

HB 291 INTRODUCED BY PECK, ET AL.
REQUIRE \$15 SURCHARGE FOR VIOLATION OF FUEL
CONSERVATION SPEED LIMIT
BY REQUEST OF DEPARTMENT OF JUSTICE

1/19	INTRODUCED		
1/19	REFERRED TO JUDICIARY		
1/19	FISCAL NOTE REQUESTED		
1/20	FISCAL NOTE RECEIVED		
1/26	REREFERRED TO HIGHWAYS & TRANSPORTATION		
2/12	HEARING		
2/21	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	69	28
2/23	REREFERRED TO APPROPRIATIONS		
3/04	HEARING		
3/06	HEARING		
3/07	HEARING		
3/17	TAKEN FROM COMMITTEE	80	11
3/19	2ND READING PASSED AS AMENDED	90	8
3/19	REREFERRED TO RULES		
3/26	HEARING		
3/28	TABLED IN COMMITTEE		

1 House BILL NO. 291
2 INTRODUCED BY Park Harp

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN
6 ADDITIONAL \$15 SURCHARGE BE IMPOSED FOR VIOLATION OF THE
7 FUEL CONSERVATION SPEED LIMIT; INCREASING THE BOND FOR THAT
8 OFFENSE; PROVIDING FOR DISPOSITION OF THE SURCHARGE; AND
9 AMENDING SECTION 61-8-718, MCA."

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

12 Section 1. Section 61-8-718, MCA, is amended to read:

13 "61-8-718. Penalty for violation of fuel conservation
14 speed limit. (1) A person violating the speed limit imposed
15 pursuant to 61-8-304 is guilty of the offense of unnecessary
16 waste of a resource and upon conviction shall be fined \$5,
17 and no jail sentence may be imposed. Except as provided in
18 subsection (2), all courts of original jurisdiction shall
19 impose upon a defendant convicted under 61-8-304, a \$15
20 surcharge in addition to other taxable court costs, fees, or
21 finer. Bond for this offense shall be \$5 \$20.

22 (2) If a court determines under 46-18-231 and
23 46-18-232 that the defendant is not able to pay the
24 surcharge and costs or that he is unable to pay them within
25 a reasonable time, the court shall waive payment of the

1 surcharge imposed by this section.

2 (3) All money collected from payment of the \$15
3 surcharge and all interest accruing from the temporary
4 deposit of this money into a court or county fund shall be
5 forwarded to the state treasurer and deposited in the motor
6 vehicle recording account of the state special revenue fund.

7 (4) For the purpose of this section only, the fees
8 of the justice's court shall be the balance of the fine not
9 otherwise allocated by law and shall be remitted as set
10 forth in 3-10-603(3).

11 (5) A violation of 61-8-304 is not a misdemeanor
12 pursuant to 45-2-101, 61-8-104, or 61-8-711."

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB291, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that an additional \$15 surcharge be imposed for violation of the fuel conservation speed limit.

ASSUMPTIONS:

1. 75,800 55 mph violations were written in 1986. It is assumed that 20% fewer violations will occur in FY88 and FY89 due to driver regard for the increased fee.
2. The current distribution of the (\$5) 55 mph violation will remain fixed, and the entire \$15 surcharge will be deposited in the State Motor Vehicle Account.

FISCAL IMPACT:Revenue:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Special Revenue Fund - Fines						
Driver's Education	\$ 94,750	\$ 75,800	(\$ 18,950)	\$ 94,750	\$ 75,800	(\$ 18,950)
Crime Victims	68,250	54,576	(13,674)	68,250	54,576	(13,674)
Motor Vehicle		909,600	909,600		909,600	909,600
Total	\$163,000	\$1,039,976	\$876,976	\$163,000	\$1,039,976	\$ 876,976

While this bill has no direct impact on the general fund, revenue generated to the State Motor Vehicle Account is used to fund state programs that would otherwise be funded by the general fund.

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

David L. Hunter DATE 1/20/86
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Ray Peck DATE 1/21/87
 RAY PECK, PRIMARY SPONSOR

Fiscal Note for HB291, as introduced.

HB-291

RE-REFERRED AND
APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 291

2 INTRODUCED BY PECK, HARP

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN
6 ADDITIONAL ~~15~~ 2 SURCHARGE BE IMPOSED FOR VIOLATION OF THE
7 FUEL CONSERVATION SPEED LIMIT; INCREASING THE BOND FOR THAT
8 OFFENSE; PROVIDING FOR DISPOSITION OF THE SURCHARGE; AND
9 PROVIDING A CONTINGENT INCREASE IN THE FUEL CONSERVATION
10 SPEED LIMIT; AMENDING ~~SECTION~~ SECTIONS 61-8-304 AND
11 61-8-718, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 61-8-718, MCA, is amended to read:

15 "61-8-718. Penalty for violation of fuel conservation
16 speed limit. (1) A person violating the speed limit imposed
17 pursuant to 61-8-304 is guilty of the offense of unnecessary
18 waste of a resource and upon conviction shall be fined \$5,
19 and no jail sentence may be imposed. Except as provided in
20 subsection (2), all courts of original jurisdiction shall
21 impose upon a defendant convicted under 61-8-304, a ~~15~~ 2
22 surcharge in addition to other taxable court costs, fees, or
23 finer. Bond for this offense shall be \$5 ~~20~~ 7.

24 (2) If a court determines under 46-18-231 and
25 46-18-232 that the defendant is not able to pay the

1 surcharge and costs or that he is unable to pay them within
2 a reasonable time, the court shall waive payment of the
3 surcharge imposed by this section.

4 (3) All money collected from payment of the ~~15~~ 2
5 surcharge and all interest accruing from the temporary
6 deposit of this money into a court or county fund shall be
7 forwarded to the state treasurer and deposited in the motor
8 vehicle recording account of the state special revenue fund
9 FOR THE PURPOSE OF FUNDING THE LIGHT VEHICLE MAIL
10 REREGISTRATION AND REMINDER NOTICE PROCEDURE OF 61-3-535.
11 ANY EXCESS REMAINING IN THE ACCOUNT AT THE END OF THE FISCAL
12 YEAR MUST BE REMITTED TO THE GENERAL FUND.

13 ~~(2)~~ (4) For the purpose of this section only, the fees
14 of the justice's court shall be the balance of the fine not
15 otherwise allocated by law and shall be remitted as set
16 forth in 3-10-603(3).

17 ~~(3)~~ (5) A violation of 61-8-304 is not a misdemeanor
18 pursuant to 45-2-101, 61-8-104, or 61-8-711."

19 SECTION 2. SECTION 61-8-304, MCA, IS AMENDED TO READ:

20 "61-8-304. Fuel conservation speed limit -- exception
21 to the basic rule. (1) In order to insure conservation of a
22 resource, the speed limit for vehicles traveling on a
23 federal-aid interstate highway is 65 miles an hour and the
24 speed limit for vehicles traveling on any other public
25 highway of this state is 55 miles an hour, except as

1 provided under 61-8-309.

2 (2) A speed limit imposed pursuant to this section is
3 an exception to the requirements of 61-8-303 and 61-8-312,
4 and a speed in excess of the speed limit established
5 pursuant to this section is unlawful notwithstanding any
6 provision of 61-8-303 and 61-8-312."

7 NEW SECTION. SECTION 3. EFFECTIVE DATE. SECTION 2
8 AND THIS SECTION ARE EFFECTIVE IF AND WHEN THE FEDERAL LAW
9 THAT REQUIRES A SPEED LIMIT AS A CONDITION TO THE STATE'S
10 ELIGIBILITY TO RECEIVE FEDERAL HIGHWAY FUNDS IS AMENDED TO
11 PERMIT A SPEED LIMIT OF 65 MILES AN HOUR ON RURAL
12 FEDERAL-AID INTERSTATE HIGHWAYS. IF THE FEDERAL LAW IS
13 AMENDED IN THIS MANNER, SECTION 2 AND THIS SECTION BECOME
14 EFFECTIVE ON THE DATE THE GOVERNOR BY PROCLAMATION CERTIFIES
15 THAT THE SPEED LIMIT OF 65 MILES AN HOUR FOR RURAL
16 INTERSTATE HIGHWAYS IS ALLOWED.

-End-

1 HOUSE BILL NO. 291

2 INTRODUCED BY PECK, HARP

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN
6 ADDITIONAL ~~§15~~ §2 SURCHARGE BE IMPOSED FOR VIOLATION OF THE
7 FUEL CONSERVATION SPEED LIMIT; INCREASING THE BOND FOR THAT
8 OFFENSE; PROVIDING FOR DISPOSITION OF THE SURCHARGE; AND
9 PROVIDING A CONTINGENT INCREASE IN THE FUEL CONSERVATION
10 SPEED LIMIT; AMENDING ~~SECTION~~ SECTIONS 61-8-304 AND
11 61-8-718, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

14 Section 1. Section 61-8-718, MCA, is amended to read:

15 "61-8-718. Penalty for violation of fuel conservation
16 speed limit. (1) A person violating the speed limit imposed
17 pursuant to 61-8-304 is guilty of the offense of unnecessary
18 waste of a resource and upon conviction shall be fined \$5,
19 and no jail sentence may be imposed. Except as provided in
20 subsection (2), all courts of original jurisdiction shall
21 impose upon a defendant convicted under 61-8-304, a ~~§15~~ §2
22 surcharge in addition to other taxable court costs, fees, or
23 finer. Bond for this offense shall be ~~§5~~ §20 §7.

24 (2) If a court determines under 46-18-231 and
25 46-18-232 that the defendant is not able to pay the

1 surcharge and costs or that he is unable to pay them within
2 a reasonable time, the court shall waive payment of the
3 surcharge imposed by this section.

4 (3) All money collected from payment of the ~~§15~~ §2
5 surcharge and all interest accruing from the temporary
6 deposit of this money into a court or county fund shall be
7 forwarded to the state treasurer and deposited in the motor
8 vehicle recording account of the state special revenue fund
9 FOR THE PURPOSE OF FUNDING THE LIGHT VEHICLE MAIL,
10 REREGISTRATION AND REMINDER NOTICE PROCEDURE OF 61-3-535.
11 ANY EXCESS REMAINING IN THE ACCOUNT AT THE END OF THE FISCAL
12 YEAR MUST BE REMITTED TO THE GENERAL FUND.

13 ~~†2†~~(4) For the purpose of this section only, the fees
14 of the justice's court shall be the balance of the fine not
15 otherwise allocated by law and shall be remitted as set
16 forth in 3-10-603(3).

17 ~~†3†~~(5) A violation of 61-8-304 is not a misdemeanor
18 pursuant to 45-2-101, 61-8-104, or 61-8-711."

19 SECTION 2. SECTION 61-8-304, MCA, IS AMENDED TO READ:

20 "61-8-304. Fuel conservation speed limit -- exception
21 to the basic rule. (1) In order to insure conservation of a
22 resource, the speed limit for vehicles traveling on a
23 federal-aid interstate highway is 65 miles an hour and the
24 speed limit for vehicles traveling on any other public
25 highway of this state is 55 miles an hour, except as

1 provided under 61-8-309.

2 (2) A speed limit imposed pursuant to this section is
3 an exception to the requirements of 61-8-303 and 61-8-312,
4 and a speed in excess of the speed limit established
5 pursuant to this section is unlawful notwithstanding any
6 provision of 61-8-303 and 61-8-312."

7 NEW SECTION. SECTION 3. EFFECTIVE DATE. SECTION 2
8 AND THIS SECTION ARE EFFECTIVE IF AND WHEN THE FEDERAL LAW
9 THAT REQUIRES A SPEED LIMIT AS A CONDITION TO THE STATE'S
10 ELIGIBILITY TO RECEIVE FEDERAL HIGHWAY FUNDS IS AMENDED TO
11 PERMIT A SPEED LIMIT OF 65 MILES AN HOUR ON RURAL
12 FEDERAL-AID INTERSTATE HIGHWAYS. IF THE FEDERAL LAW IS
13 AMENDED IN THIS MANNER, SECTION 2 AND THIS SECTION BECOME
14 EFFECTIVE ON THE DATE THE GOVERNOR BY PROCLAMATION CERTIFIES
15 THAT THE SPEED LIMIT OF 65 MILES AN HOUR FOR RURAL
16 INTERSTATE HIGHWAYS IS ALLOWED.

-End-

1 HOUSE BILL NO. 291

2 INTRODUCED BY PECK, HARP

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING--THAT--AN
6 ADDITIONAL--\$15 \$2 SURCHARGE-BE-IMPOSED-FOR-VIOLATION-OF-THE
7 FUEL-CONSERVATION-SPEED-LIMIT,-INCREASING-THE-BOND-FOR--THAT
8 OFFENSE,-PROVIDING--FOR--DISPOSITION--OF-THE-SURCHARGE; AND
9 PROVIDING A CONTINGENT INCREASE IN THE FUEL CONSERVATION
10 SPEED LIMIT; AMENDING SECTION SECTIONS SECTION 61-8-304 AND
11 61-8-710, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."
12

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

14 Section 1. Section 61-8-710, MCA, is amended to read:

15 "61-8-710. Penalty for violation of fuel conservation
16 speed limit. (1) A person violating the speed limit imposed
17 pursuant to 61-8-304 is guilty of the offense of unnecessary
18 waste of a resource and upon conviction shall be fined \$5,
19 and no jail sentence may be imposed, except as provided in
20 subsection (2) all courts of original jurisdiction shall
21 impose upon a defendant convicted under 61-8-304, a \$15 \$2
22 surcharge in addition to other taxable court costs, fees, or
23 fines. Bond for this offense shall be \$5 \$20 \$7.

24 (2) If a court determines under 46-10-231 and
25 46-10-232 that the defendant is not able to pay the

1 surcharge and costs or that he is unable to pay them within
2 a reasonable time, the court shall waive payment of the
3 surcharge imposed by this section.

4 (3) All money collected from payment of the \$15 \$2
5 surcharge and all interest accruing from the temporary
6 deposit of this money into a court or county fund shall be
7 forwarded to the state treasurer and deposited in the motor
8 vehicle recording account of the state special revenue fund
9 for the purpose of funding the light vehicle maintenance
10 registration and reminder notice procedure of 61-3-535.
11 ANY EXCESS REMAINING IN THE ACCOUNT AT THE END OF THE FISCAL
12 YEAR MUST BE REMITTED TO THE GENERAL FUND.

13 (2)(4) For the purpose of this section only, the fees
14 of the justice's court shall be the balance of the fine not
15 otherwise allocated by law and shall be remitted as set
16 forth in 3-10-603(3).

17 (3)(5) A violation of 61-8-304 is not a misdemeanor
18 pursuant to 45-2-101, 61-8-104, or 61-8-711.

19 SECTION 1. SECTION 61-8-304, MCA, IS AMENDED TO READ:

20 "61-8-304. Fuel conservation speed limit -- exception
21 to the basic rule. (1) In order to insure conservation of a
22 resource, the speed limit for vehicles traveling on a
23 federal-aid interstate highway is 65 miles an hour and the
24 speed limit for vehicles traveling on any other public
25 highway of this state is 55 miles an hour, except as

1 provided under 61-8-309.

2 (2) A speed limit imposed pursuant to this section is
3 an exception to the requirements of 61-8-303 and 61-8-312,
4 and a speed in excess of the speed limit established
5 pursuant to this section is unlawful notwithstanding any
6 provision of 61-8-303 and 61-8-312."

7 NEW SECTION. SECTION 2. EFFECTIVE DATE. SECTION 2 1
8 AND THIS SECTION ARE EFFECTIVE IF AND WHEN THE FEDERAL LAW
9 THAT REQUIRES A SPEED LIMIT AS A CONDITION TO THE STATE'S
10 ELIGIBILITY TO RECEIVE FEDERAL HIGHWAY FUNDS IS AMENDED TO
11 PERMIT A SPEED LIMIT OF 65 MILES AN HOUR ON RURAL
12 FEDERAL-AID INTERSTATE HIGHWAYS. IF THE FEDERAL LAW IS
13 AMENDED IN THIS MANNER, SECTION 2 1 AND THIS SECTION BECOME
14 EFFECTIVE ON THE DATE THE GOVERNOR BY PROCLAMATION CERTIFIES
15 THAT THE SPEED LIMIT OF 65 MILES AN HOUR FOR RURAL
16 INTERSTATE HIGHWAYS IS ALLOWED.

-End-