

HOUSE BILL NO. 546

INTRODUCED BY PISTORIA, FABRECA, STOBIE,  
R. MANNING, TEAGUE, FEDA

IN THE HOUSE

January 28, 1981	Introduced and referred to Committee on Judiciary.
February 18, 1981	Committee recommend bill do pass as amended. Report adopted.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Motion pass consideration until 43rd legislative day.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 87; Noes, 4. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Rules.
March 14, 1981	Committee recommend bill be concurrred in as amended. Report adopted.
March 17, 1981	Motion pass consideration.
March 18, 1981	Second reading, concurrred in.
March 20, 1981	Third reading, concurrred in as amended. Ayes, 48; Noes, 0.

IN THE HOUSE

March 21, 1981

Returned from Senate with amendments.

April 7, 1981

Second reading, amendments concurred in.

On motion to take Senate amendments to HB 546 from third reading and refer back to second reading. Motion adopted.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 83; Noes, 9. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 546  
 2 INTRODUCED BY *Astoria Feltz* *State* *Richard L. Manning*  
 3 *Legue*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MOTOR  
 5 VEHICLE MANDATORY LIABILITY PROTECTION LAW BY REQUIRING  
 6 CERTIFICATION OF POSSESSION OF INSURANCE AND CARRYING OF AN  
 7 INSURANCE CARD ISSUED BY AN INSURANCE CARRIER; BY REMOVING  
 8 THE EXEMPT STATUS OF MOTORCYCLES; BY INCREASING THE  
 9 PENALTIES; AND AMENDING SECTIONS 61-6-302 THROUGH 61-6-304,  
 10 MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 61-6-302, MCA, is amended to read:  
 14 "61-6-302. Proof of compliance. (1) Before any  
 15 applicant required to register his motor vehicle may do so,  
 16 the applicant must certify ~~and display~~ to the county  
 17 treasurer ~~that he possesses~~ an automobile liability  
 18 insurance policy, a certificate of self-insurance, ~~or a~~  
 19 posted indemnity bond, ~~or eligibility that he is eligible~~  
 20 for an exemption under 61-6-303 covering the motor vehicle.  
 21 The certification shall be on a form prescribed by the  
 22 division of motor vehicles. The division may immediately  
 23 cancel the registration and license plates of the vehicle  
 24 upon notification that the insurance certification was not  
 25 correctly represented. Any person who intentionally provides

1 false information on an insurance certification is guilty of  
 2 unsworn falsification to authorities punishable as provided  
 3 in 45-7-203.

4 (2) An owner of a motor vehicle who ceases to maintain  
 5 the insurance or bond required or whose certificate of  
 6 self-insurance is canceled or whose vehicle ceases to be  
 7 exempt shall immediately surrender the registration and  
 8 license plates for the vehicle to the county treasurer for  
 9 delivery to the division and may not operate or permit  
 10 operation of the vehicle in Montana until insurance has  
 11 again been furnished as required and the vehicle is again  
 12 registered and licensed.

13 ~~(3) Every person shall carry in a motor vehicle being~~  
 14 ~~operated by him an insurance card approved by the division~~  
 15 ~~but issued by the insurance carrier to the motor vehicle~~  
 16 ~~owner as proof of compliance with 61-6-301. A motor vehicle~~  
 17 ~~operator shall exhibit the insurance card upon demand of a~~  
 18 ~~justice of the peace, a peace officer, a highway patrolman,~~  
 19 ~~or a field deputy or inspector of the division. However, no~~  
 20 ~~person charged with violating this subsection may be~~  
 21 ~~convicted if he produces in court or the office of the~~  
 22 ~~arresting officer proof of insurance valid at the time of~~  
 23 ~~his arrest."~~

24 Section 2. Section 61-6-303, MCA, is amended to read:  
 25 "61-6-303. Exempt vehicles. The following vehicles and

1 their drivers are exempt from the provisions of 61-6-301:

2 (1) a vehicle owned by the United States government or  
3 any state or political subdivision;

4 (2) a vehicle for which cash, securities, or a bond  
5 has been deposited or filed with the division upon such  
6 terms and conditions providing the same benefits available  
7 under a required motor vehicle liability insurance policy;

8 (3) a vehicle owned by a self-insurer certified as  
9 provided in 61-6-143;

10 (4) an implement of husbandry or special mobile  
11 equipment that is only incidentally operated on a highway or  
12 property open to use by the public;

13 (5) a vehicle operated upon a highway only for the  
14 purpose of crossing such highway from one property to  
15 another;

16 (6) a commercial vehicle registered or proportionally  
17 registered in this and any other jurisdiction provided that  
18 vehicle is covered by a motor vehicle liability insurance  
19 policy complying with the laws of another jurisdiction in  
20 which it is registered;

21 ~~(7) a motorcycle;~~

22 ~~(8) (1)~~ a vehicle moved solely by human or animal  
23 power."

24 Section 3. Section 61-6-304, MCA, is amended to read:  
25 "61-6-304. Penalties. It is unlawful for any person to

1 operate a motor vehicle upon highways, streets, or roadways  
2 of this state without a valid policy of liability insurance  
3 in effect in an amount not less than that provided in  
4 61-6-301 or unless such person has been issued a certificate  
5 of self-insurance pursuant to [61-6-302] or has previously  
6 posted an indemnity bond with the [commissioner of  
7 insurance] as provided by 61-6-301 or is operating a vehicle  
8 exempt under 61-6-303. A violation of 61-6-301 through  
9 61-6-304 is a misdemeanor punishable--as--provided--in  
10 61-3-601."

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 546

INTRODUCED BY PISTORIA, FABREGA, STOBIE,

R. MANNING, TEAGUE, FEDA

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MOTOR VEHICLE MANDATORY LIABILITY PROTECTION LAW BY REQUIRING CERTIFICATION OF POSSESSION OF INSURANCE AND CARRYING OF AN INSURANCE CARD ISSUED BY AN INSURANCE CARRIER; BY REMOVING THE EXEMPT STATUS OF MOTORCYCLES; BY INCREASING THE PENALTIES; AND AMENDING SECTIONS 61-6-302 THROUGH 61-6-304, MCA."

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

Section 1. Section 61-6-302, MCA, is amended to read:

"61-6-302. Proof of compliance. (1) Before any applicant required to register his motor vehicle may do so, the applicant must certify and display to the county treasurer that he possesses an automobile liability insurance policy, a certificate of self-insurance, or a posted indemnity bond, or ~~eligibility~~ that he is eligible for an exemption under 61-6-303 covering the motor vehicle. The certification shall be on a form prescribed by the division of motor vehicles. The division may immediately cancel the registration and license plates of the vehicle upon notification that the insurance certification was not

correctly represented. Any person who intentionally provides false information on an insurance certification is guilty of unsworn falsification to authorities punishable as provided in 45-7-203.

(2) An owner of a motor vehicle who ceases to maintain the insurance or bond required or whose certificate of self-insurance is canceled or whose vehicle ceases to be exempt shall immediately surrender the registration and license plates for the vehicle to the county treasurer for delivery to the division and may not operate or permit operation of the vehicle in Montana until insurance has again been furnished as required and the vehicle is again registered and licensed.

(3) Every person shall carry in a motor vehicle being operated by him an insurance card approved by the division but issued by the insurance carrier to the motor vehicle owner as proof of compliance with 61-6-301. A motor vehicle operator shall exhibit the insurance card upon demand of a justice of the peace, a peace officer, a highway patrolman, or a field deputy or inspector of the division. However, no person charged with violating this subsection may be convicted if he produces in court or the office of the arresting officer proof of insurance valid at the time of his arrest."

Section 2. Section 61-6-303, MCA, is amended to read:

1 "61-6-303. Exempt vehicles. The following vehicles and  
2 their drivers are exempt from the provisions of 61-6-301:

3 (1) a vehicle owned by the United States government or  
4 any state or political subdivision;

5 (2) a vehicle for which cash, securities, or a bond  
6 has been deposited or filed with the division upon such  
7 terms and conditions providing the same benefits available  
8 under a required motor vehicle liability insurance policy;

9 (3) a vehicle owned by a self-insurer certified as  
10 provided in 61-6-143;

11 (4) an implement of husbandry or special mobile  
12 equipment that is only incidentally operated on a highway or  
13 property open to use by the public;

14 (5) a vehicle operated upon a highway only for the  
15 purpose of crossing such highway from one property to  
16 another;

17 (6) a commercial vehicle registered or proportionally  
18 registered in this and any other jurisdiction provided that  
19 vehicle is covered by a motor vehicle liability insurance  
20 policy complying with the laws of another jurisdiction in  
21 which it is registered;

22 ~~(7) a motorcycle;~~

23 ~~(8) (7)~~ a vehicle moved solely by human or animal  
24 power.\*

25 Section 3. Section 61-6-304, MCA, is amended to read:

1 "61-6-304. Penalties. It is unlawful for any person to  
2 operate a motor vehicle upon highways, streets, or roadways  
3 of this state without a valid policy of liability insurance  
4 in effect in an amount not less than that provided in  
5 61-6-301 or unless such person has been issued a certificate  
6 of self-insurance pursuant to [61-6-302] or has previously  
7 posted an indemnity bond with the [commissioner of  
8 insurance] as provided by 61-6-301 or is operating a vehicle  
9 exempt under 61-6-303. A violation of 61-6-301 through  
10 61-6-304 is a misdemeanor ~~punishable as provided in 61-3-601~~  
11 PUNISHABLE AS PROVIDED IN 46-18-212.\*

-End-

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23 Division of Motor Vehicles. The division may immediately  
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1 correctly represented. Any person who intentionally provides  
2 false information on an insurance certification is guilty of  
3 unsworn falsification to authorities punishable as provided  
4 in 45-7-203.

5 (2) An owner of a motor vehicle who ceases to maintain  
6 the insurance or bond required or whose certificate of  
7 self-insurance is canceled or whose vehicle ceases to be  
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14 (3) Every person shall carry in a motor vehicle being  
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16 but issued by the insurance carrier to the motor vehicle  
17 owner as proof of compliance with 61-6-301. A motor vehicle  
18 operator shall exhibit the insurance card upon demand of a  
19 justice of the peace, a peace officer, a highway patrolman,  
20 or a field deputy or inspector of the division. However, no  
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22 convicted if he produces in court or the office of the  
23 arresting officer proof of insurance valid at the time of  
24 his arrest."

25 Section 2. Section 61-6-303, MCA, is amended to read:

1 "61-6-303. Exempt vehicles. The following vehicles and  
2 their drivers are exempt from the provisions of 61-6-301:

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7 terms and conditions providing the same benefits available  
8 under a required motor vehicle liability insurance policy;

9 (3) a vehicle owned by a self-insurer certified as  
10 provided in 61-6-143;

11 (4) an implement of husbandry or special mobile  
12 equipment that is only incidentally operated on a highway or  
13 property open to use by the public;

14 (5) a vehicle operated upon a highway only for the  
15 purpose of crossing such highway from one property to  
16 another;

17 (6) a commercial vehicle registered or proportionally  
18 registered in this and any other jurisdiction provided that  
19 vehicle is covered by a motor vehicle liability insurance  
20 policy complying with the laws of another jurisdiction in  
21 which it is registered;

22 ~~(7) a motor cycle;~~

23 ~~(8)~~ (7) a vehicle moved solely by human or animal  
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8 insurance] as provided by 61-6-301 or is operating a vehicle  
9 exempt under 61-6-303. A violation of 61-6-301 through  
10 61-6-304 is a misdemeanor ~~punishable-as-provided-in-61-3-601~~  
11 PUNISHABLE AS PROVIDED IN 46-18-212."

-End-



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 10 PENALTIES; AND AMENDING SECTIONS ~~61-6-302~~ THROUGH AND  
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 2       ~~and their drivers are exempt from the provisions of~~  
 3       ~~61-6-301:~~  
 4       ~~(1) a vehicle owned by the United States government or~~  
 5       ~~any state or political subdivision;~~  
 6       ~~(2) a vehicle for which cash, securities, or a bond~~  
 7       ~~has been deposited or filed with the division upon such~~  
 8       ~~terms and conditions providing the same benefits available~~  
 9       ~~under a required motor vehicle liability insurance policy;~~  
 10       ~~(3) a vehicle owned by a self-insurer certified as~~  
 11       ~~provided in 61-6-143;~~  
 12       ~~(4) an implement of husbandry or special mobile~~  
 13       ~~equipment that is only incidentally operated on a highway or~~  
 14       ~~property open to use by the public;~~  
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 16       ~~purpose of crossing such highway from one property to~~  
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 19       ~~registered in this and any other jurisdiction provided that~~  
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1       Section 2. Section 61-6-304, MCA, is amended to read:  
 2       "61-6-304. Penalties. It is unlawful for any person to  
 3       operate a motor vehicle upon highways, streets, or roadways  
 4       of this state without a valid policy of liability insurance  
 5       in effect in an amount not less than that provided in  
 6       61-6-301 or unless such person has been issued a certificate  
 7       of self-insurance pursuant to [61-6-302] or has previously  
 8       posted an indemnity bond with the [commissioner of  
 9       insurance] as provided by 61-6-301 or is operating a vehicle  
 10       exempt under 61-6-303. A violation of 61-6-301 through  
 11       61-6-304 is a misdemeanor punishable as provided in 61-3-601  
 12       PUNISHABLE AS PROVIDED IN 46-18-212 BY A FINE NOT TO EXCEED  
 13       \$250."

-End-

March 14, 1981

SENATE STANDING COMMITTEE REPORT  
(Rules)

That House No. 546 be amended as follows:

1. Title, lines 8 and 9.

Following: "CARRIER;"

Strike: "BY REMOVING THE EXEMPT STATUS OF MOTORCYCLES;"

2. Title, line 10.

Following: "61-6-302"

Strike: "THROUGH"

Insert: "AND"

3. Page 2, line 25 through page 3, line 24.

Strike: Section 2 in its entirety.

4. Page 4, line 11.

Following: "PUNISHABLE"

Strike: "AS PROVIDED IN 46-18-212"

Insert: "by a fine not to exceed \$250"