

SENATE BILL NO. 58

1/07 Introduced
1/07 Referred to Highways & Transportation
1/22 Tabled in Committee

1 SENATE BILL NO. 58
2 INTRODUCTION BY CHRISTIAENS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF SAFETY
5 BELTS BY THE DRIVER AND RIGHT FRONT SEAT PASSENGER OF AN
6 AUTOMOBILE; APPLYING PROVISIONS OF COMPARATIVE NEGLIGENCE TO
7 FAILURE TO USE SAFETY BELTS; AND REQUIRING ANOTHER TRAFFIC
8 OFFENSE BEFORE CITATION; AMENDING SECTION 61-9-409, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 61-9-409, MCA, is amended to read:

12 "61-9-409. Seatbelts required in new vehicles -- use
13 of safety belts required -- comparative negligence -- other
14 traffic offense necessary for citation. (1) It is unlawful
15 for any person to buy, sell, lease, trade, or transfer from
16 or to Montana residents at retail an automobile which is
17 manufactured or assembled commencing with the 1966 models
18 unless such vehicle is equipped with safety belts installed
19 for use in the left front and right front seats thereof, and
20 no such vehicle shall be operated in this state unless such
21 belts remain installed and are worn by the driver and any
22 right front seat passenger.

23 (2) Failure of the driver or any right front seat
24 passenger to wear a safety belt as required in subsection
25 (1) is negligence per se, and the comparative negligence

1 provisions of 27-1-702 apply.
2 (3) No law enforcement officer may cite any person for
3 failure to wear a safety belt as required in subsection (1)
4 unless the officer has first halted the motor vehicle
5 involved with probable cause that a violation of another
6 provision of this title has occurred."

-End-

