

SENATE BILL NO. 106

INTRODUCED BY BLAYLOCK

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE SENATE

January 11, 1983	Introduced and referred to Committee on Highways and Transportation.
January 14, 1983	Fiscal Note requested.
January 17, 1983	Fiscal Note returned.
January 26, 1983	Committee recommend bill do pass as amended. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 28, 1983	Second reading, do pass.
January 29, 1983	Correctly engrossed.
January 31, 1983	Third reading, passed. Ayes, 42; Noes, 7. Transmitted to House.

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Highways and Transportation.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 3, 1983	Second reading, pass consideration.  On motion, taken from second reading and referred to Committee on Appropriations.

April 7, 1983

Committee recommend bill be  
concurrent in. Report adopted.

April 8, 1983

Second reading, concurrent in.

April 11, 1983

Third reading, concurrent in.

#### IN THE SENATE

April 12, 1983

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *106*  
 2 INTRODUCED BY *Blaylock*  
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
 6 PENALTIES FOR OVERWEIGHT VEHICLES; TO PROVIDE THAT THE  
 7 IMPOSITION OF PENALTIES MAY NOT BE SUSPENDED; TO REVISE THE  
 8 DISPOSITION OF FINES AND FORFEITURES COLLECTED FOR  
 9 VIOLATIONS OF THE VEHICLE SIZE, WEIGHT, AND LOAD LAWS; AND  
 10 TO PROVIDE FOR JURISDICTION OF SUCH LAWS IN JUSTICES'  
 11 COURTS; AMENDING SECTIONS 3-10-303, 61-10-145, AND  
 12 61-10-148, MCA."  
 13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15 Section 1. Section 61-10-145, MCA, is amended to read:  
 16 "61-10-145. Penalties ~~disposition of fines~~. (1) A  
 17 person, firm, or corporation convicted of violating  
 18 61-10-101 through 61-10-110 shall be punished by a fine of  
 19 not less than \$15 ~~145~~ or more than \$50 ~~1150~~. A person, firm,  
 20 or corporation convicted of operating a motor vehicle upon  
 21 the public highways of this state with weight upon a wheel,  
 22 axle, or group of axles greater than the maximum permitted  
 23 by 61-10-101 through 61-10-110 shall be fined, in addition  
 24 to other penalties provided by law for the offense, the  
 25 following amounts:

1 (a) \$15 ~~145~~ for any excess weight up to and including  
 2 2,000 pounds;  
 3 (b) \$25 ~~175~~ for any excess weight more than 2,000  
 4 pounds and less than 4,001 pounds;  
 5 (c) \$35 ~~105~~ for any excess weight more than 4,000  
 6 pounds and less than 6,001 pounds;  
 7 (d) \$50 ~~150~~ for any excess weight more than 6,000  
 8 pounds and less than 8,001 pounds;  
 9 (e) \$80 ~~240~~ for any excess weight more than 8,000  
 10 pounds and less than 10,001 pounds;  
 11 (f) \$110 ~~330~~ for any excess weight more than 10,000  
 12 pounds and less than 12,001 pounds;  
 13 (g) \$150 ~~450~~ for any excess weight more than 12,000  
 14 pounds and less than 14,001 pounds;  
 15 (h) \$200 ~~600~~ for any excess weight more than 14,000  
 16 pounds and less than 16,001 pounds;  
 17 (i) \$250 ~~750~~ for any excess weight more than 16,000  
 18 pounds and less than 18,001 pounds;  
 19 (j) \$300 ~~900~~ for any excess weight more than 18,000  
 20 pounds and less than 20,001 pounds;  
 21 (k) \$500 ~~1,500~~ for any excess weight more than 20,000  
 22 pounds and less than 25,001 pounds;  
 23 (l) \$1,000 ~~3,000~~ for any excess weight more than  
 24 25,000 pounds.  
 25 (2) A complaint filed and a summons or notice to

-2- INTRODUCED BILL

SB 106

appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

~~(3) No portion of a fine imposed under subsection (1) may be suspended.~~

~~(3)(4)~~ It is a misdemeanor, punishable as provided in 46-18-212, for any person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142.

~~(4) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund.~~

Section 2. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds.

Except as provided in 61-12-701,  ~~fines collected under 61-10-146 or 61-10-147 belong to the general road fund of the county and shall, immediately after their collection, be paid by the court or magistrate collecting them to the county treasurer for the use and benefit of that fund, except for that portion of the fines otherwise allocated by law which the county treasurer shall transmit to the state treasurer who shall credit them to the appropriate account in the earmarked revenue fund one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county~~

treasurer to the state treasurer for deposit in the state highway account in the earmarked revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund."

Section 3. Section 3-10-303, MCA, is amended to read:

"3-10-303. Criminal jurisdiction. The justices' courts have jurisdiction of public offenses committed within the respective counties in which such courts are established as follows:

(1) jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months or both such fine and imprisonment, excluding jurisdiction in cases commenced under Title 45, chapter 9, except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (4);

(2) jurisdiction of all violations of fish and game statutes punishable by a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both;

(3) concurrent jurisdiction with district courts of all misdemeanors punishable by a fine only not exceeding \$1,500; and

(4) jurisdiction to act as examining and committing courts and for such purpose to conduct preliminary hearings; and

(5) jurisdiction of all violations of Title 61.

LC 0750/01

1 chapter 10."

-End-

## STATE OF MONTANA

REQUEST NO. 085-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 106 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

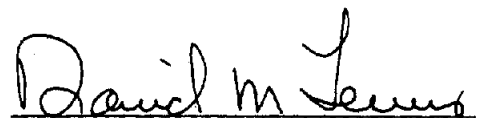
Senate Bill 106 is an act to increase the penalties for overweight vehicles; to provide imposition of penalties not be suspended; to revise disposition of fines and forfeitures; and to provide for jurisdiction.

ASSUMPTIONS:

- 1) Estimates are based on fines collected in FY 82.
- 2) In FY 82, 6,722 citations were issued and \$297,510 in fines collected. Of this amount, \$206,179 was collected pursuant to 61-10-135(1)(a) - (b) and \$91,331 pursuant to violations of 61-10-101 through 61-10-110.
- 3) Court costs are based on \$7.50 per citation.
- 4) Traffic education allocation is 25% of fines (20-7-504).
- 5) The proposed bill is effective October 1, 1984.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
General Fund:		
Under Current Law	\$ 125,460	\$ 125,460
Under Proposed Law	31,365	-0-
Estimated Decrease	<u>\$ (94,095)</u>	<u>\$(125,460)</u>
Highway Earmarked:		
Under Current Law	\$ -0-	\$ -0-
Under Proposed Law	266,200	354,934
Estimated Increase	<u>\$ 266,200</u>	<u>\$ 354,934</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-83

Traffic Education Account:

Under Current Law	\$ 74,378	\$ 74,378
Under Proposed Law	<u>151,695</u>	<u>177,467</u>
Estimated Increase	<u>\$ 77,318</u>	<u>\$ 103,089</u>

Court Costs:

Under Current Law	\$ 50,415	\$ 50,415
Under Proposed Law	<u>50,415</u>	<u>50,415</u>
Estimated Increase	<u>\$ -0-</u>	<u>\$ -0-</u>

County Road Fund:

Under Current Law	\$ 9,510	\$ 9,510
Under Proposed Law	<u>97,667</u>	<u>127,052</u>
Estimated Increase	<u>\$ 88,157</u>	<u>\$ 117,542</u>

County General Fund:

Under Current Law	\$ 37,747	\$ 37,747
Under Proposed Law	<u>9,437</u>	<u>-0-</u>
Estimated Decrease	<u>\$ (28,310)</u>	<u>\$ (37,747)</u>

## STATE OF MONTANA

REQUEST NO. 277-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 106 (Amended) pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

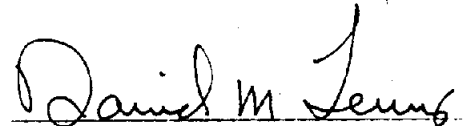
Senate Bill 106 (Amended) increases the penalties for overweight vehicles; revises disposition of fines and forfeitures; and provides for jurisdiction of such laws in justices' courts.

ASSUMPTIONS:

- 1) Estimates are based on fines collected in FY 82.
- 2) In FY 82, 6,722 citations were issued and \$297,510 in fines collected. Of this amount, \$206,179 was collected pursuant to 61-10-135(1)(a) - (b) and \$91,331 pursuant to violations of 61-10-101 through 61-10-110.
- 3) Court costs are based on \$7.50 per citation.
- 4) Traffic education allocation is 25% of fines (20-7-504).
- 5) The proposed bill is effective October 1, 1984.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
General Fund		
Under Current Law	\$ 125,460	\$ 125,460
Under Proposed Law	31,365	-0-
Decrease In Revenue	<u>\$ (94,095)</u>	<u>\$(125,460)</u>
Highway Earmarked		
Under Current Law	\$ -0-	\$ -0-
Under Proposed Law	188,941	251,922
Increase In Revenue	<u>\$ 188,941</u>	<u>\$ 251,922</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-83

SB 106 Amend



-2-

Traffic Education		
Under Current Law	\$ 74,378	\$ 74,378
Under Proposed Law	<u>113,036</u>	<u>125,922</u>
Increase In Revenue	<u>\$ 38,658</u>	<u>\$ 51,544</u>
Court Costs		
Under Current Law	\$ 50,415	\$ 50,415
Under Proposed Law	<u>50,415</u>	<u>50,415</u>
Increase In Revenue	<u>\$ -0-</u>	<u>\$ -0-</u>
County Road Fund		
Under Current Law	\$ 9,510	\$ 9,510
Under Proposed Law	<u>59,009</u>	<u>75,508</u>
Increase In Revenue	<u>\$ 49,499</u>	<u>\$ 65,998</u>
County General Fund		
Under Current Law	\$ 37,747	\$ 37,747
Under Proposed Law	<u>9,437</u>	<u>-0-</u>
Increase In Revenue	<u>\$ (28,310)</u>	<u>\$ (37,747)</u>
Total Revenue		
Under Current Law	\$ 297,510	\$ 297,510
Under Proposed Law	<u>452,203</u>	<u>503,690</u>
Increase In Revenue	<u>\$ 154,693</u>	<u>\$ 206,180</u>

FISCAL NOTE 10:I/2

SB106  
Amended

Approved by Committee  
on Highways & Transportation

1                   SENATE BILL NO. 106  
2                   INTRODUCED BY BLAYLOCK  
3                   BY REQUEST OF THE DEPARTMENT OF HIGHWAYS  
4  
5   A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
6   PENALTIES FOR OVERWEIGHT VEHICLES; ~~TO PROVIDE THAT THE~~  
7   ~~IMPOSITION OF PENALTIES MAY NOT BE SUSPENDED;~~ TO REVISE THE  
8   DISPOSITION OF FINES AND FORFEITURES COLLECTED FOR  
9   VIOLATIONS OF THE VEHICLE SIZE, WEIGHT, AND LOAD LAWS; AND  
10   TO PROVIDE FOR JURISDICTION OF SUCH LAWS IN JUSTICES'  
11   COURTS; AMENDING SECTIONS 3-10-303, 61-10-145, AND  
12   61-10-148, MCA."  
13  
14   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15       Section 1. Section 61-10-145, MCA, is amended to read:  
16       "61-10-145. Penalties ~~---disposition-of-fines.~~ (1) A  
17   person, firm, or corporation convicted of violating  
18   61-10-101 through 61-10-110 shall be punished by a fine of  
19   not less than \$15 ~~\$15~~ \$30 or more than \$50 ~~\$150~~ \$100. A  
20   person, firm, or corporation convicted of operating a motor  
21   vehicle upon the public highways of this state with weight  
22   upon a wheel, axle, or group of axles greater than the  
23   maximum permitted by 61-10-101 through 61-10-110 shall be  
24   fined, in addition to other penalties provided by law for  
25   the offense, the following amounts:

1           (a) ~~\$15~~ ~~\$45~~ \$30 for any excess weight up to and  
2   including 2,000 pounds;  
3           (b) ~~\$25~~ ~~\$75~~ \$50 for any excess weight more than 2,000  
4   pounds and less than 4,001 pounds;  
5           (c) ~~\$35~~ ~~\$105~~ \$70 for any excess weight more than 4,000  
6   pounds and less than 6,001 pounds;  
7           (d) ~~\$50~~ ~~\$150~~ \$100 for any excess weight more than  
8   6,000 pounds and less than 8,001 pounds;  
9           (e) ~~\$80~~ ~~\$240~~ \$160 for any excess weight more than  
10   8,000 pounds and less than 10,001 pounds;  
11          (f) ~~\$110~~ ~~\$330~~ \$220 for any excess weight more than  
12   10,000 pounds and less than 12,001 pounds;  
13          (g) ~~\$150~~ ~~\$450~~ \$300 for any excess weight more than  
14   12,000 pounds and less than 14,001 pounds;  
15          (h) ~~\$200~~ ~~\$600~~ \$400 for any excess weight more than  
16   14,000 pounds and less than 16,001 pounds;  
17          (i) ~~\$250~~ ~~\$750~~ \$500 for any excess weight more than  
18   16,000 pounds and less than 18,001 pounds;  
19          (j) ~~\$300~~ ~~\$900~~ \$600 for any excess weight more than  
20   18,000 pounds and less than 20,001 pounds;  
21          (k) ~~\$500~~ ~~\$1,500~~ \$1,000 for any excess weight more than  
22   20,000 pounds and less than 25,001 pounds;  
23          (1) ~~\$1,000~~ ~~\$3,000~~ \$2,000 for any excess weight more  
24   than 25,000 pounds.  
25          (2) A complaint filed and a summons or notice to

appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

~~(3) No portion of a fine imposed under subsection (1) may be suspended.~~

(3) THE PENALTIES IN SUBSECTION (1) DO NOT APPLY TO AN OPERATOR WHO FAILS TO SECURE A SPECIAL PERMIT AS PROVIDED FOR IN 61-10-107(3) IF THE VEHICLE OR COMBINATION OF VEHICLES IS NOT OVERWEIGHT WITH SUCH A PERMIT. THE FAILURE TO OBTAIN THE SPECIAL PERMIT IS PUNISHABLE UNDER 61-10-146, AND THE OPERATOR IS REQUIRED TO PURCHASE THE PERMIT. IF THE VEHICLE OR COMBINATION OF VEHICLES EXCEEDS THE WEIGHT LIMITATIONS ALLOWED BY SPECIAL PERMIT AND THE OPERATOR FAILS TO OBTAIN A PERMIT UNDER 61-10-107(3), THE PENALTIES OF SUBSECTION (1) APPLY TO THE WEIGHT EXCEEDING 80,000 POUNDS.

~~(3)(4) It is a misdemeanor, punishable as provided in 46-18-212, for any person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142.~~

~~(4) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund.~~

Section 2. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds.

Except as provided in 61-12-701, fines collected under

~~61-10-146 or 61-10-147 belong to the general road fund of the county and shall, immediately after their collection, be paid by the court or magistrate collecting them to the county treasurer for the use and benefit of that fund except for that portion of the fines otherwise allocated by law which the county treasurer shall transmit to the state treasurer who shall credit them to the appropriate account in the earmarked revenue fund one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state highway account in the earmarked revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund."~~

Section 3. Section 3-10-303, MCA, is amended to read:

"3-10-303. Criminal jurisdiction. The justices' courts have jurisdiction of public offenses committed within the respective counties in which such courts are established as follows:

(1) jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months or both such fine and imprisonment, excluding jurisdiction in cases commenced under Title 45, chapter 9, except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (4);

1       (2) jurisdiction of all violations of fish and game  
2 statutes punishable by a fine of not more than \$1,000 or  
3 imprisonment for not more than 6 months, or both;

4       (3) concurrent jurisdiction with district courts of  
5 all misdemeanors punishable by a fine only not exceeding  
6 \$1,500; and

7       (4) jurisdiction to act as examining and committing  
8 courts and for such purpose to conduct preliminary  
9 hearings; and

10       ~~(5) jurisdiction of all violations of Title 61,~~  
11 ~~chapter 10.~~"

-End-

## SENATE BILL NO. 106

INTRODUCED BY BLAYLOCK

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTIES FOR OVERWEIGHT VEHICLES; ~~TO--PROVIDE--THAT--THE IMPOSITION-OF-PENALTIES-MAY-NOT-BE-SUSPENDED~~; TO REVISE THE DISPOSITION OF FINES AND FORFEITURES COLLECTED FOR VIOLATIONS OF THE VEHICLE SIZE, WEIGHT, AND LOAD LAWS; AND TO PROVIDE FOR JURISDICTION OF SUCH LAWS IN JUSTICES' COURTS; AMENDING SECTIONS 3-10-303, 61-10-145, AND 61-10-148, MCA."

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

Section 1. Section 61-10-145, MCA, is amended to read:

"61-10-145. Penalties ~~----disposition-of-fines.~~ (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 shall be punished by a fine of not less than ~~\$15~~ ~~\$45~~ ~~\$30~~ or more than ~~\$50~~ ~~\$150~~ ~~\$100~~. A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum permitted by 61-10-101 through 61-10-110 shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

(a) ~~\$15~~ ~~\$45~~ ~~\$30~~ for any excess weight up to and including 2,000 pounds;

(b) ~~\$25~~ ~~\$75~~ ~~\$50~~ for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) ~~\$35~~ ~~\$105~~ ~~\$70~~ for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) ~~\$50~~ ~~\$150~~ ~~\$100~~ for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) ~~\$80~~ ~~\$240~~ ~~\$160~~ for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) ~~\$110~~ ~~\$330~~ ~~\$220~~ for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) ~~\$150~~ ~~\$450~~ ~~\$300~~ for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) ~~\$200~~ ~~\$600~~ ~~\$400~~ for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) ~~\$250~~ ~~\$750~~ ~~\$500~~ for any excess weight more than 16,000 pounds and less than 18,001 pounds;

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(l) ~~\$1,000~~ ~~\$3,000~~ ~~\$2,000~~ for any excess weight more than 25,000 pounds.

(2) A complaint filed and a summons or notice to

appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

~~(3) No portion of a fine imposed under subsection (1) may be suspended.~~

(3) THE PENALTIES IN SUBSECTION (1) DO NOT APPLY TO AN OPERATOR WHO FAILS TO SECURE A SPECIAL PERMIT AS PROVIDED FOR IN 61-10-107(3) IF THE VEHICLE OR COMBINATION OF VEHICLES IS NOT OVERWEIGHT WITH SUCH A PERMIT. THE FAILURE TO OBTAIN THE SPECIAL PERMIT IS PUNISHABLE UNDER 61-10-146, AND THE OPERATOR IS REQUIRED TO PURCHASE THE PERMIT. IF THE VEHICLE OR COMBINATION OF VEHICLES EXCEEDS THE WEIGHT LIMITATIONS ALLOWED BY SPECIAL PERMIT AND THE OPERATOR FAILS TO OBTAIN A PERMIT UNDER 61-10-107(3), THE PENALTIES OF SUBSECTION (1) APPLY TO THE WEIGHT EXCEEDING 80,000 POUNDS.

~~(3)(4)~~ It is a misdemeanor, punishable as provided in 46-18-212, for any person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142.

~~(4) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general funds.~~

Section 2. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds.

Except as provided in 61-12-701, fines collected under

~~61-10-146 or 61-10-147 belong to the general road fund of the county and shall immediately after their collection be paid by the court or magistrate collecting them to the county treasurer for the use and benefit of that fund, except for that portion of the fines otherwise allocated by law which the county treasurer shall transmit to the state treasurer who shall credit them to the appropriate account in the earmarked revenue fund one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state highway account in the earmarked revenue funds. The remaining half, less the deductions required by law, must be deposited in the county road fund."~~

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"3-10-303. Criminal jurisdiction. The justices' courts have jurisdiction of public offenses committed within the respective counties in which such courts are established as follows:

(1) jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months or both such fine and imprisonment, excluding jurisdiction in cases commenced under Title 45, chapter 9, except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (4);

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2 statutes punishable by a fine of not more than \$1,000 or  
3 imprisonment for not more than 6 months, or both;  
4       (3) concurrent jurisdiction with district courts of  
5 all misdemeanors punishable by a fine only not exceeding  
6 \$1,500; and  
7       (4) jurisdiction to act as examining and committing  
8 courts and for such purpose to conduct preliminary  
9 hearings; and  
10       ~~(5) jurisdiction of all violations of Title 61,~~  
11 ~~chapter 10.~~"

-End-

## SENATE BILL NO. 106

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BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

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

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"61-10-145. Penalties ~~---disposition-of-fines---~~ (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 shall be punished by a fine of not less than ~~\$15~~ ~~\$45~~ ~~\$30~~ or more than ~~\$50~~ ~~\$150~~ ~~\$100~~. A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum permitted by 61-10-101 through 61-10-110 shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

(a) ~~\$15~~ ~~\$45~~ ~~\$30~~ for any excess weight up to and including 2,000 pounds;

(b) ~~\$25~~ ~~\$75~~ ~~\$50~~ for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) ~~\$35~~ ~~\$105~~ ~~\$70~~ for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) ~~\$50~~ ~~\$150~~ ~~\$100~~ for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) ~~\$80~~ ~~\$240~~ ~~\$160~~ for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) ~~\$110~~ ~~\$330~~ ~~\$220~~ for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) ~~\$150~~ ~~\$450~~ ~~\$300~~ for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) ~~\$200~~ ~~\$600~~ ~~\$400~~ for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) ~~\$250~~ ~~\$750~~ ~~\$500~~ for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) ~~\$300~~ ~~\$900~~ ~~\$600~~ for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) ~~\$500~~ ~~\$1,500~~ ~~\$1,000~~ for any excess weight more than 20,000 pounds and less than 25,001 pounds;

(l) ~~\$1,000~~ ~~\$3,000~~ ~~\$2,000~~ for any excess weight more than 25,000 pounds.

(2) A complaint filed and a summons or notice to



appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

~~It is the intent of the Legislature that no portion of a fine imposed under subsection (1) may be suspended.~~

(1) THE PENALTIES IN SUBSECTION (1) DO NOT APPLY TO AN OPERATOR WHO FAILS TO SECURE A SPECIAL PERMIT AS PROVIDED FOR IN 61-10-107(3) IF THE VEHICLE OR COMBINATION OF VEHICLES IS NOT OVERWEIGHT WITH SUCH A PERMIT. THE FAILURE TO OBTAIN THE SPECIAL PERMIT IS PUNISHABLE UNDER 61-10-146, AND THE OPERATOR IS REQUIRED TO PURCHASE THE PERMIT. IF THE VEHICLE OR COMBINATION OF VEHICLES EXCEEDS THE WEIGHT LIMITATIONS ALLOWED BY SPECIAL PERMIT AND THE OPERATOR FAILS TO OBTAIN A PERMIT UNDER 61-10-107(3), THE PENALTIES OF SUBSECTION (1) APPLY TO THE WEIGHT EXCEEDING 80,000 POUNDS.

(3)(4) It is a misdemeanor, punishable as provided in 46-18-212, for any person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142.

~~It is the intent of the Legislature that all fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund.~~

Section 2. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds.

Except as provided in 61-12-701, fines collected under

61-10-146 or 61-10-147 belong to the general road fund of the county and shall immediately after their collection be paid by the court or magistrate collecting them to the county treasurer for the use and benefit of that fund, except for that portion of the fines otherwise allocated by law which the county treasurer shall transmit to the state treasurer who shall credit them to the appropriate account in the earmarked revenue fund one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state highway account in the earmarked revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund."

Section 3. Section 3-10-303, MCA, is amended to read:

"3-10-303. Criminal jurisdiction. The justices' courts have jurisdiction of public offenses committed within the respective counties in which such courts are established as follows:

(1) jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months or both such fine and imprisonment, excluding jurisdiction in cases commenced under Title 45, chapter 9, except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (4);

1 (2) jurisdiction of all violations of fish and game  
2 statutes punishable by a fine of not more than \$1,000 or  
3 imprisonment for not more than 6 months, or both;

4 (3) concurrent jurisdiction with district courts of  
5 all misdemeanors punishable by a fine only not exceeding  
6 \$1,500; and

7 (4) jurisdiction to act as examining and committing  
8 courts and for such purpose to conduct preliminary  
9 hearings; ~~and~~

10 ~~(5) jurisdiction of all violations of Title 61,~~  
11 ~~chapter 10a."~~

-End-