

HOUSE BILL NO. 28

INTRODUCED BY JENKINS, IVERSON, AKLESTAD, KOLSTAD

IN THE HOUSE

JANUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

JANUARY 19, 1987                   ON MOTION BY CHIEF SPONSOR, SENATORS  
AKLESTAD AND KOLSTAD AND REPRESENTATIVE  
IVERSON ADDED AS SPONSORS.

FEBRUARY 11, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 12, 1987                   PRINTING REPORT.

FEBRUARY 13, 1987                   SECOND READING, DO PASS.

FEBRUARY 14, 1987                   ON MOTION, TAKEN FROM ENGROSSING  
AND REREFERRED TO COMMITTEE  
ON APPROPRIATIONS.

                                      ENGROSSING REPORT.

FEBRUARY 19, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1987                   PRINTING REPORT.

FEBRUARY 21, 1987                   SECOND READING, DO PASS.

                                      ENGROSSING REPORT.

FEBRUARY 23, 1987                   THIRD READING, PASSED.  
AYES, 94; NOES, 3.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

MARCH 18, 1987

COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 21, 1987

SECOND READING, CONCURRED IN.

MARCH 24, 1987

THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 24, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1                    HOUSE      BILL NO. 28  
2    INTRODUCED BY JENKINS

3  
4    A BILL FOR AN ACT ENTITLED:    "AN ACT CHANGING THE  
5    DISTRIBUTION OF FINES AND FORFEITURES FOR GROSS VEHICLE  
6    WEIGHT VIOLATIONS ON ROADS NOT INCLUDED IN THE STATE  
7    MAINTENANCE SYSTEM; AMENDING SECTION 61-12-701, MCA; AND  
8    PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11            Section 1. Section 61-12-701, MCA, is amended to read:

12            "61-12-701. Disposition of fines and forfeitures. (1)  
13    ~~Att~~ Except as provided in subsection (2), all fines and  
14    forfeitures collected in any court for violation of the laws  
15    and regulations relating to the use of state highways and  
16    the operation of vehicles thereon, if the apprehension or  
17    arrest was by a highway patrolman, must be paid to the state  
18    treasurer and by him credited to the general fund of the  
19    state or, if the apprehension or arrest was by a sheriff or  
20    deputy sheriff, must be paid to the county treasurer for  
21    deposit in the county general fund, except for that portion  
22    of the fines otherwise allocated by law which must be paid  
23    into the appropriate accounts in the state special revenue  
24    fund.

25            (2) If the apprehension or arrest was for a violation

1    of Title 61, chapter 10, and if the offense occurred on a  
2    road or highway not included under 60-2-105 and 60-2-203,  
3    the fine or forfeiture must be distributed:

4            (a) 90% to the county treasurer for deposit in the  
5    county road fund; and

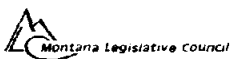
6            (b) 10% to the state treasurer for deposit in the  
7    state highway account in the state special revenue fund.

8            ~~(2)~~(3) At the time of payment of the fine or  
9    forfeiture, there must be filed with the appropriate  
10    treasurer a complete statement showing the total of the  
11    fines or forfeitures received or incurred, giving the title  
12    of the court and cause, and subscribed to by the person or  
13    officer making the payments."

14            NEW SECTION. Section 2. Extension of authority. Any  
15    existing authority of the department of highways or  
16    department of justice to make rules on the subject of the  
17    provisions of this act is extended to the provisions of this  
18    act.

19            NEW SECTION. Section 3. Effective date. This act is  
20    effective on passage and approval.

-End-



-2-    INTRODUCED BILL  
          HB 28

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB028, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act changing the distribution of fines and forfeitures for gross vehicle weight violations on roads not included in the State maintenance system.

ASSUMPTIONS:

1. It is assumed that in FY88 and FY89, 125 summons (100 Highway Patrol; 25 County Sheriff) will be issued in violation of Title 61, Chapter 10, and the average fine collected will be \$50.

FISCAL IMPACT:Expenditures:

N/A

Revenues:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
General Fund	\$ 2,850	\$ 356	(\$2,494)	\$ 2,850	\$ 356	(\$2,494)
State Special	\$ 2,150	\$ 269	(\$1,881)	\$ 2,150	\$ 269	(\$1,881)

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

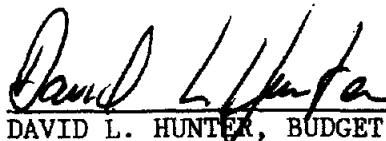
N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

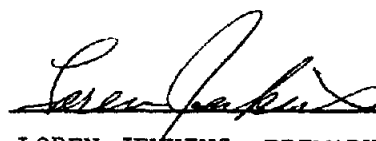
TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A



DATE 1/5/87

DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning



DATE 1-6-87

LOREN JENKINS, PRIMARY SPONSOR

Fiscal Note for HB028, as introduced.

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

HOUSE BILL NO. 28

INTRODUCED BY JENKINS, IVERSON, ARLESTAD, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DISTRIBUTION OF FINES AND FORFEITURES FOR GROSS VEHICLE WEIGHT VIOLATIONS ON ROADS NOT INCLUDED IN THE STATE MAINTENANCE SYSTEM; AMENDING SECTION SECTIONS 61-10-148 AND 61-12-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-12-701, MCA, is amended to read:

"61-12-701. Disposition of fines and forfeitures. (1)

~~All~~ Except as provided in subsection ~~(2)~~ 61-10-148(2), all fines and forfeitures collected in any court for violation of the laws and regulations relating to the use of state highways and the operation of vehicles thereon, if the apprehension or arrest was by a highway patrolman, must be paid to the state treasurer and by him credited to the general fund of the state or, if the apprehension or arrest was by a sheriff or deputy sheriff, must be paid to the county treasurer for deposit in the county general fund, except for that portion of the fines otherwise allocated by law which must be paid into the appropriate accounts in the state special revenue fund.

~~(2) If the apprehension or arrest was for a violation~~

~~of Title 61, chapter 10, and if the offense occurred on a road or highway not included under 60-2-105 and 60-2-203, the fine or forfeiture must be distributed:~~

~~(a) 90% to the county treasurer for deposit in the county road fund; and~~

~~(b) 10% to the state treasurer for deposit in the state highway account in the state special revenue fund;~~

~~(2)(3)(2)~~ At the time of payment of the fine or forfeiture, there must be filed with the appropriate treasurer a complete statement showing the total of the fines or forfeitures received or incurred, giving the title of the court and cause, and subscribed to by the person or officer making the payments."

SECTION 2. SECTION 61-10-148, MCA, IS AMENDED TO READ:

"61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2), 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 state special revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a



1 road or highway not included under 60-2-105 and 60-2-203,  
2 all money collected as fines and forfeited bonds must be  
3 distributed to the county treasurer for deposit in the  
4 county road fund."

5 NEW SECTION. Section 3. Extension of authority. Any  
6 existing authority of the department of highways or  
7 department of justice to make rules on the subject of the  
8 provisions of this act is extended to the provisions of this  
9 act.

10 NEW SECTION. Section 4. Effective date. This act is  
11 effective on passage and approval.

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21 county treasurer for deposit in the county general fund,  
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25 ~~(2) If the apprehension or arrest was for a violation~~

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