

HOUSE BILL 701

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Judiciary.
February 15, 1979	Committee recommend bill, as amended.
February 17, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do not pass. On motion, previous action reconsidered.
February 21, 1979	Second reading, as amended.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 12, 1979	Committee recommend bill, as amended.
March 14, 1979	Motion, pass consideration.
March 15, 1979	Second reading, indefinitely postponed.
March 16, 1979	On motion, Senate reconsider its action taken on Second reading. Motion failed.

IN THE HOUSE

March 17, 1979	Returned from Senate, indefinitely postponed.
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1 *House* BILL NO. *701*  
 2 INTRODUCED BY *Ronald Bennett*  
 3 *J. Bertelsen* *Keely Curtis*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A GRADUATED  
 5 SYSTEM OF FINES FOR SPEEDING AND TO PROVIDE FOR THE  
 6 DISPOSITION OF THE FINES COLLECTED; AMENDING SECTIONS  
 7 61-8-718 AND 61-12-701, MCA."

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

10 Section 1. Section 61-8-718, MCA, is amended to read:

11 "61-8-718. Penalty for violation of conservation speed  
 12 limit. (1) A person violating the speed limit imposed  
 13 pursuant to 61-8-304 is guilty of the offense of unnecessary  
 14 waste of a resource currently in short supply and upon  
 15 conviction shall be fined:

16 (a) \$5 for speeds greater than the speed limit but  
 17 less than or equal to 5 miles per hour in excess of the  
 18 speed limit;

19 (b) \$15 for speeds greater than 5 miles per hour but  
 20 less than or equal to 10 miles per hour in excess of the  
 21 speed limit; and

22 (c) \$25 for speeds greater than 10 miles per hour in  
 23 excess of the speed limit.

24 (2) and--no No jail sentence may be imposed. Bond for  
 25 this offense shall be \$5 is an amount equal to the fine.

1 ~~(2)(3)~~ For the purpose of this section only, the fees  
 2 of the justice court shall be \$4 to be remitted as set forth  
 3 in 3-10-603(3).

4 ~~(4) That portion of any fine collected under~~  
 5 ~~subsection (1) not otherwise allocated by law shall be paid~~  
 6 ~~into the state highway account in the earmarked revenue~~  
 7 ~~fund."~~

8 Section 2. Section 61-12-701, MCA, is amended to read:

9 "61-12-701. Highway patrol -- fees -- fines and  
 10 forfeitures. (1) All fees, fines, and forfeitures collected  
 11 in any court from persons apprehended or arrested by  
 12 patrolmen for violation of the laws and regulations relating  
 13 to the use of state highways and the operation of vehicles  
 14 thereon must be paid to the state treasurer and by him  
 15 credited to the general fund of the state, except for that  
 16 portion of the fines as provided in 20-7-504 which shall be  
 17 paid into the automobile driver education account in the  
 18 earmarked revenue fund, and except for fines collected under  
 19 61-8-718.

20 (2) At the time of payment of any such fee, fine, or  
 21 forfeiture there shall be filed with the state treasurer a  
 22 complete statement showing the total of the fees, fines, or  
 23 forfeitures received or incurred, which statement shall give  
 24 the title of the court and cause and be subscribed to by the  
 25 person or officer making such payments."

Approved by Committee  
on Judiciary

HOUSE BILL NO. 701

INTRODUCED BY ROSENTHAL, BENNETT, HARPER,

BERTELSEN, KEEDY, CURTISS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A GRADUATED SYSTEM OF FINES FOR SPEEDING AND TO PROVIDE FOR THE DISPOSITION OF THE FINES COLLECTED; AMENDING SECTIONS 61-8-718 AND 61-12-701, MCA."

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

Section 1. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined:

(a) ~~\$5 \$10~~ for speeds greater than the speed limit but less than or equal to 5 10 miles per hour in excess of the speed limit;

(b) ~~\$15 \$20~~ for speeds greater than 5 10 miles per hour but less than or equal to 10 20 miles per hour in excess of the speed limit; and

(c) ~~\$25 \$40~~ for speeds greater than 10 20 miles per hour in excess of the speed limit.

(2) ~~and no~~ No jail sentence may be imposed. Bond for

this offense ~~shall be \$5~~ is an amount equal to the fine.

~~(2)(3)~~ For the purpose of this section only, the fees of the justice court shall be \$4 to be remitted as set forth in 3-10-603(3).

~~(4) That portion of any fine collected under subsection (1) not otherwise allocated by law shall be paid into the state highway account in the earmarked revenue funds."~~

Section 2. Section 61-12-701, MCA, is amended to read:

"61-12-701. Highway patrol -- fees -- fines and forfeitures. (1) All fees, fines, and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer and by him credited to the general fund of the state, except for that portion of the fines as provided in 20-7-504 which shall be paid into the automobile driver education account in the earmarked revenue funds, and except for fines collected under 61-8-718.

(2) At the time of payment of any such fee, fine, or forfeiture there shall be filed with the state treasurer a complete statement showing the total of the fees, fines, or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed to by the

1 person or officer making such payments."

-End-

HOUSE BILL NO. 701

INTRODUCED BY ROSENTHAL, BENNETT, HARPER,  
BERTELSEN, KEEDY, CURTISS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A GRADUATED SYSTEM OF FINES FOR SPEEDING AND TO PROVIDE FOR THE DISPOSITION OF THE FINES COLLECTED; AMENDING SECTIONS 61-8-718 AND 61-12-701, MCA."

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

Section 1. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined:

(a) ~~\$5~~ ~~\$10~~ ~~\$5~~ for speeds greater than the speed limit but less than or equal to ~~5~~ 10 miles per hour in excess of the speed limit;

(b) ~~\$15~~ ~~\$20~~ ~~\$10~~ for speeds greater than ~~5~~ 10 miles per hour but less than or equal to ~~10~~ 20 miles per hour in excess of the speed limit; and

(c) ~~\$25~~ ~~\$40~~ for speeds greater than ~~10~~ 20 miles per hour in excess of the speed limit.

(2) ~~and no~~ No jail sentence may be imposed. Bond for

this offense ~~shall be \$5~~ is an amount equal to the fine.

~~(2)(3)~~ For the purpose of this section only, the fees of the justice court shall be \$4 to be remitted as set forth in 3-10-603(3).

~~(4) That portion of any fine collected under subsection (1) not otherwise allocated by law shall be paid into the state highway account in the earmarked revenue funds."~~

Section 2. Section 61-12-701, MCA, is amended to read:

"61-12-701. Highway patrol -- fees -- fines and forfeitures. (1) All fees, fines, and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer and by him credited to the general fund of the state, except for that portion of the fines as provided in 20-7-504 which shall be paid into the automobile driver education account in the earmarked revenue fund, and except for fines collected under 61-8-718.

(2) At the time of payment of any such fee, fine, or forfeiture there shall be filed with the state treasurer a complete statement showing the total of the fees, fines, or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed to by the

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1 person or officer making such payments."

-End-

March 12, 1979

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 701 be amended as follows:

1. Title, lines 6 and 7.

Strike: "AND TO PROVIDE FOR THE DISPOSITION OF THE FINES  
COLLECTED"

2. Title, line 7,

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 8.

Strike: "AND 61-12-701"

4. Page 1, line 17.

Following: "~~6~~10"

Strike: "\$5"         

Insert: "\$6"

5. Page 1, line 20.

Following: "~~20~~"

Strike: "\$10"         

Insert: "\$15"

6. Page 2, lines 5 through 8.

Strike: subsection (4) in its entirety

7. Page 2, line 9 through line 1 on page 3.

Strike: section 2 in its entirety