

House Bill 24

In The House

January 6, 1981

Introduced and referred
to Committee on Highways.

February 16, 1981

Committee recommend bill
do not pass.

1 HOUSE BILL NO. 24
2 INTRODUCTION BY MOORE

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 EXCEPT WHERE ALLOWED BY A
8 UNITED STATES STATUTE OR REGULATION OR IN OTHER LIMITED
9 CIRCUMSTANCES; PROVIDING A PENALTY FOR VIOLATION OF THAT
10 STATUTE AND PROVIDING FOR DISPOSITION OF FINES; AMENDING
11 SECTIONS 20-7-504, 53-9-109, 61-9-405, AND 61-9-511, MCA."

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

14 Section 1. Section 61-9-405, MCA, is amended to read:
15 "61-9-405. Windshields to be unobstructed and equipped
16 with wipers. (1) No person shall drive any motor vehicle
17 with any sign, poster, picture, or other nontransparent or
18 semitransparent material upon the front windshield, side
19 wings, or side or rear windows of such vehicle which
20 obstructs the driver's clear view of the highway or any
21 intersecting highway or which obstructs the clear view into
22 the vehicle from outside the vehicle or which presents a
23 metallic or mirrored appearance when viewed from outside the
24 vehicle, except for motor vehicles equipped as provided in
25 subsection (4).

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

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

8 (4) Any noncommercial or recreational pickup truck,
9 van, panel, or truck with any sign, poster, picture, or
10 other nontransparent or semitransparent material on a rear
11 or rear side window that obstructs the driver's clear view
12 of the highway or any intersecting highway or any motor
13 vehicle that has no rear window or rear side window shall be
14 equipped with an exterior mirror on each side that complies
15 with the visibility requirements of 61-9-404.

16 (5) This section does not apply to the operation or
17 sale of any motor vehicle that has any sign, poster,
18 picture, or other nontransparent or semitransparent material
19 upon the windshield or windows with which the motor vehicle
20 could have been sold or equipped for sale when new or
21 standard or optional equipment under any United States
22 statute or regulation governing the sale at the time of the
23 manufacture."

24 Section 2. Section 61-9-511, MCA, is amended to read:
25 "61-9-511. Violation of chapter -- penalty. (1) It is a

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1 misdemeanor for any person to violate any of the provisions
2 of this chapter unless such violation is by this chapter or
3 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
10 shall be punished by a fine of not less than \$25 or more
11 than \$200 or by imprisonment for not more than 20 days or by
12 both such fine and imprisonment. Upon a third or subsequent
13 conviction within 1 year after the first conviction such
14 person shall be punished by a fine of not less than \$50 or
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)
18 shall be fined not less than \$50 or more than \$500.

19 ~~(3)(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 ~~(4)(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
3 windshield violations. After deduction of justices' court
4 costs as provided in 3-10-603, if applicable, the balance of
5 all fines and forfeitures for a violation of 61-9-405(1)
6 must be forwarded to the state treasurer for deposit in the
7 general fund.

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

9 "20-7-504. State traffic education account -- proceeds
10 earmarked for the account. (1) There is a traffic education
11 account in the treasury of the state of Montana. There shall
12 be paid into this account a portion of the fines assessed
13 and bails forfeited on all offenses involving a violation of
14 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of
15 Title 61, or a city ordinance and relating to the operation
16 or use of motor vehicles, except offenses relating to
17 parking of vehicles and offenses under 61-9-405(1), in the
18 following amounts:

- 19 (a) if a fine is imposed, 20% of the fine imposed;
20 (b) if multiple offenses are involved, 20% of the total
21 sum of all fines imposed;
22 (c) if a fine is suspended, in whole or in part, 20% of
23 the fine actually paid; and
24 (d) if any deposit of bail is made for an offense to
25 which this section applies and the bail is forfeited, 20% of

1 the forfeited bail.

2 (2) Five percent of all money received by the state
3 from the collection of the motor vehicle driver's license
4 fee provided for under the laws of Montana shall be
5 contributed to the traffic education account."

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

7 "53-9-109. Crime victims compensation account. There is
8 a crime victims compensation account in the agency fund.
9 There shall be paid into this account 6% of the fines
10 assessed and bails forfeited on all offenses involving a
11 violation of chapter 3, part 1 of chapter 4, or chapters 5
12 through 10 of Title 61, or a city ordinance and relating to
13 the operation or use of motor vehicles, except offenses
14 relating to parking of vehicles and offenses under
15 61-9-405(1)."

-End-

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