

HOUSE BILL 326

IN THE HOUSE

January 23, 1979	Introduced and referred to Committee on Highways and Transportation.
February 13, 1979	Committee recommend bill, as amended, do not pass.
February 14, 1979	Report adopted. Objection.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	Motion pass consideration.
February 19, 1979	Second reading, as amended, do not pass.

1 HOUSE BILL NO. 326  
2 INTRODUCED BY House Majority - Keyser  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE ONE-WAY  
5 WINDOW PICTURES IN THE STATUTE PROHIBITING THE OBSTRUCTION  
6 OF A DRIVER'S VIEW AND TO REQUIRE UNOBSTRUCTED VIEWS FROM  
7 OUTSIDE TO WITHIN THE VEHICLE; PROVIDING A PENALTY FOR  
8 VIOLATION OF THAT STATUTE AND PROVIDING FOR DISPOSITION OF  
9 FINES; AMENDING SECTIONS 20-7-504, 53-9-109, 61-9-405, AND  
10 61-9-511, MCA."  
11

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

13 Section 1. Section 61-9-405, MCA, is amended to read:

14 "61-9-405. Windshields to be unobstructed and equipped  
15 with wipers. (1) No person shall drive any motor vehicle  
16 with any sign, poster, picture, or other nontransparent  
17 material upon the front windshield, side wings, or side or  
18 rear windows of such vehicle which obstructs the driver's  
19 clear view of the highway or any intersecting highway or  
20 which obstructs the clear view into the vehicle from outside  
21 the vehicle.

22 (2) The windshield on every motor vehicle shall be  
23 equipped with a device for clearing rain, snow, or other  
24 moisture from the windshield, which device shall be so  
25 constructed as to be controlled or operated by the driver of

1 the vehicle.  
2 (3) Every windshield wiper upon a motor vehicle shall  
3 be maintained in good working order."

4 Section 2. Section 61-9-511, MCA, is amended to read:

5 "61-9-511. Violation of chapter -- penalty. (1) It is  
6 a misdemeanor for any person to violate any of the  
7 provisions of this chapter unless such violation is by this  
8 chapter or other law of this state declared to be a felony.

9 (2) Every person convicted of a misdemeanor for a  
10 violation of any of the provisions of this chapter for which  
11 another penalty is not provided shall for a first conviction  
12 thereof be punished by a fine of not less than \$10 or more  
13 than \$100 or by imprisonment for not more than 10 days. For  
14 a second conviction within 1 year thereafter such person  
15 shall be punished by a fine of not less than \$25 or more  
16 than \$200 or by imprisonment for not more than 20 days or by  
17 both such fine and imprisonment. Upon a third or subsequent  
18 conviction within 1 year after the first conviction such  
19 person shall be punished by a fine of not less than \$50 or  
20 more than \$500 or by imprisonment for not more than 6 months  
21 or by both fine and imprisonment.

22 ~~(3) A person convicted of a violation of 61-9-405(1)~~  
23 ~~shall be fined not less than \$50 or more than \$500.~~

24 ~~(3)(4)~~ On failure of payment of fines, the offender in  
25 cases of misdemeanor shall be imprisoned in the county jail

1 in the county in which the offense has been committed, and  
 2 said imprisonment shall be computed upon the basis of \$2 of  
 3 said fine for each day's incarceration.

4 ~~†4†(5)~~ Upon conviction the court costs, or any part  
 5 thereof, may also be assessed against the defendant in the  
 6 discretion of the court."

7 NEW SECTION. Section 3. Disposition of fines for  
 8 windshield violations. After deduction of justices' court  
 9 costs as provided in 3-10-603, if applicable, the balance of  
 10 all fines and forfeitures for a violation of 61-9-405(1)  
 11 must be forwarded to the state treasurer for deposit in the  
 12 general fund.

13 Section 4. Section 20-7-504, MCA, is amended to read:

14 "20-7-504. State traffic education account and  
 15 proceeds earmarked for the account. (1) There is hereby  
 16 established a traffic education account in the treasury of  
 17 the state of Montana. There shall be paid into this account  
 18 a portion of the fines assessed and bails forfeited on all  
 19 offenses involving a violation of a state statute or a city  
 20 ordinance relating to the operation or use of motor  
 21 vehicles, except offenses relating to parking of vehicles  
 22 and offenses under 61-9-405(1), in the following amounts:

23 (a) where a fine is imposed, 20% of the fine imposed;

24 (b) where multiple offenses are involved, 20% of the  
 25 total sum of all fines imposed;

1 (c) where a fine is suspended, in whole or in part,  
 2 the portion paid to the traffic education account shall be  
 3 20% of the fine actually paid; and

4 (d) when any deposit of bail is made for an offense to  
 5 which this section applies and the bail is forfeited, 20% of  
 6 the forfeited bail.

7 (2) Five percent of all moneys received by the state  
 8 of Montana from the collection of the motor vehicle driver's  
 9 license fee provided for under the laws of Montana shall be  
 10 contributed to the traffic education account."

11 Section 5. Section 53-9-109, MCA, is amended to read:

12 "53-9-109. Crime victims compensation account. There  
 13 is created a crime victims compensation account in the  
 14 earmarked revenue fund. There shall be paid into this  
 15 account 6% of the fines assessed and bails forfeited on all  
 16 offenses involving a violation of a state statute or a city  
 17 ordinance relating to the operation or use of motor  
 18 vehicles, except offenses relating to parking of vehicles  
 19 and offenses under 61-9-405(1)."

-End-

Highways & Transportation

Objection Raised to  
Adverse Committee Report

HOUSE BILL NO. 326

INTRODUCED BY MOORE, MANLEY, KEYSER

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE ONE-WAY WINDOW PICTURES IN THE STATUTE PROHIBITING THE OBSTRUCTION OF A DRIVER'S VIEW AND TO REQUIRE UNOBSTRUCTED VIEWS FROM OUTSIDE TO WITHIN THE VEHICLE ~~EXCEPT WHERE ALLOWED BY A UNITED STATES STATUTE OR REGULATION OR IN OTHER LIMITED CIRCUMSTANCES~~; PROVIDING A PENALTY FOR VIOLATION OF THAT STATUTE AND PROVIDING FOR DISPOSITION OF FINES; AMENDING SECTIONS 20-7-504, 53-9-109, 61-9-405, AND 61-9-511, MCA."

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

Section 1. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields to be unobstructed and equipped with wipers. (1) No person shall drive any motor vehicle with any sign, poster, ~~picture~~ or other nontransparent ~~OR SEMITRANSSPARENT~~ material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway, ~~or which obstructs the clear view into the vehicle from outside the vehicle, OR WHICH PRESENTS A METALLIC OR MIRRORRED APPEARANCE WHEN VIEWED FROM OUTSIDE THE VEHICLE, EXCEPT FOR MOTOR VEHICLES EQUIPPED OR PROVIDED IN~~ SUBSECTION (4).

(2) The windshield on every motor vehicle shall be equipped with a device for clearing rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

~~(4) ANY NONCOMMERCIAL OR RECREATIONAL PICKUP TRUCK, VAN, PANEL, OR TRUCK WITH ANY SIGN, POSTER, PICTURE, OR OTHER NONTRANSPARENT OR SEMITRANSSPARENT MATERIAL ON A REAR OR REAR SIDE WINDOW THAT OBSTRUCTS THE DRIVER'S CLEAR VIEW OF THE HIGHWAY OR ANY INTERSECTING HIGHWAY OR ANY MOTOR VEHICLE THAT HAS NO REAR WINDOW OR REAR SIDE WINDOW SHALL BE EQUIPPED WITH AN EXTERIOR MIRROR ON EACH SIDE THAT COMPLIES WITH THE VISIBILITY REQUIREMENTS OF 61-9-404.~~

~~(5) THIS SECTION DOES NOT APPLY TO THE OPERATION OR SALE OF ANY MOTOR VEHICLE THAT HAS ANY SIGN, POSTER, PICTURE, OR OTHER NONTRANSPARENT OR SEMITRANSSPARENT MATERIAL UPON THE WINDSHIELD OR WINDOWS WITH WHICH THE MOTOR VEHICLE COULD HAVE BEEN SOLD OR EQUIPPED FOR SALE WHEN NEW OR STANDARD OR OPTIONAL EQUIPMENT UNDER ANY UNITED STATES STATUTE OR REGULATION GOVERNING THE SALE AT THE TIME OF THE MANUFACTURE."~~

Section 2. Section 61-9-511, MCA, is amended to read:

"61-9-511. Violation of chapter -- penalty. (1) It is

1 a misdemeanor for any person to violate any of the  
2 provisions of this chapter unless such violation is by this  
3 chapter or other law of this state declared to be a felony.

4 (2) Every person convicted of a misdemeanor for a  
5 violation of any of the provisions of this chapter for which  
6 another penalty is not provided shall for a first conviction  
7 thereof be punished by a fine of not less than \$10 or more  
8 than \$100 or by imprisonment for not more than 10 days. For  
9 a second conviction within 1 year thereafter such person  
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12 both such fine and imprisonment. Upon a third or subsequent  
13 conviction within 1 year after the first conviction such  
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15 more than \$500 or by imprisonment for not more than 6 months  
16 or by both fine and imprisonment.

17 ~~(3) A person convicted of a violation of 61-9-405(1)~~  
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19 ~~(4)~~ (4) On failure of payment of fines, the offender in  
20 cases of misdemeanor shall be imprisoned in the county jail  
21 in the county in which the offense has been committed, and  
22 said imprisonment shall be computed upon the basis of \$2 of  
23 said fine for each day's incarceration.

24 ~~(5)~~ (5) Upon conviction the court costs, or any part  
25 thereof, may also be assessed against the defendant in the

1 discretion of the court."

2 ~~NEW SECTION.~~ Section 3. Disposition of fines for  
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15 ordinance relating to the operation or use of motor  
16 vehicles, except offenses relating to parking of vehicles  
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12 ordinance relating to the operation or use of motor  
13 vehicles, except offenses relating to parking of vehicles  
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-End-