

Lee Thrash
Barney Bergman
Hooper

213 BILL NO. 206

INTRODUCED BY Jim Rountree Carney

3 Hamington Muller Bradley Mitche Marks Ude

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
5 REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS
6 OF AGE OR OLDER; AMENDING SECTION 32-21-105.1, R.C.M. 1947."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 32-21-105.1, R.C.M. 1947, is
10 amended to read as follows:

11 "32-21-105.1. Headgear required for minor motorcycle
12 riders -- noise suppression devices. (1) ~~The~~ An operator
13 and passengerv ~~if any~~ under 18 years of age of any
14 motorcycle operated upon the streets or highways of this
15 state shall wear protective headgear upon the head. ~~Such~~ The
16 headgear shall meet standards established by the department
17 of justice.

18 (2) All motorcycles operated on the streets and
19 highways of this state shall be equipped at all times with
20 noise suppression devices, including an exhaust muffler, in
21 good working order, and in constant operation. In addition,
22 all motorcycles operating on streets and highways shall meet
23 the following noise decibel limitations, on the standard A
24 scale, such decibel limitations to be measured at ~~fifty~~ {50}
25 feet distant from the closest point to the motorcycle:

- 1 ~~1*~~ (a) Any motorcycle manufactured prior
- 2 to 1970 92 db(A)
- 3 ~~2*~~ (b) Any motorcycle manufactured after 1969 but prior
- 4 to 1973 88 db(A)
- 5 ~~3*~~ (c) Any motorcycle manufactured after 1972 but prior
- 6 to 1975 86 db(A)
- 7 ~~4*~~ (d) Any motorcycle manufactured after 1974 but prior
- 8 to 1978 80 db(A)
- 9 ~~5*~~ (e) Any motorcycle manufactured after 1977 but prior
- 10 to 1988 75 db(A)
- 11 ~~6*~~ (f) Any motorcycle manufactured
- 12 after 1987 70 db(A).
- 13 (3) A person convicted of the violation of subsection
- 14 (1) ~~v~~ above shall be fined ~~five dollars~~ { \$5 }.
- 15 (4) A person convicted of the violation of subsection
- 16 (2) ~~v~~ above shall be punished by a fine of not less than ~~ten~~
- 17 ~~dollars~~ { \$10 } nor ~~or~~ more than ~~one hundred dollars~~ { \$100 } or
- 18 by imprisonment for not more than ~~ten~~ { 10 } days or by both
- 19 such fine and imprisonment for the first such conviction;
- 20 for a second conviction within ~~one~~ { 1 } year thereafter, such
- 21 person shall be punished by a fine of not less than
- 22 ~~twenty-five dollars~~ { \$25 } nor ~~or~~ more than ~~two hundred~~
- 23 ~~dollars~~ { \$200 } or by imprisonment for not more than ~~twenty~~
- 24 ~~{ 20 }~~ days or by both such fine and imprisonment; upon a
- 25 third or subsequent conviction within ~~one~~ { 1 } year after the

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1 first conviction, such person shall be punished by a fine of
2 not less than ~~fifty-dollars-(\$50)~~ nor or more than ~~five~~
3 ~~hundred-dollars-(\$500)~~ or by imprisonment for not ~~more~~ than
4 ~~six-(6)~~ months or by both such fine and imprisonment."

-End-

Approved by Committee on Highways & Transportation

Lee Horick
Anthony [unclear]
Had [unclear]

218 BILL NO. 206

INTRODUCED BY Jim Courtney Cosponsor
Hamilton Mulak Bradley Metcalf Marks Ullrich

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
4 REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS
5 OF AGE OR OLDER; AMENDING SECTION 32-21-105.1, R.C.M. 1947."
6

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

8 Section 1. Section 32-21-105.1, R.C.M. 1947, is
9 amended to read as follows:
10

11 "32-21-105.1. Headgear required for minor motorcycle
12 riders -- noise suppression devices. (1) ~~The~~ An operator
13 and passenger, ~~if any~~ under 18 years of age of any
14 motorcycle operated upon the streets or highways of this
15 state shall wear protective headgear upon the head. Such ~~The~~
16 headgear shall meet standards established by the department
17 of justice.

18 (2) All motorcycles operated on the streets and
19 highways of this state shall be equipped at all times with
20 noise suppression devices, including an exhaust muffler, in
21 good working order, and in constant operation. In addition,
22 all motorcycles operating on streets and highways shall meet
23 the following noise decibel limitations, on the standard A
24 scale, such decibel limitations to be measured at ~~fifty~~ 50
25 feet distant from the closest point to the motorcycle:

- 1 ~~1~~(a) Any motorcycle manufactured prior
- 2 to 1970 92 db(A)
- 3 ~~2~~(b) Any motorcycle manufactured after 1969 but prior
- 4 to 1973 88 db(A)
- 5 ~~3~~(c) Any motorcycle manufactured after 1972 but prior
- 6 to 1975 86 db(A)
- 7 ~~4~~(d) Any motorcycle manufactured after 1974 but prior
- 8 to 1978 80 db(A)
- 9 ~~5~~(e) Any motorcycle manufactured after 1977 but prior
- 10 to 1988 75 db(A)
- 11 ~~6~~(f) Any motorcycle manufactured
- 12 after 1987 70 db(A).
- 13 (3) A person convicted of the violation of subsection
- 14 (1) ~~above~~ shall be fined ~~five dollars~~ (\$5).
- 15 (4) A person convicted of the violation of subsection
- 16 (2) ~~above~~ shall be punished by a fine of not less than ~~ten~~
17 ~~dollars~~ (\$10) ~~nor~~ or more than ~~one hundred dollars~~ (\$100) or
18 by imprisonment for not more than ~~ten~~ 10 days or by both
19 such fine and imprisonment for the first such conviction;
20 for a second conviction within ~~one~~ 1 year thereafter, such
21 person shall be punished by a fine of not less than
22 ~~twenty-five dollars~~ (\$25) ~~nor~~ or more than ~~two hundred~~
23 ~~dollars~~ (\$200) or by imprisonment for not more than ~~twenty~~
24 ~~20~~ days or by both such fine and imprisonment; upon a
25 third or subsequent conviction within ~~one~~ 1 year after the

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1 first conviction, such person shall be punished by a fine of
2 not less than ~~fifty-dollars-(\$50)~~ nor or more than five
3 hundred ~~dollars-(\$500)~~ or by imprisonment for not more than
4 six ~~(6)~~ months or by both such fine and imprisonment."

-End-

Lee Thrish
Anthony [unclear]
Hal [unclear]

HB BILL NO. *206*

INTRODUCED BY *Jim Ruestrow*, *Carney Palmer*
Hamington Mulek, *Bradley Mitchell*, *Mark Ullie*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
4 REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS
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9 amended to read as follows:

10 "32-21-105.1. Headgear required for ~~minor~~ motorcycle
11 riders -- noise suppression devices. (1) ~~The an~~ operator
12 and passenger, ~~if any,~~ under 18 years of age of any
13 motorcycle operated upon the streets or highways of this
14 state shall wear protective headgear upon the head. Such ~~the~~
15 headgear shall meet standards established by the department
16 of justice.

17 (2) All motorcycles operated on the streets and
18 highways of this state shall be equipped at all times with
19 noise suppression devices, including an exhaust muffler, in
20 good working order, and in constant operation. In addition,
21 all motorcycles operating on streets and highways shall meet
22 the following noise decibel limitations, on the standard A
23 scale, such decibel limitations to be measured at ~~fifty~~ {50}
24 feet distant from the closest point to the motorcycle:
25

- 1 1-(a) Any motorcycle manufactured prior
- 2 to 1970 92 db(A)
- 3 2-(b) Any motorcycle manufactured after 1969 but prior
- 4 to 1973 88 db(A)
- 5 3-(c) Any motorcycle manufactured after 1972 but prior
- 6 to 1975 86 db(A)
- 7 4-(d) Any motorcycle manufactured after 1974 but prior
- 8 to 1978 80 db(A)
- 9 5-(e) Any motorcycle manufactured after 1977 but prior
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- 11 6-(f) Any motorcycle manufactured
- 12 after 1987 70 db(A).
- 13 (3) A person convicted of the violation of subsection
- 14 (1) ~~above~~ shall be fined ~~five dollars~~ {5}.
- 15 (4) A person convicted of the violation of subsection
- 16 (2) ~~above~~ shall be punished by a fine of not less than ten
- 17 dollars {10} nor ~~or~~ more than one hundred dollars {100} or
- 18 by imprisonment for not more than ten {10} days or by both
- 19 such fine and imprisonment for the first such conviction;
- 20 for a second conviction within ~~one~~ {1} year thereafter, such
- 21 person shall be punished by a fine of not less than
- 22 twenty five dollars {25} nor ~~or~~ more than two hundred
- 23 dollars {200} or by imprisonment for not more than twenty
- 24 {20} days or by both such fine and imprisonment; upon a
- 25 third or subsequent conviction within ~~one~~ {1} year after the

LC 0231/01

1 first conviction, such person shall be punished by a fine of
2 not less than ~~fifty-dollars-(\$50)~~ nor or more than five
3 ~~hundred-dollars-(\$500)~~ or by imprisonment for not more than
4 ~~six-(6)~~ months or by both such fine and imprisonment."

-End-

HOUSE BILL NO. 206

INTRODUCED BY COURTHEY, COONEY, PALMER, HARRINGTON,
MULAR, BRADLEY, METCALF, MARKS, UHDE, HIRSCH, DUSSAULT,
HARPER, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS
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riders -- noise suppression devices. (1) ~~The~~ An operator
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state shall wear protective headgear upon the head. ~~Such~~ The
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highways of this state shall be equipped at all times with
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all motorcycles operating on streets and highways shall meet
the following noise decibel limitations, on the standard A

scale, such decibel limitations to be measured at ~~fifty~~ (50)
feet distant from the closest point to the motorcycle:
~~1~~ 1(a) Any motorcycle manufactured prior
to 1970 92 db(A)
~~2~~ 2(b) Any motorcycle manufactured after 1969 but prior
to 1973 88 db(A)
~~3~~ 3(c) Any motorcycle manufactured after 1972 but prior
to 1975 86 db(A)
~~4~~ 4(d) Any motorcycle manufactured after 1974 but prior
to 1978 80 db(A)
~~5~~ 5(e) Any motorcycle manufactured after 1977 but prior
to 1988 75 db(A)
~~6~~ 6(f) Any motorcycle manufactured
after 1987 70 db(A).
(3) A person convicted of the violation of subsection
(1) ~~above~~ shall be fined ~~five dollars~~ (\$5).
(4) A person convicted of the violation of subsection
(2) ~~above~~ shall be punished by a fine of not less than ~~ten~~
~~dollars~~ (\$10) nor ~~or~~ more than ~~one hundred dollars~~ (\$100) or
by imprisonment for not more than ~~ten~~ (10) days or by both
such fine and imprisonment for the first such conviction;
for a second conviction within ~~one~~ (1) year thereafter, such
person shall be punished by a fine of not less than
~~twenty-five dollars~~ (\$25) nor ~~or~~ more than ~~two hundred~~
~~dollars~~ (\$200) or by imprisonment for not more than ~~twenty~~

1 ~~{20}~~ days or by both such fine and imprisonment; upon a
2 third or subsequent conviction within ~~one-{1}~~ year after the
3 first conviction, such person shall be punished by a fine of
4 not less than ~~fifty-dollars-{\$50}~~ nor ~~or~~ more than ~~five~~
5 ~~hundred--dollars-{\$500}~~ or by imprisonment for not more than
6 ~~six-{6}~~ months or by both such fine and imprisonment."

-End-