

HOUSE BILL NO. 126

1/09 Introduced
1/09 Referred to Highways & Transportation
2/05 Hearing
Died in Committee

1 House BILL NO. 126
 2 INTRODUCED BY Rep. [Signature]
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING GRADUATED
 5 FINES FOR SPEEDING; PROVIDING A FINE FOR FAILURE TO HAVE A
 6 DRIVER'S LICENSE, VEHICLE REGISTRATION, OR PROOF OF
 7 INSURANCE IN POSSESSION; AMENDING SECTIONS 61-5-116,
 8 61-6-302, AND 61-8-718, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 61-8-718, MCA, is amended to read:
 12 "61-8-718. Penalty for violation of fuel conservation
 13 speed limit. (1) A person violating the speed limit imposed
 14 pursuant to 61-8-304 is guilty of the offense of unnecessary
 15 waste of a resource and upon conviction shall be fined: \$5,
 16 and no
 17 (a) \$10 for speeding up to 65 miles per hour;
 18 (b) \$15 for speeding more than 65 miles per hour and
 19 up to 75 miles per hour;
 20 (c) \$20 for speeding more than 75 miles per hour and
 21 up to 85 miles per hour; or
 22 (d) \$25 for speeding more than 85 miles per hour.
 23 (2) No jail sentence may be imposed---Bond for this
 24 offense. Bond for this offense shall be \$5 equal to the
 25 finer provided in subsection (1).

1 {2}(3) For the purpose of this section only, the fees
 2 of the justice's court shall be the balance of the fine not
 3 otherwise allocated by law but not more than as provided in
 4 3-10-603, and shall be remitted as set forth in 3-10-603(3).

5 {3}(4) A violation of 61-8-304 is not a misdemeanor
 6 pursuant to 45-2-101, 61-8-104, or 61-8-711."

7 Section 2. Section 61-5-116, MCA, is amended to read:
 8 "61-5-116. License to be carried and exhibited on
 9 demand. Every licensee shall have his operator's or
 10 chauffeur's license in his immediate possession at all times
 11 when operating a motor vehicle and shall display the same
 12 upon demand of a justice of the peace, a peace officer, a
 13 highway patrolman, or a field deputy or inspector of the
 14 division. ~~However, no person charged with violating this~~
 15 ~~section shall be convicted if he produces in court or the~~
 16 ~~office of the arresting officer an operator's or chauffeur's~~
 17 ~~license theretofore issued to him and valid at the time of~~
 18 ~~his arrest."~~

19 Section 3. Section 61-6-302, MCA, is amended to read:
 20 "61-6-302. Proof of compliance. (1) Except as provided
 21 in subsection (2), before any applicant required to register
 22 his motor vehicle may do so, the applicant must certify to
 23 the county treasurer that he possesses an automobile
 24 liability insurance policy, a certificate of self-insurance,
 25 or a posted indemnity bond or that he is eligible for an



1 exemption under 61-6-303 covering the motor vehicle. The
 2 certification shall be on a form prescribed by the division
 3 of motor vehicles. The division may immediately cancel the
 4 registration and license plates of the vehicle upon
 5 notification that the insurance certification was not
 6 correctly represented. Any person who intentionally provides
 7 false information on an insurance certification is guilty of
 8 unsworn falsification to authorities, punishable as provided
 9 in 45-7-203.

10 (2) An applicant for registration of an automobile or
 11 a truck having a rated capacity of three-quarters of a ton
 12 or less, who wishes to register the vehicle by mail must
 13 sign a statement on the application stating that the
 14 applicant is in compliance with the financial liability
 15 requirements of 61-6-301.

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

25 (4) Every person shall carry in a motor vehicle being

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

11 NEW SECTION. Section 4. Penalty for failure to have
 12 driver's license, vehicle registration, or proof of
 13 insurance. A person who is convicted of violating
 14 61-3-322(3), 61-5-116, or 61-6-302(4) is subject to a fine
 15 of \$10, but no jail sentence may be imposed.

16 NEW SECTION. Section 5. Codification instruction.
 17 Section 4 is intended to be codified as an integral part of
 18 Title 61, chapter 8, part 7, and the provisions of Title 61,
 19 chapter 8, apply to section 4.

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