

SENATE BILL NO. 111

INTRODUCED BY HALLIGAN, HARP, WALLIN, M. WILLIAMS,
JACOBSON, ECK, GOULD, GILBERT, BULGER, SANDS,
REGAN, SCHYE, HAGER

IN THE SENATE

JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE & SAFETY.

FEBRUARY 10, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 11, 1987 PRINTING REPORT.

FEBRUARY 13, 1987 SECOND READING, DO PASS AS AMENDED.

STATEMENT OF INTENT ADOPTED.

FEBRUARY 14, 1987 ENGROSSING REPORT.

FEBRUARY 16, 1987 THIRD READING, PASSED.
AYES, 30; NOES, 20.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

MARCH 21, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 27, 1987 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 56; NOES, 42.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *111*
 2 INTRODUCED BY *Wally Gilbert* *Mark Williams* *M. Williams*
 3 *Wally Gilbert* *Mark Williams* *M. Williams*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF
 5 SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE; PROVIDING A
 6 PENALTY; PROVIDING FOR CONTINUING EDUCATION CONCERNING THE
 7 BENEFITS OF WEARING SEATBELTS; AND PROVIDING FOR THE
 8 ADMISSIBILITY OF EVIDENCE IN CIVIL LITIGATION."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Short title. [Sections 1 through 6] may be
 12 cited as the "Montana Seatbelt Use Act".
 13 Section 2. Definitions. As used in [sections 1
 14 through 6], the following definitions apply:
 15 (1) "Department" means the department of justice.
 16 (2) "Highway" means the entire width between the
 17 boundary lines of each publicly maintained way when any part
 18 thereof is open to public use for vehicular travel.
 19 (3) "Motor vehicle" means a vehicle propelled by its
 20 own power and designed primarily to transport persons or
 21 property upon the highways of the state.
 22 (4) "Occupants" means the driver and passengers in a
 23 motor vehicle.
 24 (5) "Seatbelt" means a system using a lap belt, a
 25 shoulder belt, or other belt or combination of belts

1 installed in a motor vehicle to restrain occupants, which
 2 system conforms to federal motor vehicle safety standards.
 3 Section 3. Seatbelt use required -- exceptions.
 4 (1) No driver may operate a motor vehicle upon a highway of
 5 the state of Montana unless each occupant of a designated
 6 seating position is wearing a properly adjusted and fastened
 7 seatbelt.
 8 (2) The provisions of this section do not apply to:
 9 (a) an occupant of a motor vehicle who possesses a
 10 written statement from a licensed physician that he is
 11 unable to wear a seatbelt for medical reasons;
 12 (b) an occupant of a motor vehicle in which all
 13 seatbelts are being used by other occupants;
 14 (c) an operator of a motorcycle as defined in 61-1-105
 15 or a motor-driven cycle as defined in 61-1-106;
 16 (d) an occupant of a vehicle licensed as special
 17 mobile equipment as defined in 61-1-104;
 18 (e) children subject to the provisions of 61-9-420; or
 19 (f) an occupant who makes frequent stops with a motor
 20 vehicle in his official job duties and who may be exempted
 21 by the department.
 22 (3) The department may adopt rules to implement
 23 (2)(f).
 24 Section 4. Penalty. A driver who violates [section 3]
 25 is guilty of a misdemeanor punishable by a fine of \$25. A



1 conviction for a violation of [section 3] may not be counted
2 as a moving violation for purposes of suspending a driver's
3 license under 61-11-203(2)(1).

4 Section 5. Education program. The highway traffic
5 safety division of the department shall continue its program
6 for public information and education concerning the benefits
7 of wearing seatbelts and include within such program the
8 requirements of [section 3] and the penalty specified in
9 [section 4].

10 Section 6. Evidence admissible without presumption of
11 negligence. Evidence of compliance or failure to comply with
12 [sections 1 through 6] is admissible in any civil action for
13 personal injury or property damage resulting from the use or
14 operation of a motor vehicle, but failure to comply with
15 [sections 1 through 6] does not alone constitute negligence.

16 Section 7. Codification instruction. Sections 1
17 through 6 are intended to be codified as an integral chapter
18 of Title 61.

19 Section 8. Severability. If a part of this act is
20 invalid, all valid parts that are severable from the invalid
21 part remain in effect. If a part of this act is invalid in
22 one or more of its applications, the part remains in effect
23 in all valid applications that are severable from the
24 invalid applications.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB111, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring the use of seatbelts by occupants of a motor vehicle; providing a penalty; providing for continuing education concerning the benefit of wearing seatbelts; and providing for the admissibility of evidence in civil litigation.

ASSUMPTIONS:

1. Safety belts are 50% effective in reducing deaths and injuries.
2. Deaths due to automotive accidents will decrease by 44 at a usage rate of 50%.
3. Injuries due to automotive accidents will decrease by 700 at a 50% seat belt usage level.
4. The annual number of citations issued will be 3,348.
5. Existing law enforcement personnel - state and local - will be used.

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY88</u>	<u>FY89</u>
State General	\$14,843	\$22,264
Driver Education Fund	6,510	9,765
Crime Victims Fund	4,687	7,031
County Funds	17,366	26,040
City Funds	<u>12,394</u>	<u>18,600</u>
Total	\$55,800	\$83,700

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The long-range effects of SB111 will depend upon the safety belt usage rates attained within the motoring public but would be expected to be quite significant.

David L. Hunter DATE 2/3/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Mike Halligan DATE 2-4-87
 MIKE HALLIGAN, PRIMARY SPONSOR

Fiscal Note for SB111, as introduced.

SB 111

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 SENATE BILL NO. 111

2 INTRODUCED BY HALLIGAN, HARP, WALLIN, M. WILLIAMS,
3 JACOBSON, ECK, GOULD, GILBERT, BULGER, SANDS,
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6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF
7 SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE; PROVIDING A
8 PENALTY EFFECTIVE JANUARY 1, 1988; PROVIDING FOR CONTINUING
9 EDUCATION CONCERNING THE BENEFITS OF WEARING SEATBELTS; AND
10 PROVIDING FOR THE ADMISSIBILITY OF EVIDENCE IN CIVIL
11 LITIGATION."

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

14 Section 1. Short title. [Sections 1 through 6] may be
15 cited as the "Montana Seatbelt Use Act".

16 Section 2. Definitions. As used in [sections 1
17 through 6], the following definitions apply:

- 18 (1) "Department" means the department of justice.
- 19 (2) "Highway" means the entire width between the
20 boundary lines of each publicly maintained way when any part
21 thereof is open to public use for vehicular travel.
- 22 (3) "Motor vehicle" means a vehicle propelled by its
23 own power and designed primarily to transport persons or
24 property upon the highways of the state.
- 25 (4) "Occupants" means the driver and passengers in a

1 motor vehicle.

2 (5) "Seatbelt" means a system using a lap belt, a
3 shoulder belt, or other belt or combination of belts
4 installed in a motor vehicle to restrain occupants, which
5 system conforms to federal motor vehicle safety standards.

6 Section 3. Seatbelt use required -- exceptions.
7 (1) No driver may operate a motor vehicle upon a highway of
8 the state of Montana unless each occupant of a designated
9 seating position is wearing a properly adjusted and fastened
10 seatbelt.

- 11 (2) The provisions of this section do not apply to:
12 (a) an occupant of a motor vehicle who possesses a
13 written statement from a licensed physician that he is
14 unable to wear a seatbelt for medical reasons;
15 (b) an occupant of a motor vehicle in which all
16 seatbelts are being used by other occupants;
17 (c) an operator of a motorcycle as defined in 61-1-105
18 or a motor-driven cycle as defined in 61-1-106;
19 (d) an occupant of a vehicle licensed as special
20 mobile equipment as defined in 61-1-104;
21 (e) children subject to the provisions of 61-9-420; or
22 (f) an occupant who makes frequent stops with a motor
23 vehicle in his official job duties and who may be exempted
24 by the department.
25 (3) The department may adopt rules to implement



1 (2)(f).

2 (4) THE DEPARTMENT OR ITS AGENT MAY NOT REQUIRE A
3 DRIVER WHO MAY BE IN VIOLATION OF [SECTION 3] TO STOP EXCEPT
4 UPON REASONABLE CAUSE TO BELIEVE THAT HE HAS VIOLATED
5 ANOTHER TRAFFIC REGULATION OR THAT HIS VEHICLE IS UNSAFE OR
6 NOT EQUIPPED AS REQUIRED BY LAW.

7 Section 4. Penalty. A driver who violates [section 3]
8 is guilty of a misdemeanor punishable by a fine of ~~25~~ 20.
9 A conviction for a violation of [section 3] may not be
10 counted as a moving violation for purposes of suspending a
11 driver's license under 61-11-203(2)(1).

12 Section 5. Education program. The highway traffic
13 safety division of the department shall continue its program
14 for public information and education concerning the benefits
15 of wearing seatbelts and include within such program the
16 requirements of [section 3] and the penalty specified in
17 [section 4].

18 Section 6. Evidence NOT admissible ~~without presumption~~
19 ~~of negligence~~. Evidence of compliance or failure to comply
20 with ~~[sections 1 through 6]~~ SECTION 3 is NOT admissible in
21 any civil action for personal injury or property damage
22 resulting from the use or operation of a motor vehicle, but
23 AND failure to comply with ~~[sections 1 through 6]~~ SECTION 3
24 does not ~~alone~~ constitute negligence.

25 Section 7. Codification instruction. Sections 1

1 through 6 are intended to be codified as an integral chapter
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4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
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8 invalid applications.

9 SECTION 9. EFFECTIVE DATE. SECTION 4 IS EFFECTIVE
10 JANUARY 1, 1988.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 111

3

4 A statement of intent is required for this bill because
5 section 3(3) grants to the department of justice general
6 rulemaking authority to analyze and exempt from wearing
7 seatbelts those occupants who make frequent stops with a
8 motor vehicle in their official job duties.

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9 EDUCATION CONCERNING THE BENEFITS OF WEARING SEATBELTS; AND
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1 motor vehicle.

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18 or a motor-driven cycle as defined in 61-1-106;19 (d) an occupant of a vehicle licensed as special
20 mobile equipment as defined in 61-1-104;

21 (e) children subject to the provisions of 61-9-420; or

22 (f) an occupant who makes frequent stops with a motor
23 vehicle in his official job duties and who may be exempted
24 by the department.

25 (3) The department may adopt rules to implement

1 (2)(F).

2 (4) THE DEPARTMENT OR ITS AGENT MAY NOT REQUIRE A
 3 DRIVER WHO MAY BE IN VIOLATION OF [SECTION 3] TO STOP EXCEPT
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 10 JANUARY 1, 1988.

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STATE OF MONTANA - FISCAL NOTE

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In compliance with a written request, there is hereby submitted a Fiscal Note for SB111, third reading copy.

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ASSUMPTIONS:

1. Safety belts are 50% effective in reducing deaths and injuries.
2. Deaths due to automotive accidents will decrease by 44 at a usage rate of 50%.
3. Injuries due to automotive accidents will decrease by 700 at a 50% seat belt usage level.
4. The annual number of citations issued will be 3,348.
5. Existing law enforcement personnel - state and local - will be used.
6. Effective for only six months of FY88.

FISCAL IMPACT:Expenditures:

Expenditures for Medicaid and Workers' Compensation claims related to vehicle accidents are substantial. Currently Medicaid claims for auto accidents exceed \$900,000 per year. To the extent seat belt usage prevents injury to eligible persons, state expenditures will be reduced.

Revenues:

	<u>FY88</u>	<u>FY89</u>
State General Fund	\$ 8,906	\$ 17,811
Driver Education Fund	3,906	7,812
Crime Victims Fund	2,812	5,625
County Funds	10,416	20,832
City Funds	<u>7,440</u>	<u>14,880</u>
TOTAL	\$ 33,480	\$ 66,960

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The long-range economic effects of SB111 will depend upon the safety belt usage rates attained within the motoring public but would be expected to be quite significant.

David L. Hunter DATE 3/11/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Mike Halligan DATE 3-11-87
 MIKE HALLIGAN, PRIMARY SPONSOR

Fiscal Note for SB111, third reading copy.

SB 111
#2

1 STATEMENT OF INTENT

2 SENATE BILL 111

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7 (1) No driver may operate a motor vehicle upon a highway of
8 the state of Montana unless each occupant of a designated
9 seating position is wearing a properly adjusted and fastened
10 seatbelt.

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13 written statement from a licensed physician that he is
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16 seatbelts are being used by other occupants;

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23 vehicle in his official job duties and who may be exempted
24 by the department.

25 (3) The department may adopt rules to implement

1 (2)(f).

2 (4) THE DEPARTMENT OR ITS AGENT MAY NOT REQUIRE A
 3 DRIVER WHO MAY BE IN VIOLATION OF [SECTION 3] TO STOP EXCEPT
 4 UPON REASONABLE CAUSE TO BELIEVE THAT HE HAS VIOLATED
 5 ANOTHER TRAFFIC REGULATION OR THAT HIS VEHICLE IS UNSAFE OR
 6 NOT EQUIPPED AS REQUIRED BY LAW.

7 Section 4. Penalty -- NO RECORD PERMITTED. (1) A
 8 driver who violates [section 3] ~~is guilty of a misdemeanor~~
 9 ~~punishable by a fine of~~ WILL BE FINED \$25 \$20, BUT THE
 10 VIOLATION IS NOT A MISDEMEANOR PURSUANT TO 45-2-101,
 11 46-18-236, 61-8-104, OR 61-8-711. A ~~conviction--for--a~~
 12 violation of [section 3] may not be counted as a moving
 13 violation for purposes of suspending a driver's license
 14 under 61-11-203(2)(1). BOND FOR THIS OFFENSE IS \$20, AND NO
 15 JAIL SENTENCE MAY BE IMPOSED.

16 (2) NO VIOLATION OF [SECTION 3] MAY BE RECORDED OR
 17 CHARGED AGAINST THE DRIVER'S RECORD OF A PERSON VIOLATING
 18 [SECTION 3], AND NO INSURANCE COMPANY SHALL HOLD A VIOLATION
 19 OF [SECTION 3] AGAINST THE INSURED, AND THERE MAY BE NO
 20 INCREASE IN PREMIUMS DUE TO A VIOLATION OF [SECTION 3].

21 Section 5. Education program. The highway traffic
 22 safety division of the department shall continue its program
 23 for public information and education concerning the benefits
 24 of wearing seatbelts and include within such program the
 25 requirements of [section 3] and the penalty specified in

1 [section 4].

2 Section 6. Evidence NOT admissible without ~~presumption~~
 3 ~~of negligence.~~ Evidence of compliance or failure to comply
 4 with [~~sections--i-through-6~~ SECTION 3] is NOT admissible in
 5 any civil action for personal injury or property damage
 6 resulting from the use or operation of a motor vehicle, but
 7 AND failure to comply with [~~sections-i-through-6~~ SECTION 3]
 8 does not ~~alone~~ constitute negligence.

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 10 through 6 are intended to be codified as an integral chapter
 11 of Title 61.

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 14 part remain in effect. If a part of this act is invalid in
 15 one or more of its applications, the part remains in effect
 16 in all valid applications that are severable from the
 17 invalid applications.

18 SECTION 9. EFFECTIVE DATE. SECTION 4 IS EFFECTIVE
 19 JANUARY 1, 1988.

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 21, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING


report SENATE BILL NO. 111

- do pass
 do not pass
 be concurred in
 be not concurred in
 as amended
 statement of intent attached


REP. R. BUDD GOULD,

Chairman

REQUIRE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE

 REP. HARP WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (BLUE)
color

COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

3-24-87

DATE

16:00

TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 111

3rd reading copy (blue) as follows:
Color

1) Page 3, line 7.

Following: "Penalty"

Insert: "--no record permitted"

Following: "."

Insert: "(1)"

2) Page 3, line 8.

Strike: "is" through "fine of"

Insert: "will be fined"

Following: " \$20 "

Insert: ", but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711"

3) Page 3, line 9.

Strike: "conviction for a"

4) Page 3, line 11.

Following: "61-11-203 (2) (1)."

Insert: "Bond for this offense is \$20 and no jail sentence may be imposed."

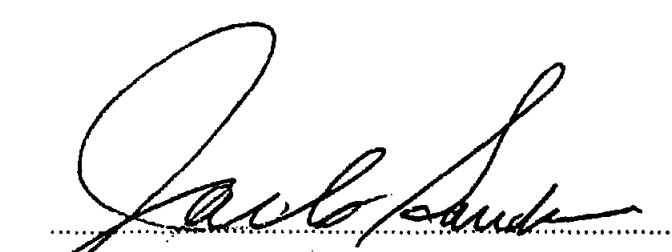
5) Page 3, following line 11.

Insert: "(2) No violation of [section 3] may be recorded or charged against the driver's record of a person violating [section 3], and no insurance company shall hold a violation of [section 3] against the insured, and there may be no increase in premiums due to a violation of [section 3]."

ADOPT

REJECT

3241600T.CW



Rep. Sands