

HOUSE BILL NO. 799

INTRODUCED BY M. WILLIAMS, ADDY

IN THE HOUSE

February 12, 1985	Introduced and referred to Committee on Judiciary.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.  Considered correctly engrossed.
February 26, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Judiciary.
March 20, 1985	Committee recommend bill be concurrent in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 48; Noes, 2.  Returned to House.

IN THE HOUSE

March 27, 1985	Received from Senate.  Sent to enrolling.  Reported correctly enrolled.
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1 HOUSE BILL NO. 799  
2 INTRODUCED BY M. Williams

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
5 LAWS CONCERNING MUNICIPAL AND CITY COURTS; EXPANDING THE  
6 EXCLUSIVE JURISDICTION OF CITY COURTS; MAKING APPLICABLE TO  
7 CITY COURTS CERTAIN PROVISIONS CONCERNING THE CONDUCT OF  
8 MUNICIPAL COURT BUSINESS; PERMITTING CITY JUDGES TO  
9 SOLEMNIZE MARRIAGES; REQUIRING A PERSON TO DISPLAY HIS  
10 DRIVER'S LICENSE OR MOTOR VEHICLE INSURANCE CARD UPON DEMAND  
11 OF A CITY OR MUNICIPAL JUDGE; AMENDING SECTIONS 3-11-103,  
12 3-11-206, 40-1-301, 61-5-116, AND 61-6-302, MCA."

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

15 Section 1. Section 3-11-103, MCA, is amended to read:

16 "3-11-103. Exclusive jurisdiction. Except as provided  
17 in 3-11-104, the city court has exclusive jurisdiction of:

18 (1) proceedings for the violation of an ordinance of  
19 the city or town, both civil and criminal;

20 (2) when the amount of the taxes or assessments sought  
21 does not exceed \$300 \$3,500, actions for the collection of  
22 taxes or assessments levied for any of the following  
23 purposes, except that no lien on the property taxed or  
24 assessed for the nonpayment of the taxes or assessments may  
25 be foreclosed in any such action:

- 1 (a) city or town purposes;
- 2 (b) the erection or improvement of public buildings;
- 3 (c) the laying out, opening, or improving of a public  
4 street, sidewalk, alley, or bridge;
- 5 (d) the acquisition or improvement of any public  
6 grounds; and
- 7 (e) public improvements made or ordered by the city or  
8 town within its limits;
- 9 (3) actions for the collection of money due to the  
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- 13 (4) when the amount claimed, exclusive of costs, does  
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16 town officer;
- 17 (b) the breach of any contract when the city or town  
18 is a party or is in any way interested;
- 19 (c) damages when the city or town is a party or is in  
20 any way interested;
- 21 (d) the enforcement of forfeited recognizances given  
22 to, for the benefit of, or on behalf of the city or town;
- 23 and
- 24 (e) collection on bonds given upon an appeal taken  
25 from the judgment of the court in any action mentioned in

1 subsections (4)(a) through (4)(d);

2 (5) actions for the recovery of personal property  
3 belonging to the city or town when the value of the  
4 property, exclusive of the damages for the taking or  
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6 (6) actions for the collection of a license fee  
7 required by an ordinance of the city or town."

8 Section 2. Section 3-11-206, MCA, is amended to read:

9 "3-11-206. City to provide facilities -- conduct of  
10 court business. (1) The governing body of the city in which  
11 the judge has been elected or appointed shall provide for  
12 the judge:

13 ~~†1~~(a) the office space, courtroom, and clerical  
14 assistance necessary to enable him to perform his duties in  
15 dignified surroundings;

16 ~~†2~~(b) the books, records, forms, papers, stationery,  
17 postage, office equipment, and supplies necessary for the  
18 proper keeping of the records and files of the judicial  
19 office and the transaction of business;

20 ~~†3~~(c) one copy of the latest edition of the Montana  
21 Code Annotated and all official supplements thereto or  
22 immediate access to the code and supplements.

23 (2) (a) Except as provided in subsection (2)(b), the  
24 provisions of 3-6-301 through 3-6-303 concerning conduct of  
25 municipal court business apply to the city court.

1 (b) If the governing body of a city establishes by  
2 ordinance the position of clerk of city court, 3-6-301 does  
3 not apply to the city court."

4 Section 3. Section 40-1-301, MCA, is amended to read:

5 "40-1-301. Solemnization and registration. (1) A  
6 marriage may be solemnized by a judge of a court of record,  
7 by a public official whose powers include solemnization of  
8 marriages, by a mayor, city judge, or justice of the peace,  
9 by a tribal judge, or in accordance with any mode of  
10 solemnization recognized by any religious denomination,  
11 Indian nation or tribe, or native group. Either the person  
12 solemnizing the marriage or, if no individual acting alone  
13 solemnized the marriage, a party to the marriage shall  
14 complete the marriage certificate form and forward it to the  
15 clerk of the district court.

16 (2) If a party to a marriage is unable to be present  
17 at the solemnization, he may authorize in writing a third  
18 person to act as his proxy. If the person solemnizing the  
19 marriage is satisfied that the absent party is unable to be  
20 present and has consented to the marriage, he may solemnize  
21 the marriage by proxy. If he is not satisfied, the parties  
22 may petition the district court for an order permitting the  
23 marriage to be solemnized by proxy.

24 (3) The solemnization of the marriage is not  
25 invalidated by the fact that the person solemnizing the

1 marriage was not legally qualified to solemnize it, if  
 2 either party to the marriage believed him to be so  
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4 Section 4. Section 61-5-116, MCA, is amended to read:

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

16 Section 5. Section 61-6-302, MCA, is amended to read:

17 "61-6-302. Proof of compliance. (1) Except as provided  
 18 in subsection (2), before any applicant required to register  
 19 his motor vehicle may do so, the applicant must certify to  
 20 the county treasurer that he possesses an automobile  
 21 liability insurance policy, a certificate of self-insurance,  
 22 or a posted indemnity bond or that he is eligible for an  
 23 exemption under 61-6-303 covering the motor vehicle. The  
 24 certification shall be on a form prescribed by the division  
 25 of motor vehicles. The division may immediately cancel the

1 registration and license plates of the vehicle upon  
 2 notification that the insurance certification was not  
 3 correctly represented. Any person who intentionally provides  
 4 false information on an insurance certification is guilty of  
 5 unsworn falsification to authorities, punishable as provided  
 6 in 45-7-203.

7 (2) An applicant for registration of an automobile or  
 8 a truck having a rated capacity of three-quarters of a ton  
 9 or less, who wishes to register the vehicle by mail must  
 10 sign a statement on the application stating that the  
 11 applicant is in compliance with the financial liability  
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 18 delivery to the division and may not operate or permit  
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 20 again been furnished as required and the vehicle is again  
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22 (4) Every person shall carry in a motor vehicle being  
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 25 owner as proof of compliance with 61-6-301. A motor vehicle

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APPROVED BY COMMITTEE  
ON JUDICIARY

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INTRODUCED BY M. WILLIAMS, ADDY

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20 any way interested;  
21 (d) the enforcement of forfeited recognizances given  
22 to, for the benefit of, or on behalf of the city or town;  
23 and  
24 (e) collection on bonds given upon an appeal taken  
25 from the judgment of the court in any action mentioned in

1 subsections (4)(a) through (4)(d);

2 (5) actions for the recovery of personal property  
3 belonging to the city or town when the value of the  
4 property, exclusive of the damages for the taking or  
5 detention, does not exceed ~~\$300~~ ~~\$3,500~~ \$2,500; and

6 (6) actions for the collection of a license fee  
7 required by an ordinance of the city or town."

8 Section 2. Section 3-11-206, MCA, is amended to read:

9 "3-11-206. City to provide facilities -- conduct of  
10 court business. (1) The governing body of the city in which  
11 the judge has been elected or appointed shall provide for  
12 the judge:

13 ~~†1~~(a) the office space, courtroom, and clerical  
14 assistance necessary to enable him to perform his duties in  
15 dignified surroundings;

16 ~~†2~~(b) the books, records, forms, papers, stationery,  
17 postage, office equipment, and supplies necessary for the  
18 proper keeping of the records and files of the judicial  
19 office and the transaction of business;

20 ~~†3~~(c) one copy of the latest edition of the Montana  
21 Code Annotated and all official supplements thereto or  
22 immediate access to the code and supplements.

23 (2) (a) Except as provided in subsection (2)(b), the  
24 provisions of 3-6-301 through 3-6-303 concerning conduct of  
25 municipal court business apply to the city court.

1 (b) If the governing body of a city establishes by  
2 ordinance the position of clerk of city court, 3-6-301 does  
3 not apply to the city court."

4 Section 3. Section 40-1-301, MCA, is amended to read:

5 "40-1-301. Solemnization and registration. (1) A  
6 marriage may be solemnized by a judge of a court of record,  
7 by a public official whose powers include solemnization of  
8 marriages, by a mayor, city judge, or justice of the peace,  
9 by a tribal judge, or in accordance with any mode of  
10 solemnization recognized by any religious denomination,  
11 Indian nation or tribe, or native group. Either the person  
12 solemnizing the marriage or, if no individual acting alone  
13 solemnized the marriage, a party to the marriage shall  
14 complete the marriage certificate form and forward it to the  
15 clerk of the district court.

16 (2) If a party to a marriage is unable to be present  
17 at the solemnization, he may authorize in writing a third  
18 person to act as his proxy. If the person solemnizing the  
19 marriage is satisfied that the absent party is unable to be  
20 present and has consented to the marriage, he may solemnize  
21 the marriage by proxy. If he is not satisfied, the parties  
22 may petition the district court for an order permitting the  
23 marriage to be solemnized by proxy.

24 (3) The solemnization of the marriage is not  
25 invalidated by the fact that the person solemnizing the

1 marriage was not legally qualified to solemnize it, if  
2 either party to the marriage believed him to be so  
3 qualified."

4 Section 4. Section 61-5-116, MCA, is amended to read:

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

16 Section 5. Section 61-6-302, MCA, is amended to read:

17 "61-6-302. Proof of compliance. (1) Except as provided  
18 in subsection (2), before any applicant required to register  
19 his motor vehicle may do so, the applicant must certify to  
20 the county treasurer that he possesses an automobile  
21 liability insurance policy, a certificate of self-insurance,  
22 or a posted indemnity bond or that he is eligible for an  
23 exemption under 61-6-303 covering the motor vehicle. The  
24 certification shall be on a form prescribed by the division  
25 of motor vehicles. The division may immediately cancel the

1 registration and license plates of the vehicle upon  
2 notification that the insurance certification was not  
3 correctly represented. Any person who intentionally provides  
4 false information on an insurance certification is guilty of  
5 unsworn falsification to authorities, punishable as provided  
6 in 45-7-203.

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

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

22 (4) Every person shall carry in a motor vehicle being  
23 operated by him an insurance card approved by the division  
24 but issued by the insurance carrier to the motor vehicle  
25 owner as proof of compliance with 61-6-301. A motor vehicle



1 operator shall exhibit the insurance card upon demand of a  
2 justice of the peace, a city or municipal judge, a peace  
3 officer, a highway patrolman, or a field deputy or inspector  
4 of the division. However, no person charged with violating  
5 this subsection may be convicted if he produces in court or  
6 the office of the arresting officer proof of insurance valid  
7 at the time of his arrest."

-End-