Lane said that was correct and that is the increase. It is what the title says in the first amendment, the state's share of the increase in this penalty increase will be deposited in the state general fund.

Senator Towe asked what happens to the traffic education account. He said there will be less money going into that account because it will be cut down to a percent of the \$2.50 instead of a larger sum. Ms. Lane explained that he was comparing the amendment to the proposed bill compared to the old law. Senator Towe said he understood and that answered his questions.

**Motion:** Senator Grosfield moved to amend Senate Bill 24.  
(exhibit 1)


**Discussion:** Senator Bartlett commented that the way the amendment is structured, the bookkeeping will stay exactly as it is now and said what will change is the bookkeeping at the State Treasurers level.

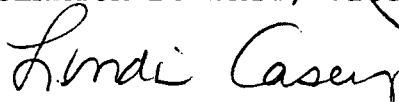
**Vote:** The motion to amend SB 24 passed with Senator Rye voting no.

**Motion/Vote:** Senator Blaylock moved SB 24, as amended, do pass. The motion passed with Senator Harp voting no.

ADJOURNMENT

Adjournment: 8:25 a.m.

  
\_\_\_\_\_  
SENATOR DOHERTY, Vice Chair

  
\_\_\_\_\_  
LINDA CASEY, WPC Supervisor

SD/lc

# ROLL CALL

SENATE COMMITTEE JUDICIARY DATE 12-10-93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR YELLOWTAIL, Chair	✓		
SENATOR DOHERTY, V. C.	✓		
SENATOR BARTLETT	✓		
SENATOR BLAYLOCK	✓		
SENATOR BROWN	✓		
SENATOR CRIPPEN			✓
SENATOR FRANKLIN	✓		
SENATOR GROSFIELD	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR RYE	✓		
SENATOR TOWE	✓		

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
December 10, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 24 (first reading copy -- white), respectfully report that Senate Bill No. 24 be amended as follows and as so amended do pass.

Signed: Wm Yellowtail  
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 6.

Following: "LIMIT;"

Insert: "PROVIDING THAT THE STATE'S SHARE OF THE INCREASE IN THE FINE BE DEPOSITED IN THE STATE GENERAL FUND;"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 3-10-601 AND"

3. Page 1, line 10.

Insert: "Section 1. Section 3-10-601, MCA, is amended to read:

"3-10-601. Collection and disposition of fines, penalties, forfeitures, and fees. (1) Each justice of the peace shall collect the fees prescribed by law for justices' courts and shall pay them into the county treasury of the county ~~wherein he in~~ which the justice of the peace holds office, on or before the 10th day of each month, to be credited to the general fund of the county.

(2) All fines, penalties, and forfeitures that this code requires to be imposed, collected, or paid in a justice's court must, for each calendar month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the justice's court is situated, except that they may be distributed as provided in 44-12-206 if imposed, collected, or paid for a violation of Title 45, chapter 9 or 10.

(3) ~~The Except as provided in subsection (5),~~ the county treasurer shall, in the manner provided in 15-1-504, distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

(4) The state treasurer shall distribute money received under ~~subsection~~ subsections (3) and (5) as follows:

(a) 27.88% to the state general fund;

(b) 9.09% to the fish and game account in the state special revenue fund;

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SB Sec. of Senate

111257SC.Sma

(c) 11.76% to the state highway account in the state special revenue fund;

(d) 33.86% to the traffic education account in the state special revenue fund;

(e) 0.57% to the department of livestock account in the state special revenue fund;

(f) 15.9% to the crime victims compensation account in the state special revenue fund; and

(g) 0.94% to the department of family services special revenue account for the battered spouses and domestic violence grant program.

(5) The county treasurer shall distribute the fines for violations of 61-8-718 as follows:

(a) 50% to the county general fund; and

(b) 50% to the state treasurer, who shall distribute \$2.50 of each fine in accordance with subsection (4) and shall deposit the remainder in the state general fund.

Renumber: subsequent sections

4. Page 1, line 23.

Following: line 22

Insert: "(3) The fine imposed under subsection (1) must be deposited as provided in 3-10-601(5)."

-END-

## DEPARTMENT OF JUSTICE HIGHER FINES FOR SPEEDING

The Department of Justice is proposing that the Legislature increase the current \$5 fine for violating the highway speed limit. Under the proposal, a driver ticketed for going up to 10 mph over the daytime speed limit would pay \$10. The fine would increase \$3 for every mile per hour beyond that.

The Montana Highway Patrol enforces the current \$5 speeding ticket, and issued 70,509 tickets last year. The \$5 ticket:

- ▶ is detrimental to highway safety,
- ▶ erodes respect for law enforcement, and
- ▶ does not begin to cover the cost of issuing a ticket.

National studies have shown that speed is the most significant factor in the physical forces involved in crashes. Drivers traveling at a high rate of speed increase:

- ▶ the distance a vehicle travels during the period of time (estimated, under optimal conditions, to be at least 2.5 seconds) it takes for a driver to react to a perceived danger.
- ▶ the total stopping distance necessary to halt a vehicle in response to a perceived or actual danger.
- ▶ the speed at which a car will hit an obstacle if the driver cannot stop the car before hitting the obstacle.
- ▶ the severity of the crash. The chances of death or serious injury double with every 10 mph a driver is traveling over 50 mph.
- ▶ the variance of the speeds at which different drivers are traveling on the same stretch of highway at the same time. Speed variance is closely related to many other types of hazardous traffic violations, such as unsafe lane changing and following too closely.<sup>1</sup>

Under the Department of Justice proposal, tickets would still be issued for violating the fuel conservation speed limit, and no additional penalties beyond the higher fine are proposed. As is the practice now, the violation would not be a criminal offense and would not become part of a driver's record for consideration by insurance companies in setting premiums.

While there is no breakdown of the number of tickets issued at varying speeds last year, simply increasing the minimum fine to \$10 would have brought in an additional \$352,545 in 1992.

The allocation of revenue from the higher fines would remain the same, with 50 percent going to the county in which the ticket is issued and 50 percent going to the state. Nearly 28 percent of the state's share goes to the general fund, which pays for the general operating costs of state government.

<sup>1</sup> "Off Limits: A Reference Guide..." National Highway Traffic Safety Administration, 1989.)



### SCHEDULE OF PROPOSED SPEEDING FINES

65 MPH SPEED LIMIT	FINE	55 MPH SPEED LIMIT
75 mph	\$10	65 mph
76 mph	\$13	66 mph
77 mph	\$16	67 mph
78 mph	\$19	68 mph
79 mph	\$22	69 mph
80 mph	\$25	70 mph
81 mph	\$28	71 mph
82 mph	\$31	72 mph
83 mph	\$34	73 mph
84 mph	\$37	74 mph
85 mph	\$40	75 mph
86 mph	\$43	76 mph
87 mph	\$46	77 mph
88 mph	\$49	78 mph
89 mph	\$52	79 mph
90 mph	\$55	80 mph

#### Consequences of excessive speed in Montana in 1992:

- Driving practices related to unsafe speed, such as following too closely and reckless driving, accounted for 35 percent of the at-fault, driver-related factors in fatal crashes
- Excessive speed was noted in 29 percent of the fatal crashes in which the drivers involved failed to use seat belts.
- Speed was recorded as an additional factor in 44 percent of the fatal crashes involving alcohol use.

(From the Highway Traffic Safety Division of the Montana Department of Justice)

11/30/93

Judiciary Comm  
Exhibit 1  
12-10-93

Amendments to Senate Bill No. 24  
First Reading Copy (white)

Requested by Senator Grosfield  
For the Committee on Judiciary

Prepared by Valencia Lane  
December 9, 1993

1. Title, line 6.

Following: "LIMIT;"

Insert: "PROVIDING THAT THE STATE'S SHARE OF THE INCREASE IN THE  
FINE BE DEPOSITED IN THE STATE GENERAL FUND;"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 3-10-601 AND"

3. Page 1, line 10.

Insert: "Section 1. Section 3-10-601, MCA, is amended to read:

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(5) The county treasurer shall distribute the fines for violations of 61-8-718 as follows:

(a) 50% to the county general fund; and

(b) 50% to the state treasurer, who shall distribute \$2.50 of each fine in accordance with subsection (4) and shall deposit the remainder in the state general fund."

{ Internal References to 3-10-601:

OK 19-8-504

OK19-8-504

OK3-10-602

OK46-18-235

OK7-14-2826}

4. Page 1, line 23.

Following: line 22

Insert: "(3) The fine imposed under subsection (1) must be deposited as provided in 3-10-601(5)."