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 concurred 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 NG. 799
2	INTRODUCED BY M Williams taky
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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
В	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."
13	
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:
1 8	 proceedings for the violation of an ordinance of
19	the city of 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:

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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; (3) actions for the collection of money due to the 9 city or town or from the city or town to any person when the 10 amount sought, exclusive of interest and costs, does not 11 12 exceed \$300 \$3,500; 13 (4) when the amount claimed, exclusive of costs, does 14 not exceed \$300 \$3,500, actions for: (a) the breach of an official bond given by a city or 15 16 town officer; (b) the breach of any contract when the city or town 17 is a party or is in any way interested; 18 19 (c) damages when the city or town is a party or is in 20 any way interested; (d) the enforcement of forfeited recognizances given 21 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

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1	<pre>subsections (4)(a) through (4)(d);</pre>	1	(b) If the governing body of a city establishes by
2	(5) actions for the recovery of personal property	2	ordinance the position of clerk of city court, 3-6-301 does
3	belonging to the city or town when the value of the	З	not apply to the city court."
4	property, exclusive of the damages for the taking or	4	Section 3. Section 40-1-301, MCA, is amended to read:
5	detention, does not exceed \$300 <u>\$3,500</u> ; and	5	"40-1-301. Solemnization and registration. (1) A
6	(6) actions for the collection of a license fee	6	marriage may be solemnized by a judge of a court of record,
7	required by an ordinance of the city or town."	7	by a public official whose powers include solemnization of
8	Section 2. Section 3-11-206, MCA, is amended to read:	8	marriages, by a mayor <u>, city judge,</u> or justice of the peace,
9	"3-11-206. City to provide facilities <u> conduct of</u>	9	by a tribal judge, or in accordance with any mode of
10	court business. (1) The governing body of the city in which	10	solemnization recognized by any religious denomination,
11	the judge has been elected or appointed shall provide for	11	Indian nation or tribe, or native group. Either the person
12	the judge:	12	solemnizing the marriage or, if no individual acting alone
13	<pre>fly(a) the office space, courtroom, and clerical</pre>	13	solemnized the marriage, a party to the marriage shall
14	assistance necessary to enable him to perform his duties in	14	complete the marriage certificate form and forward it to the
15	dignified surroundings;	15	clerk of the district court.
16	<pre>f2;(b) the books, records, forms, papers, stationery,</pre>	16	(2) If a party to a marriage is unable to be present
17	postage, office equipment, and supplies necessary for the	17	at the solemnization, he may authorize in writing a third
18	proper keeping of the records and files of the judicial	18	person to act as his proxy. If the person solemnizing the
19	office and the transaction of business;	19	marriage is satisfied that the absent party is unable to be
20	<pre>(3)(c) one copy of the latest edition of the Montana</pre>	20	present and has consented to the marriage, he may solemnize
21	Code Annotated and all official supplements thereto or	21	the marriage by proxy. If he is not satisfied, the parties
22	immediate access to the code and supplements.	22	may petition the district court for an order permitting the
23	(2) (a) Except as provided in subsection (2)(b), the	23	marriage to be solemnized by proxy.
24	provisions of 3-6-301 through 3-6-303 concerning conduct of	24	(3) The solemnization of the marriage is not
25	municipal court business apply to the city court.	25	invalidated by the fact that the person solemnizing the

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

Section 4. Section 61-5-116, MCA, is amended to read: 4 "61-5-116. License to be carried and exhibited on 5 demand. Every licensee shall have his operator's or б chauffeur's license in his immediate possession at all times 7 when operating a motor vehicle and shall display the same 8 upon demand of a justice of the peace, a city or municipal 9 judge, a peace officer, a highway patrolman, or a field 10 deputy or inspector of the division. However, no person 11 charged with violating this section shall be convicted if he 12 produces in court or the office of the arresting officer an 13 operator's or chauffeur's license theretofore issued to him 14 and valid at the time of his arrest." 15

Section 5. Section 61-6-302, MCA, is amended to read: 16 "61-6-302. Proof of compliance. (1) Except as provided 17 in subsection (2), before any applicant required to register 18 his motor vehicle may do so, the applicant must certify to 19 county treasurer that he possesses an automobile 20 the liability insurance policy, a certificate of self-insurance, 21 or a posted indemnity bond or that he is eligible for an 22 exemption under 61-6-303 covering the motor vehicle. The 23 certification shall be on a form prescribed by the division 24 of motor vehicles. The division may immediately cancel the 25

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.

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.

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

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

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operator shall exhibit the insurance card upon demand of a justice of the peace, <u>a city or municipal judge</u>, 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."

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49th Legislature

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APPROVED BY COMMITTEE On Judiciary

1	HOUSE BILL NO. 799	. 1	(a) city or town purposes;
2	INTRODUCED BY M. WILLIAMS, ADDY	2	(b) the erection or improvement of public buildings;
3		3	(c) the laying out, opening, or improving of a public
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE	4	street, sidewalk, alley, or bridge;
5	LAWS CONCERNING MUNICIPAL AND CITY COURTS; EXPANDING THE	5	(d) the acquisition or improvement of any public
6	EXCLUSIVE JURISDICTION OF CITY COURTS; MAKING APPLICABLE TO	6	grounds; and
7	CITY COURTS CERTAIN PROVISIONS CONCERNING THE CONDUCT OF	7	(e) public improvements made or ordered by the city or
8	MUNICIPAL COURT BUSINESS; PERMITTING CITY JUDGES TO	8	town within its limits;
9	SOLEMNIZE MARRIAGES; REQUIRING A PERSON TO DISPLAY HIS	9	(3) actions for the collection of money due to the
10	DRIVER'S LICENSE OR MOTOR VEHICLE INSURANCE CARD UPON DEMAND	10	city or town or from the city or town to any person when the
11	OF A CITY OR MUNICIPAL JUDGE; AMENDING SECTIONS 3-11-103,	11	amount sought, exclusive of interest and costs, does not
12	3-11-206, 40-1-301, 61-5-116, AND 61-6-302, MCA."	12	exceed \$300 \$37500 \$2,500;
13		13	(4) when the amount claimed, exclusive of costs, does
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	not exceed \$300 \$37500 \$2,500, actions for:
15	Section 1. Section 3-11-103, MCA, is amended to read:	15	(a) the breach of an official bond given by a city or
16	"3-11-103. Exclusive jurisdiction. Except as provided	16	town officer;
17	in 3-11-104, the city court has exclusive jurisdiction of:	17	(b) the breach of any contract when the city or town
18	(1) proceedings for the violation of an ordinance of	18	is a party or is in any way interested;
19	the city or town, both civil and criminal;	19	(c) damages when the city or town is a party or is in
20	(2) when the amount of the taxes or assessments sought	20	any way interested;
21	does not exceed \$300 <u>\$37500</u> <u>\$2,500</u> , actions for the	21	(d) the enforcement of forfeited recognizances given
22	collection of taxes or assessments levied for any of the	22	to, for the benefit of, or on behalf of the city or town;
23	following purposes, except that no lien on the property	23	and
24	taxed or assessed for the nonpayment of the taxes or	24	(e) collection on bonds given upon an appeal taken
25	assessments may be foreclosed in any such action:	25	from the judgment of the court in any action mentioned in



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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 \$37500 \$22,500; and

6 (6) actions for the collection of a license fee7 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 <u>-- conduct of</u>
10 <u>court business. (1)</u> 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;

t3)(c) one copy of the latest edition of the Montana
 Code Annotated and all official supplements thereto or
 immediate access to the code and supplements.

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

(b) If the governing body of a city establishes by
 ordinance the position of clerk of city court, 3-6-301 does
 not apply to the city court."
 Section 3. Section 40-1-301, MCA, is amended to read:

"40-1-301. Solemnization and registration. (1) A 5 6 marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of 7 marriages, by a mayor, city judge, or justice of the peace, 8 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 solemnized the marriage, a party to the marriage shall 13 complete the marriage certificate form and forward it to the 14 clerk of the district court. 15

(2) If a party to a marriage is unable to be present 16 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 present and has consented to the marriage, he may solemnize 20 21 the marriage by proxy. If he is not satisfied, the parties 22 may petition the district court for an order permitting the marriage to be solemnized by proxy. 23

24 (3) The solemnization of the marriage is not25 invalidated by the fact that the person solemnizing the

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

Section 4. Section 61-5-116, MCA, is amended to read: 4 "61-5-116. License to be carried and exhibited on 5 6 demand. Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times 7 when operating a motor vehicle and shall display the same 8 upon demand of a justice of the peace, a city or municipal 9 judge, a peace officer, a highway patrolman, or a field 10 11 deputy or inspector of the division. However, no person charged with violating this section shall be convicted if he 12 13 produces in court or the office of the arresting officer an operator's or chauffeur's license theretofore issued to him 14 and valid at the time of his arrest." 15

Section 5. Section 61-6-302, MCA, is amended to read: 16 "61-6-302. Proof of compliance. (1) Except as provided 17 in subsection (2), before any applicant required to register 18 19 his motor vehicle may do so, the applicant must certify to county treasurer that he possesses an automobile 20 the liability insurance policy, a certificate of self-insurance, 21 or a posted indemnity bond or that he is eligible for an 22 exemption under 61-6-303 covering the motor vehicle. The 23 certification shall be on a form prescribed by the division 24 25 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.

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.

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

(4) 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

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operator shall exhibit the insurance card upon demand of a justice of the peace, <u>a city or municipal judge</u>, 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."

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		. 1	(a) city or town purposes;
1	HOUSE BILL NO. 799		· · ·
2	INTRODUCED BY M. WILLIAMS, ADDY	2	(b) the erection or improvement of public buildings;
3		3	(C) the laying out, opening, or improving of a public
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE	4	street, sidewalk, alley, or bridge;
- 5	LAWS CONCERNING MUNICIPAL AND CITY COURTS; EXPANDING THE	5	(d) the acquisition or improvement of any public
6	EXCLUSIVE JURISDICTION OF CITY COURTS; MAKING APPLICABLE TO	6	grounds; and
7	CITY COURTS CERTAIN PROVISIONS CONCERNING THE CONDUCT OF	7	(e) public improvements made or ordered by the city or
8	MUNICIPAL COURT BUSINESS; PERMITTING CITY JUDGES TO	8	town within its limits;
9	SOLEMNIZE MARRIAGES; REQUIRING A PERSON TO DISPLAY HIS	9	(3) actions for the collection of money due to the
10	DRIVER'S LICENSE OR MOTOR VEHICLE INSURANCE CARD UPON DEMAND	10	city or town or from the city or town to any person when the
11	OF A CITY OR MUNICIPAL JUDGE; AMENDING SECTIONS 3-11-103,	11	amount sought, exclusive of interest and costs, does not
12	3-11-206, 40-1-301, 61-5-116, AND 61-6-302, MCA."	12	exceed 9300 <u>937500</u> <u>\$2,500</u> ;
13		13	(4) when the amount claimed, exclusive of costs, does
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	not exceed \$300 <u>\$37500</u> <u>\$2,500</u> , actions for:
15	Section 1. Section 3-11-103, MCA, is amended to read:	15	(a) the breach of an official bond given by a city or
16	"3-11-103. Exclusive jurisdiction. Except as provided	16	town officer;
17	in 3-11-104, the city court has exclusive jurisdiction of:	17	(b) the breach of any contract when the city or town
18	(1) proceedings for the violation of an ordinance of	18	is a party or is in any way interested;
19	the city or town, both civil and criminal;	19	(c) damages when the city or town is a party or is in
20	(2) when the amount of the taxes or assessments sought	20	any way interested;
21	does not exceed \$300 <u>\$37500 \$2,500</u> , actions for the	21	(d) the enforcement of forfeited recognizances given
22	collection of taxes or assessments levied for any of the	22	to, for the benefit of, or on behalf of the city or town;
23	following purposes, except that no lien on the property	23	and
24	taxed or assessed for the nonpayment of the taxes or	24	(e) collection on bonds given upon an appeal taken
25	assessments may be foreclosed in any such action:	25	from the judgment of the court in any action mentioned in

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THIRD READING

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1		1	(b) If the governing body of a city establishes by
	subsections (4)(a) through (4)(d);		ordinance the position of clerk of city court, 3-6-301 does
2	(5) actions for the recovery of personal property	2	
3	belonging to the city or town when the value of the	3	not apply to the city court."
4	property, exclusive of the damages for the taking or	4	Section 3. Section 40-1-301, MCA, is amended to read:
5	detention, does not exceed $3300 \frac{53}{500} \frac{52}{500}$; and	5	"40-1-301. Solemnization and registration. (1) A
6	(6) actions for the collection of a license fee	6	marriage may be solemnized by a judge of a court of record,
7	required by an ordinance of the city or town."	7	by a public official whose powers include solemnization of
8	Section 2. Section 3-11-206, MCA, is amended to read:	8	marriages, by a mayor <u>, city judge,</u> or justice of the peace,
9	"3-11-206. City to provide facilities conduct of	9	by a tribal judge, or in accordance with any mode of
10	court business. (1) The governing body of the city in which	10	solemnization recognized by any religious denomination,
11	the judge has been elected or appointed shall provide for	11	Indian nation or tribe, or native group. Either the person
12	the judge:	12	solemnizing the marriage or, if no individual acting alone
13	<pre>fity(a) the office space, courtroom, and clerical</pre>	13	solemnized the marriage, a party to the marriage shall
14	assistance necessary to enable him to perform his duties in	14	complete the marriage certificate form and forward it to the
15	dignified surroundings;	15	clerk of the district court.
16	<pre>f2)(b) the books, records, forms, papers, stationery,</pre>	16	(2) If a party to a marriage is unable to be present
17	postage, office equipment, and supplies necessary for the	17	at the solemnization, he may authorize in writing a third
18	proper keeping of the records and files of the judicial	18	person to act as his proxy. If the person solemnizing the
19	office and the transaction of business;	19	marriage is satisfied that the absent party is unable to be
20	<pre>f3;(c) one copy of the latest edition of the Montana</pre>	20	present and has consented to the marriage, he may solemnize
21	Code Annotated and all official supplements thereto or	21	the marriage by proxy. If he is not satisfied, the parties
22	immediate access to the code and supplements.	22	may petition the district court for an order permitting the
23	(2) (a) Except as provided in subsection (2)(b), the	23	marriage to be solemnized by proxy.
24	provisions of 3-6-301 through 3-6-303 concerning conduct of	24	(3) The solemnization of the marriage is not
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Section 4. Section 61-5-116, MCA, is amended to read: 4 5 "61-5-116. License to be carried and exhibited on demand. Every licensee shall have his operator's or 6 chauffeur's license in his immediate possession at all times 7 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 produces in court or the office of the arresting officer an 13 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 in subsection (2), before any applicant required to register 18 his motor vehicle may do so, the applicant must certify to 19 20 the county treasurer that he possesses an automobile 21 liability insurance policy, a certificate of self-insurance, or a posted indemnity bond or that he is eligible for an 22 23 exemption under 61-6-303 covering the motor vehicle. The certification shall be on a form prescribed by the division 24 25 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
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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.

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

(4) 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

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1 operator shall exhibit the insurance card upon demand of a 2 justice of the peace, <u>a city or municipal judge</u>, 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."

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HOUSE BILL NO. 799 (a) city or town purposes; 1 INTRODUCED BY M. WILLIAMS, ADDY 2 (b) the erection or improvement of public buildings; 3 (c) the laying out, opening, or improving of a public A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE street, sidewalk, alley, or bridge; 4 LAWS CONCERNING MUNICIPAL AND CITY COURTS; EXPANDING THE 5 (d) the acquisition or improvement of any public EXCLUSIVE JURISDICTION OF CITY COURTS: MAKING APPLICABLE TO grounds; and 6 CITY COURTS CERTAIN PROVISIONS CONCERNING THE CONDUCT OF 7 (e) public improvements made or ordered by the city or MUNICIPAL COURT BUSINESS: PERMITTING CITY JUDGES 8 town within its limits; TO SOLEMNIZE MARRIAGES; REQUIRING A PERSON TO DISPLAY HIS 9 (3) actions for the collection of money due to the DRIVER'S LICENSE OR MOTOR VEHICLE INSURANCE CARD UPON DEMAND 10 city or town or from the city or town to any person when the OF A CITY OR MUNICIPAL JUDGE; AMENDING SECTIONS 3-11-103. 11 amount sought, exclusive of interest and costs, does not 3-11-206, 40-1-301, 61-5-116, AND 61-6-302, MCA." 12 exceed \$300 \$3,500 \$2,500; 13 (4) when the amount claimed, exclusive of costs, does BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: not exceed \$300 \$37500 \$2,500, actions for: 14 Section 1. Section 3-11-103, MCA, is amended to read: 15 (a) the breach of an official bond given by a city or "3-11-103. Exclusive jurisdiction. Except as provided 16 town officer; in 3-11-104, the city court has exclusive jurisdiction of: 17 (b) the breach of any contract when the city or town (1) proceedings for the violation of an ordinance of 18 is a party or is in any way interested; 19 (c) damages when the city or town is a party or is in the city or town, both civil and criminal; (2) when the amount of the taxes or assessments sought 20 any way interested; does not exceed \$300 \$3,500 \$2,500, actions for the 21 (d) the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; collection of taxes or assessments levied for any of the 22 following purposes, except that no lien on the property 23 and (e) collection on bonds given upon an appeal taken taxed or assessed for the nonpayment of the taxes or 24 assessments may be foreclosed in any such action: 25 from the judgment of the court in any action mentioned in



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HB 799 REFERENCE BILL

1	<pre>subsections (4)(a) through (4)(d);</pre>	1	(b) If the governing body of a city establishes by
2	(5) actions for the recovery of personal property	2	ordinance the position of clerk of city court, 3-6-301 does
3	belonging to the city or town when the value of the	3	not apply to the city court."
4	property, exclusive of the damages for the taking or	4	Section 3. Section 40-1-301, MCA, is amended to read:
5	detention, does not exceed 3300 $\frac{1}{27500}$ $\frac{52,500}{52,500}$; and	5	"40-1-301. Solemnization and registration. (1) A
6	(6) actions for the collection of a license fee	6	marriage may be solemnized by a judge of a court of record,
7	required by an ordinance of the city or town."	7	by a public official whose powers include solemnization of
8	Section 2. Section 3-11-206, MCA, is amended to read:	8	marriages, by a mayor <u>, city judge</u> , or justice of the peace,
9	"3-11-206. City to provide facilities <u> conduct of</u>	9	by a tribal judge, or in accordance with any mode of
10	court business. (1) The governing body of the city in which	10	solemnization recognized by any religious denomination,
11	the judge has been elected or appointed shall provide for	11	Indian nation or tribe, or native group. Either the person
12	the judge:	12	solemnizing the marriage or, if no individual acting alone
13	<pre>ft;(a) the office space, courtroom, and clerical</pre>	13	solemnized the marriage, a party to the marriage shall
14	assistance necessary to enable him to perform his duties in	14	complete the marriage certificate form and forward it to the
15	dignified surroundings;	15	clerk of the district court.
16	<pre>t2;(b) the books, records, forms, papers, stationery,</pre>	16	(2) If a party to a marriage is unable to be present
17	postage, office equipment, and supplies necessary for the	17	at the solemnization, he may authorize in writing a third
18	proper keeping of the records and files of the judicial	18	person to act as his proxy. If the person solemnizing the
19	office and the transaction of business;	19	marriage is satisfied that the absent party is unable to be
20	+3+(c) one copy of the latest edition of the Montana	20	present and has consented to the marriage, he may solemnize
21	Code Annotated and all official supplements thereto or	21	the marriage by proxy. If he is not satisfied, the parties
22	immediate access to the code and supplements.	22	may petition the district court for an order permitting the
23	(2) (a) Except as provided in subsection (2)(b), the	23	marriage to be solemnized by proxy.
24	provisions of 3-6-301 through 3-6-303 concerning conduct of	24	(3) The solemnization of the marriage is not
25	municipal court business apply to the city court.	25	invalidated by the fact that the person solemnizing the
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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: "61-5-116. License to be carried and exhibited on 5 6 demand, Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times 7 8 when operating a motor vehicle and shall display the same 9 upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrolman, or a field 10 deputy or inspector of the division. However, no person 11 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 in subsection (2), before any applicant required to register 18 his motor vehicle may do so, the applicant must certify to 19 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 exemption under 61-6-303 covering the motor vehicle. The 23 24 certification shall be on a form prescribed by the division of motor vehicles. The division may immediately cancel the 25

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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.

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.

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

(4) 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

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operator shall exhibit the insurance card upon demand of a justice of the peace, <u>a city or municipal judge</u>, 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."

-End-

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