

HOUSE BILL NO. 231

INTRODUCED BY D. BROWN, IVERSON, GOULD, PAVLOVICH,
T. NELSON, J. BROWN, HAGER, NISBET

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 23, 1989	ON MOTION BY CHIEF SPONSOR, REPRESENTATIVE NISBET ADDED AS SPONSOR.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 4, 1989	SECOND READING, DO PASS.
FEBRUARY 6, 1989	ENGROSSING REPORT.
FEBRUARY 7, 1989	THIRD READING, PASSED. AYES, 92; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, MOTION BILL BE CONCURRED. MOTION FAILED. AYES, 21; NOES, 21.
	SECOND READING, INDEFINITELY POSTPONED.

RETURNED TO HOUSE.

MARCH 6, 1989

ON MOTION, RECONSIDER PREVIOUS ACTION
AND RETURN TO SECOND READING.

ON MOTION, REQUEST HOUSE TO RETURN BILL
FOR FURTHER CONSIDERATION.

IN THE HOUSE

MARCH 7, 1989

ON MOTION BY REPRESENTATIVE HARPER,
REQUEST OF SENATE GRANTED FOR RETURN
OF HB 231 FOR FURTHER CONSIDERATION.

MARCH 8, 1989

RETURNED TO SENATE.

IN THE SENATE

MARCH 9, 1989

SECOND READING, CONCURRED IN AS AMENDED.

MARCH 11, 1989

THIRD READING, CONCURRED IN.
AYES, 42; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 13, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 14, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 231
 2 INTRODUCED BY Don Brammer
Carlson Sam Nelson J. Brown Hoyer
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
 5 MOTORCYCLE SAFETY TRAINING PROGRAM AND A MOTORCYCLE SAFETY
 6 ADVISORY COMMITTEE; ALLOWING THE DEPARTMENT OF JUSTICE TO
 7 WAIVE MOTORCYCLE ENDORSEMENT EXAMINATIONS FOR PERSONS
 8 SUCCESSFULLY COMPLETING THE MOTORCYCLE SAFETY TRAINING
 9 COURSE; INCREASING FEES FOR MOTORCYCLE REGISTRATION;
 10 PROVIDING A MINIMUM FINE FOR OPERATING A MOTORCYCLE WITHOUT
 11 A DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT;
 12 ESTABLISHING A MOTORCYCLE SAFETY TRAINING ACCOUNT AND
 13 STATUTORILY APPROPRIATING THE FUNDS IN THE ACCOUNT TO THE
 14 SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS
 15 3-10-601, 17-7-502, 61-5-110, 61-5-111, 61-5-121, AND
 16 61-5-307, MCA; AND PROVIDING EFFECTIVE DATES."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. Section 1. Motorcycle safety promotion.
 20 In cooperation with other state, local government, and
 21 private agencies, the department of justice and the
 22 superintendent of public instruction are encouraged to
 23 promote safety and awareness in the use and operation of
 24 motorcycles through action appropriate to the agencies'
 25 purposes and goals, including advertising and encouraging

1 motorcycle safety training.

2 NEW SECTION. Section 2. Motorcycle safety advisory
 3 committee. (1) There is a motorcycle safety advisory
 4 committee. The committee is allocated to the office of the
 5 superintendent of public instruction for administrative
 6 purposes.

7 (2) The purpose of the motorcycle safety advisory
 8 committee is to advise the superintendent of public
 9 instruction and the department of justice concerning
 10 motorcycle rider safety issues, motorcycle safety training,
 11 motorcycle endorsement testing, and other matters relating
 12 to motorcycle safety.

13 (3) The motorcycle safety advisory committee consists
 14 of five members. Except as provided in subsection (5)(a),
 15 each member must be appointed for a term of 4 years. The
 16 committee consists of:

17 (a) one peace officer appointed by the governor;

18 (b) one certified motorcycle safety instructor, as
 19 provided in [section 3], who is appointed by the
 20 superintendent of public instruction;

21 (c) two motorcycle riders representing motorcycle
 22 riding groups, such as the American motorcyclist association
 23 or American bikers aim toward education (ABATE), to be
 24 nominated by these groups for appointment by the governor;
 25 and

(d) one representative from the department of justice who is appointed by the attorney general.

(4) A member may be removed for cause. If a vacancy occurs, a member must be appointed to fill the unexpired term by the authority that appointed the vacating member.

(5) (a) (i) To allow for staggered membership appointments, the initial terms of two committee members must be for 2 years. These members are:

(A) the peace officer provided for in subsection (3)(a); and

(B) one motorcycle rider, provided for in subsection (3)(c), to be chosen by lot at the organizational meeting.

(ii) The successors for the peace officer and motorcycle rider shall serve 4-year terms.

(b) The first motorcycle safety instructor member appointed under subsection (3)(b) need not be certified by the superintendent of public instruction, but the member shall have a motorcycle safety instructor certification awarded by a national organization concerned with motorcycle safety.

NEW SECTION. Section 3. Standards for motorcycle safety training. The superintendent of public instruction shall establish minimum motorcycle safety training standards, including instruction, courses, and instructor certification for conducting training authorized by [section

4]. The standards must be based upon national standards promulgated by the motorcycle safety foundation or a similar organization recognized by the superintendent.

NEW SECTION. Section 4. Motorcycle safety training course -- fee. (1) The superintendent shall conduct motorcycle safety training courses throughout the state to the extent that funds are available.

(2) The superintendent may charge a fee, not to exceed \$30 a student, for the cost of conducting motorcycle safety training courses. The fee must be deposited in the motorcycle safety training account, as provided in [section 6].

(3) The superintendent may contract with educators throughout the state to conduct motorcycle safety training outside of the formal education system at times and places that will attract the greatest number of students.

(4) (a) State agencies and subdivisions of the state may provide facilities such as classrooms and outdoor paved areas or other resources for conducting motorcycle safety courses.

(b) Subject to the availability of funds, the superintendent may pay for construction, repair, or purchases or award grants from the motorcycle safety training account to provide facilities for motorcycle safety training courses.

1 NEW SECTION. Section 5. Motorcycle registration fee
 2 ~~--exemptions.~~ (1) A motorcycle safety training fee of \$5
 3 must be assessed on each motorcycle registered for
 4 licensing.

5 (2) The county treasurer shall collect the fee and
 6 remit the fee to the state treasurer for deposit in the
 7 motorcycle safety training account, as provided in [section
 8 6].

9 (3) Exempt from payment of the fee specified in
 10 subsection (1) are vehicles:

11 (a) leased or owned by the state or a county or
 12 municipality;

13 (b) used for transportation by a nonresident or
 14 migratory worker temporarily employed in agricultural work
 15 in this state; and

16 (c) displaying dealer plates, as provided in 61-4-103,
 17 while owned by a dealer.

18 NEW SECTION. Section 6. Motorcycle safety training
 19 account -- source of funds -- statutory appropriation. (1)
 20 There is a motorcycle safety training account in the special
 21 revenue fund of the state treasury. All revenue collected
 22 pursuant to 3-10-601(4)(e) and [sections 4 and 5] must be
 23 credited to this account.

24 (2) The money in the motorcycle safety training
 25 account is statutorily appropriated, as provided in

1 17-7-502, to the superintendent of public instruction to
 2 administer motorcycle safety training.

3 **Section 7.** Section 3-10-601, MCA, is amended to read:

4 "3-10-601. Collection and disposition of fines,
 5 penalties, forfeitures, and fees. (1) Each justice of the
 6 peace shall collect the fees prescribed by law for justices'
 7 courts and shall pay them into the county treasury of the
 8 county wherein he holds office, on or before the 10th day of
 9 each month, to be credited to the general fund of the
 10 county.

11 (2) All fines, penalties, and forfeitures that this
 12 code requires to be imposed, collected, or paid in a
 13 justice's court must, for each calendar month, be paid by
 14 the justice's court on or before the 5th day of the
 15 following month to the treasurer of the county in which the
 16 justice's court is situated.

17 (3) The county treasurer shall, in the manner provided
 18 in 15-1-504, distribute money received under subsection (2)
 19 as follows:

20 (a) 50% to the state treasurer; and

21 (b) 50% to the county general fund.

22 (4) The state treasurer shall distribute money
 23 received under subsection (3) as follows:

24 (a) 23% to the state general fund;

25 (b) 10% to the fish and game account in the state

special revenue fund;

(c) ~~12.5%~~ 10% to the state highway account in the state special revenue fund;

(d) ~~36%~~ 33.5% to the traffic education account in the state special revenue fund;

(e) 5% to the motorcycle safety training account in the state special revenue fund;

~~(f)~~(f) 0.6% to the department of livestock account in the state special revenue fund;

~~(f)~~(g) 16.9% to the crime victims compensation account in the state special revenue fund; and

~~(g)~~(h) 1% to the department of family services special revenue account for the battered spouses and domestic violence grant program."

Section 8. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103; section 13, House Bill No. 861, Laws of 1985; and section 1, Chapter 454, Laws of 1987; and [section 6].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount

sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3): pursuant to sec. 15, Ch. 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)"

Section 9. Section 61-5-110, MCA, is amended to read:

"61-5-110. Examination of applicants. (1) The department shall examine every applicant for a driver's license, commercial vehicle operator's endorsement, or motorcycle endorsement, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial vehicle operator's endorsement may include additional items.

(2) Within 90 days of receipt of an application for a commercial vehicle operator's endorsement, the department shall give an examination for endorsement to the applicant

in the county where the applicant resides.

(3) (a) The department may waive, by rule, all or part of the examination for a motorcycle endorsement if an applicant has successfully completed a certified motorcycle safety training course as provided in [section 4]. The department may require an applicant to complete the course within a certain time prior to the date of application for the motorcycle endorsement to qualify for the waiver.

(b) The department may not waive the test of an applicant's eyesight."

Section 10. Section 61-5-111, MCA, is amended to read:

"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements. (1) The department shall have authority to appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts and shall make necessary rules governing such sales. In those areas where the department provides driver licensing services 3 days or more a week the department is responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment of the fees specified in this section, shall issue to every applicant qualifying therefor a driver's license as applied for. The license shall contain a full-face photograph of the licensee in the size and form as prescribed by the department, except as provided in subsection (4); a

distinguishing number issued to the licensee; the full name, date of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(2) The department shall, when any person applies for renewal of a driver's license, test the applicant's eyesight and may also in the department's discretion have the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle. A person shall be considered to have applied for renewal of a Montana driver's license if the application is made within 3 months of the expiration of his license.

(3) Licenses shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) A license issued to a person under the age of 21 years must contain a photograph of the licensee's profile.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license shall be designated and clearly marked as a "provisional license". Any license so designated and marked may be suspended by the department for a period of not more than 12 months, when its

records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

(6) It shall be unlawful for any person to have in his possession or under his control more than one Montana driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial vehicle operator's endorsement".

(7) Fees for driver's licenses shall be as follows:

(a) driver's license -- \$3 per year or fraction thereof;

(b) motorcycle endorsement:--

(i) 50 cents per year or fraction thereof; and

(ii) \$30 if the applicant has been convicted, as defined in 61-5-213, within the preceding 3 years of

1 operating a motorcycle without a motorcycle endorsement and
 2 has not successfully completed a motorcycle safety training
 3 course under the provisions of [section 4] within the
 4 preceding year;

5 (c) commercial vehicle operator's endorsement:

6 (i) interstate -- \$3 per year or fraction thereof;

7 (ii) intrastate -- \$1.50 per year or fraction thereof.

8 (8) A license designated as a chauffeur's license as
 9 of January 1, 1988, is valid as a commercial vehicle
 10 operator's endorsement until the expiration of the license.

11 (9) On or after January 1, 1988, if the holder of a
 12 chauffeur's license wishes to convert his chauffeur's
 13 license to a commercial vehicle operator's endorsement, he
 14 may do so by paying the appropriate fee covering the
 15 remainder of the life of his license and complying with the
 16 requirements established by the department.

17 (10) After January 1, 1988, the holder of a valid
 18 chauffeur's license who is renewing and wishes to obtain a
 19 commercial vehicle operator's endorsement may do so upon
 20 paying the appropriate fees and complying with the
 21 requirements established by the department.

22 (11) After January 1, 1988, the holder of a valid
 23 operator's, chauffeur's, or driver's license may obtain a
 24 hazardous material endorsement by successfully completing a
 25 written examination."

1 **Section 11.** Section 61-5-121, MCA, is amended to read:

2 **"61-5-121. Disposition of fees.** (1) The disposition of
 3 the fees from driver's licenses provided for in
 4 61-5-111(7)(a), motorcycle endorsements provided for in
 5 61-5-111(7)(b)(i), commercial vehicle operator's
 6 endorsements provided for in 61-5-111(7)(c), and duplicate
 7 driver's licenses provided for in 61-5-114 is as follows:

8 (a) The amount of 33 1/3% of each driver's license fee
 9 and of each duplicate driver's license fee must be deposited
 10 into the Montana highway patrolmen's retirement pension
 11 trust fund.

12 (b) (i) If the fees are collected by a county
 13 treasurer or other agent of the department, the amount of
 14 3 1/3% of each driver's license fee and of each duplicate
 15 driver's license fee must be deposited into the county
 16 general fund.

17 (ii) If the fees are collected by the department, the
 18 amount provided for in subsection (1)(b)(i) must be
 19 deposited into the state special revenue fund for use by the
 20 department to defray the costs of issuing licenses or
 21 duplicate licenses.

22 (c) (i) If the fee is collected by a county treasurer
 23 or other agent of the department, the amount of 5% of each
 24 motorcycle endorsement must be deposited into the county
 25 general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 23 1/3% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee collected pursuant to 61-5-111(7)(b)(i) must be deposited into the state traffic education account.

(e) The amount of 40% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) The entire amount of each commercial vehicle operator's endorsement fee must be deposited into the motor vehicle recording account established in 61-3-108.

(g) The entire amount of each motorcycle endorsement fee collected pursuant to 61-5-111(7)(b)(ii) must be deposited into the motorcycle safety training account established in [section 6].

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit

the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state traffic education account, the motorcycle safety training account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), (1)(e), and (1)(f), and (1)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state special revenue fund, the state traffic education account, the motorcycle safety training account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e), and (1)(f), and (1)(g)."

Section 12. Section 61-5-307, MCA, is amended to read:

"61-5-307. Penalty for misdemeanor -- minimum fine for

1 no motorcycle endorsement. (1) It is a misdemeanor for any
2 person to violate any of the provisions of parts 1 through 3
3 of this chapter and 61-11-101 unless such violation is by
4 this chapter or other law of this state declared to be a
5 felony.

6 (2) Unless another penalty is in this chapter or by
7 the laws of this state provided, every person convicted of a
8 misdemeanor for the violation of any provision of parts 1
9 through 3 of this chapter and 61-11-101 shall be punished by
10 a fine of not more than \$500 or by imprisonment for not more
11 than 6 months or by both such fine and imprisonment.

12 (3) A person convicted of operating a motorcycle
13 without a valid motorcycle endorsement is subject to the
14 penalties set forth in subsection (2), except that a minimum
15 fine of \$50 must be imposed."

16 NEW SECTION. **Section 13.** Extension of authority. Any
17 existing authority to make rules on the subject of the
18 provisions of [this act] is extended to the provisions of
19 [this act].

20 NEW SECTION. **Section 14.** Effective dates. (1)
21 [Sections 1 through 3, 5 through 8, 12, 13, and this
22 section] are effective July 1, 1989.

23 (2) [Sections 4 and 9 through 11] are effective July
24 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for HB231, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act establishing a motorcycle safety training program and a motorcycle safety advisory committee; allowing the Department of Justice to waive motorcycle endorsement examinations for person successfully completing the motorcycle safety training course; increasing fees for motorcycle registration; providing a minimum fine for operating a motorcycle without a driver's license with a motorcycle endorsement; establishing a motorcycle safety training account and statutorily appropriating the funds in the account to the Superintendent of Public Instruction; amending Sections 3-10-601, 17-7-502, 61-5-110, 61-5-111, 61-5-121, and 61-5-307, MCA; and providing effective dates.

ASSUMPTIONS:

1. One year of historical documentation on Justice of the Peace fine collections as a result of HB740 from 1987 legislative session.
2. Department of Highways currently receives 12.5% of Justice of the Peace fines deposited with the State Treasurer.
3. The calculation of Justice of the Peace fines revenue, is based on deposits from all 56 counties in the State Treasury.
4. There are 25,000 motorcycles registered in Montana, and the number will remain constant for the 1991 biennium.
5. There will be 500 convictions of driving a motorcycle without an endorsement with an average fine of \$25 for each year of the biennium.
6. The motorcycle safety advisory committee will have 2 Helena based members and 3 from distances averaging 800 miles per meeting.
7. The Office of Public Instruction will incur administrative costs for the motorcycle safety program.
8. Each course offering by the Office of Public Instruction will involve 8 participants and would be held at locations throughout the state.
9. The motorcycle safety course will be funded with workshop fees and 5% of fines collected by Justices of the Peace and deposited in the State Treasury.

 1/24/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

 1/25/89
DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB 231, as introduced

HB 231

FISCAL IMPACT:

	Current	FY90		Current	FY91	
Dept. of Highways:	Law	Proposed	Difference	Law	Proposed	Difference
		Law			Law	
Revenue:						
Earmarked Special						
Revenue	\$303,420	\$242,736	(\$60,684)	\$303,420	\$242,736	(\$60,684)
Dept. of Justice:						
Revenue:						
General Fund	\$ 1,440	\$ 2,875	\$ 1,435	\$ 1,440	\$ 2,875	\$ 1,435
Earmarked Special						
Revenue	4,810	9,625	4,815	4,810	9,625	4,815
Total	\$ 6,250	\$ 12,500	\$ 6,250	\$ 6,250	\$ 12,500	\$ 6,250
Office of Public						
Instruction:						
Revenue:						
Traffic Education	\$873,849	\$813,165	(\$60,684)	\$873,849	\$813,165	(\$60,684)
Motorcycle Safety						
Training						
Reg. Fees MC	-0-	125,000	125,000	-0-	125,000	125,000
Fines	-0-	121,368	121,368	-0-	121,368	121,368
MST Fees	-0-	24,000	24,000	-0-	24,000	24,000
Total	\$873,849	\$1,083,533	\$209,684	\$873,849	\$1,083,533	\$209,684
Expenditures:						
Personal Services	\$ -0-	\$ 28,000	\$ 28,000	\$ -0-	\$ 28,000	\$ 28,000
Operating Expenses	-0-	48,076	48,076	-0-	39,384	39,384
Total	\$ -0-	\$ 76,076	\$ 76,076	\$ -0-	\$ 67,384	\$ 67,384
Net Effect:						
Motorcycle Safety						
Training	\$ -0-	\$ 79,174	\$ 79,174	\$ -0-	\$ 87,866	\$ 87,866

HB 231

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 231

INTRODUCED BY D. BROWN, IVERSON, GOULD, PAVLOVICH,

T. NELSON, J. BROWN, HAGER, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MOTORCYCLE SAFETY TRAINING PROGRAM AND A MOTORCYCLE SAFETY ADVISORY COMMITTEE; ~~ALLOWING THE DEPARTMENT OF JUSTICE TO WAIVE MOTORCYCLE ENDORSEMENT EXAMINATIONS FOR PERSONS SUCCESSFULLY COMPLETING THE MOTORCYCLE SAFETY TRAINING COURSE; INCREASING FEES FOR MOTORCYCLE REGISTRATION; PROVIDING A MINIMUM FINE FOR OPERATING A MOTORCYCLE WITHOUT A DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT; ESTABLISHING A MOTORCYCLE SAFETY TRAINING ACCOUNT AND STATUTORILY APPROPRIATING THE FUNDS IN THE ACCOUNT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS 3-10-601, SECTION 17-7-502, 61-5-1107, 61-5-1117, 61-5-1217, AND 61-5-307, MCA; AND PROVIDING EFFECTIVE DATES.~~"

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

NEW SECTION. Section 1. Motorcycle safety promotion.

In cooperation with other state, local government, and private agencies, the department of justice and the superintendent of public instruction are encouraged to promote safety and awareness in the use and operation of motorcycles through action appropriate to the agencies'

purposes and goals, including advertising and encouraging motorcycle safety training.

NEW SECTION. Section 2. Motorcycle safety advisory committee. (1) There is a motorcycle safety advisory committee. The committee is allocated to the office of the superintendent of public instruction for administrative purposes.

(2) The purpose of the motorcycle safety advisory committee is to advise the superintendent of public instruction and the department of justice concerning motorcycle rider safety issues, motorcycle safety training, motorcycle endorsement testing, and other matters relating to motorcycle safety.

(3) The motorcycle safety advisory committee consists of five members. Except as provided in subsection (5)(a), each member must be appointed for a term of 4 years. The committee consists of:

(a) one peace officer appointed by the governor;

(b) one certified motorcycle safety instructor, as provided in [section 3], who is appointed by the superintendent of public instruction;

(c) two motorcycle riders representing motorcycle riding groups, such as the American motorcyclist association or American bikers ~~aim~~ AIMING toward education (ABATE), to be nominated by these groups for appointment by the

governor; and

(d) one representative from the department of justice who is appointed by the attorney general.

(4) A member may be removed for cause. If a vacancy occurs, a member must be appointed to fill the unexpired term by the authority that appointed the vacating member.

(5) (a) (i) To allow for staggered membership appointments, the initial terms of two committee members must be for 2 years. These members are:

(A) the peace officer provided for in subsection (3)(a); and

(B) one motorcycle rider, provided for in subsection (3)(c), to be chosen by lot at the organizational meeting.

(ii) The successors for the peace officer and motorcycle rider shall serve 4-year terms.

(b) The first motorcycle safety instructor member appointed under subsection (3)(b) need not be certified by the superintendent of public instruction, but the member shall have a motorcycle safety instructor certification awarded by a national organization concerned with motorcycle safety.

NEW SECTION. Section 3. Standards for motorcycle safety training. The superintendent of public instruction shall establish minimum motorcycle safety training standards, including instruction, courses, and instructor

certification for conducting training authorized by [section 4]. The standards must be based upon national standards promulgated by the motorcycle safety foundation or a similar organization recognized by the superintendent.

NEW SECTION. Section 4. Motorcycle safety training course -- fee. (1) The superintendent shall conduct motorcycle safety training courses throughout the state to the extent that funds are available.

(2) The superintendent may charge a ~~fee~~~~not-to-exceed~~ \$30--~~a student~~, for the cost of conducting motorcycle safety training courses. The fee must be deposited in the motorcycle safety training account, as provided in [section 6].

(3) The superintendent may contract with educators QUALIFIED PERSONS throughout the state to conduct motorcycle safety training outside of the formal education system at times and places that will attract the greatest number of students.

(4) (a) State agencies and subdivisions of the state may provide facilities such as classrooms and outdoor paved areas or other resources for conducting motorcycle safety courses.

(b) Subject to the availability of funds, the superintendent may pay for construction, repair, or purchases or award grants from the motorcycle safety

training account to provide facilities for motorcycle safety training courses.

NEW SECTION. Section 5. Motorcycle registration fee -- exemptions. (1) A motorcycle safety training fee of \$5 \$2.50 must be assessed on each motorcycle REQUIRED BY 61-3-301 TO BE registered for licensing.

(2) The county treasurer shall collect the fee and remit the fee to the state treasurer for deposit in the motorcycle safety training account, as provided in [section 6].

(3) Exempt from payment of the fee specified in subsection (1) are vehicles:

(a) leased or owned by the state or a county or municipality;

(b) used for transportation by a nonresident or migratory worker temporarily employed in agricultural work in this state; and

(c) displaying dealer plates, as provided in 61-4-103, while owned by a dealer.

NEW SECTION. Section 6. Motorcycle safety training account -- source of funds -- statutory appropriation. (1) There is a motorcycle safety training account in the special revenue fund of the state treasury. All revenue collected pursuant to 3-10-601~~(4)~~~~(e)~~ and [sections 4 and 5] must be credited to this account.

(2) The money in the motorcycle safety training account is statutorily appropriated, as provided in 17-7-502, to the superintendent of public instruction to administer motorcycle safety training.

Section 7. ~~Section 3-10-601, MCA, is amended to read:~~
~~"3-10-601. Collection and disposition of fines, penalties, forfeitures, and fees. (1) Each justice of the peace shall collect the fees prescribed by law for justices' courts and shall pay them into the county treasury of the county wherein he holds office, on or before the 10th day of each month, to be credited to the general fund of the county.~~

~~(2) All fines, penalties, and forfeitures that this code requires to be imposed, collected, or paid in a justice's court must, for each calendar month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the justice's court is situated.~~

~~(3) The county treasurer shall, in the manner provided in 15-1-504, distribute money received under subsection (2) as follows:~~

~~(a) 50% to the state treasurer, and~~

~~(b) 50% to the county general fund.~~

~~(4) The state treasurer shall distribute money received under subsection (3) as follows:~~

1 {a}--23%-to-the-state-general-fund;
 2 {b}--10%-to-the-fish-and--game--account--in--the--state
 3 special-revenue-fund;
 4 {c}--12.5%--10%--to--the--state--highway-account-in-the
 5 state-special-revenue-fund;
 6 {d}--36%-33.5%-to-the-traffic-education-account-in--the
 7 state-special-revenue-fund;
 8 {e}--5%--to--the--motorcycle-safety-training-account-in
 9 the-state-special-revenue-fund;
 10 {f}{f}--0.6%-to-the-department-of-livestock-account--in
 11 the-state-special-revenue-fund;
 12 {f}{g}--16.9%-to-the-crime-victims-compensation-account
 13 in-the-state-special-revenue-fund; and
 14 {g}{h}--1%-to-the-department-of-family-services-special
 15 revenue--account--for--the--battered--spouses--and--domestic
 16 violence-grant-program;"

17 **Section 7.** Section 17-7-502, MCA, is amended to read:

18 "17-7-502. Statutory appropriations -- definition --
 19 requisites for validity. (1) A statutory appropriation is an
 20 appropriation made by permanent law that authorizes spending
 21 by a state agency without the need for a biennial
 22 legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be
 24 effective, a statutory appropriation must comply with both
 25 of the following provisions:

1 (a) The law containing the statutory authority must be
 2 listed in subsection (3).

3 (b) The law or portion of the law making a statutory
 4 appropriation must specifically state that a statutory
 5 appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing
 7 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 8 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
 9 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
 10 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
 11 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
 12 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
 13 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;
 14 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
 15 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;
 16 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136;
 17 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103;
 18 section 13, House Bill No. 861, Laws of 1985; and section 1,
 19 Chapter 454, Laws of 1987; and [section 6].

20 (4) There is a statutory appropriation to pay the
 21 principal, interest, premiums, and costs of issuing, paying,
 22 and securing all bonds, notes, or other obligations, as due,
 23 that have been authorized and issued pursuant to the laws of
 24 Montana. Agencies that have entered into agreements
 25 authorized by the laws of Montana to pay the state

1 treasurer, for deposit in accordance with 17-2-101 through
 2 17-2-107, as determined by the state treasurer, an amount
 3 sufficient to pay the principal and interest as due on the
 4 bonds or notes have statutory appropriation authority for
 5 such payments. (In subsection (3): pursuant to sec. 15, Ch.
 6 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
 7 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
 8 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
 9 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
 10 1987, terminates July 1, 1988.)"

11 **Section 9.** ~~Section 61-5-110, MCA, is amended to read:~~

12 ~~"61-5-110. Examination of applicants. (1) The~~
 13 ~~department shall examine every applicant for a driver's~~
 14 ~~license, commercial vehicle operator's endorsement, or~~
 15 ~~motorcycle endorsement, except as otherwise provided in this~~
 16 ~~section. Such examination shall include a test of the~~
 17 ~~applicant's eyesight, his ability to read and understand~~
 18 ~~highway signs regulating, warning, and directing traffic,~~
 19 ~~his knowledge of the traffic laws of this state, and shall~~
 20 ~~include an actual demonstration of ability to exercise~~
 21 ~~ordinary and reasonable control in the operation of a motor~~
 22 ~~vehicle, quadricycle, or motorcycle. The examination for the~~
 23 ~~commercial vehicle operator's endorsement may include~~
 24 ~~additional items.~~

25 ~~(2) Within 90 days of receipt of an application for a~~

1 ~~commercial vehicle operator's endorsement, the department~~
 2 ~~shall give an examination for endorsement to the applicant~~
 3 ~~in the county where the applicant resides.~~

4 ~~(3) (a) The department may waive, by rule, all or part~~
 5 ~~of the examination for a motorcycle endorsement if an~~
 6 ~~applicant has successfully completed a certified motorcycle~~
 7 ~~safety training course as provided in section 4. The~~
 8 ~~department may require an applicant to complete the course~~
 9 ~~within a certain time prior to the date of application for~~
 10 ~~the motorcycle endorsement to qualify for the waiver.~~

11 ~~(b) The department may not waive the test of an~~
 12 ~~applicant's eyesight."~~

13 **Section 10.** ~~Section 61-5-111, MCA, is amended to read:~~

14 ~~"61-5-111. Renewals, expirations, and fees for~~
 15 ~~licenses, permits, and endorsements. (1) The department~~
 16 ~~shall have authority to appoint county treasurers and other~~
 17 ~~qualified officers to act as its agents for the sale of~~
 18 ~~driver's licenses, receipts, and shall make necessary rules~~
 19 ~~governing such sales. In those areas where the department~~
 20 ~~provides driver licensing services 3 days or more a week the~~
 21 ~~department is responsible for sale of receipts and may not~~
 22 ~~appoint an agent. The department, upon receipt of payment of~~
 23 ~~the fees specified in this section, shall issue to every~~
 24 ~~applicant qualifying therefor a driver's license as applied~~
 25 ~~for. The license shall contain a full-face photograph of the~~

1 licensee--in--the--size--and--form--as--prescribed--by--the
 2 department,---except---as--provided--in--subsection--(4);--a
 3 distinguishing-number-issued-to-the-licensee; the-full-name;
 4 date-of-birth; residence-address; and-a-brief-description-of
 5 the-licensee; and-either-a-facsimile-of-the-signature-of-the
 6 licensee-or-a-space-upon-which-he-shall-write-his--signature
 7 in--pen--and--ink--immediately-upon-receipt-of-the-license. No
 8 license-shall-be-valid-until-it-has-been-so--signed--by--the
 9 licensee;

10 (2)--The-department-shall, when-any-person-applies-for
 11 renewal-of-a-driver's-license, test-the-applicant's-eyesight
 12 and--may--also--in--the--department's--discretion--have--the
 13 applicant-demonstrate-his-physical-ability-to-operate-and-to
 14 exercise--ordinary-and-reasonable-care-in-the-operation-of-a
 15 motor-vehicle. A-person-shall-be-considered-to-have--applied
 16 for-renewal-of-a-Montana-driver's-license-if-the-application
 17 is-made-within-3-months-of-the-expiration-of-his-license.

18 (3)--Licenses--shall--expire--on-the-anniversary-of-the
 19 date-of-birth-of-the-licensee-4-years-or-less-after-the-date
 20 of-issue.

21 (4)--A-license-issued-to-a-person-under-the-age--of--21
 22 years--must--contain-a-photograph-of-the-licensee's-profile.

23 (5)--Whenever-the-department-issues-an-original-license
 24 to-a-person-under-the-age-of-18-years, the-license-shall-be
 25 designated--and--clearly--marked-as-a-"provisional-license".

1 Any-license-so-designated-and-marked-may-be-suspended-by-the
 2 department-for-a-period-of-not-more-than-12-months, when-its
 3 records--disclose--that--the--licensee,--subsequent--to--the
 4 issuance--of--such--license,--has-been-guilty-of-careless-or
 5 negligent-driving. Upon-renewal-the-department-may, for--any
 6 reasonable--cause--as--shown--by--its-records, designate-the
 7 renewal-of-the-license-as-provisional; otherwise, a--license
 8 in-usual-form-shall-be-issued-subject-to-other-provisions-of
 9 the-laws-of-Montana.

10 (6)--It-shall-be-unlawful-for-any-person-to-have-in-his
 11 possession--or--under--his--control--more--than--one-Montana
 12 driver's-license-at-any-one-time. A-license-is-not-valid-for
 13 the-operation-of--a--motorcycle--or--quadricycle--until--the
 14 holder--thereof--has--completed-the-requirements-of-61-5-110
 15 and-the-license-has--been--clearly--marked--with--the--words
 16 "motorcycle--endorsement";---A--license-is-not-valid-for-the
 17 operation-of-a-commercial-vehicle-until-the--holder--thereof
 18 has--completed--the-requirements-of-61-5-110-and-the-license
 19 has-been-clearly-marked-with-the-words--"commercial--vehicle
 20 operator's-endorsement".

21 (7)--Fees-for-driver's-licenses-shall-be-as-follows:

22 (a)--driver's--license-----\$3--per--year--or--fraction
 23 thereof;

24 (b)--motorcycle-endorsement;--

25 (i)--50-cents-per-year-or-fraction-thereof; and

{ii}-§30--if--the--applicant--has--been--convicted,--as--defined--in--61-5-213,--within--the--preceding--3--years--of--operating--a--motorcycle--without--a--motorcycle--endorsement--and--has--not--successfully--completed--a--motorcycle--safety--training--course--under--the--provisions--of--{section--4}--within--the--preceding--year;

{e}--commercial-vehicle-operator's-endorsement;

{i}--interstate---\$3-per-year-or-fraction-thereof;

{ii}-intrastate----\$1.50-per-year-or-fraction-thereof;

{8}--A-license-designated-as-a-chauffeur's-license-as-of-January-1,--1988,--is-valid-as-a-commercial-vehicle-operator's-endorsement-until-the-expiration-of-the-license;

{9}--On--or--after--January-1,--1988,--if--the--holder--of--a--chauffeur's--license--wishes--to--convert--his--chauffeur's--license--to--a--commercial-vehicle-operator's-endorsement,--he--may--do--so--by--paying--the--appropriate--fee--covering--the--remainder--of--the--life--of--his--license--and--complying--with--the--requirements--established--by--the--department;

{10}--After--January-1,--1988,--the--holder--of--a--valid--chauffeur's--license--who--is--renewing--and--wishes--to--obtain--a--commercial-vehicle-operator's-endorsement--may--do--so--upon--paying--the--appropriate--fees--and--complying--with--the--requirements--established--by--the--department;

{11}--After--January-1,--1988,--the--holder--of--a--valid--operator's,--chauffeur's,--or--driver's-license-may-obtain-a

hazardous-material-endorsement-by-successfully-completing-a-written-examination;"

Section 11.--Section 61-5-121, MCA, is amended to read:

"61-5-121.--Disposition--of--fees.--{i}-The-disposition--of--the--fees--from--driver's--licenses--provided--for--in--61-5-111(7){a},--motorcycle--endorsements--provided--for--in--61-5-111(7){b}{i},--commercial--vehicle--operator's--endorsements--provided--for--in--61-5-111(7){c},--and--duplicate--driver's--licenses--provided--for--in--61-5-114--is--as--follows:

{a}--The-amount-of-33-1/3%-of-each-driver's-license-fee--and--of--each--duplicate--driver's--license-fee--must--be--deposited--into--the--Montana--highway--patrolmen's--retirement--pension--trust--fund;

{b}--{i}-If--the--fees--are--collected--by--a--county--treasurer--or--other--agent--of--the--department,--the--amount--of--3-1/3%--of--each--driver's--license-fee--and--of--each--duplicate--driver's--license-fee--must--be--deposited--into--the--county--general--fund;

{ii}-If--the--fees--are--collected--by--the--department,--the--amount--provided--for--in--subsection--{i}{b}{i}--must--be--deposited--into--the--state--special--revenue--fund--for--use--by--the--department--to--defray--the--costs--of--issuing--licenses--or--duplicate--licenses;

{c}--{i}-If--the--fee--is--collected--by--a--county--treasurer--or--other--agent--of--the--department,--the--amount--of--5%--of--each

1 motorcycle endorsement must be deposited into the county
2 general fund.

3 {ii} If the fee is collected by the department, the
4 amount provided for in subsection {i}(c){i} must be
5 deposited into the state special revenue fund for use by the
6 department to defray the costs of issuing motorcycle
7 endorsements.

8 {d} The amount of 23 1/3% of each driver's license fee
9 and of each duplicate driver's license fee and the amount of
10 35% of each motorcycle endorsement fee collected pursuant to
11 61-5-111{7}{b}{i} must be deposited into the state traffic
12 education account.

13 {e} The amount of 40% of each driver's license fee and
14 of each duplicate driver's license fee and the amount of 60%
15 of each motorcycle endorsement fee must be deposited into
16 the state general fund.

17 {f} The entire amount of each commercial vehicle
18 operator's endorsement fee must be deposited into the motor
19 vehicle recording account established in 61-3-108.

20 {g} The entire amount of each motorcycle endorsement
21 fee collected pursuant to 61-5-111{7}{b}{ii} must be
22 deposited into the motorcycle safety training account
23 established in section 6.

24 {2}{a} If fees from driver's licenses, commercial
25 vehicle operator's endorsements, motorcycle endorsements,

1 and duplicate driver's licenses are collected by a county
2 treasurer or other agent of the department, he shall deposit
3 the amounts provided for in subsections {i}(b){i} and
4 {i}(c){i} into the county general fund. He shall then remit
5 to the state treasurer all remaining fees, together with a
6 statement indicating what portion of each fee is to be
7 deposited into the Montana highway patrolmen's retirement
8 pension trust fund, the state traffic education account, the
9 motorcycle safety training account, and the state general
10 fund. The state treasurer, upon receipt of the fees and
11 statement, shall deposit the fees as provided in subsections
12 {i}(a), {i}(d), {i}(e), and {i}(f) and {i}(g).

13 {b} If fees from driver's licenses, commercial vehicle
14 operator's endorsements, motorcycle endorsements, and
15 duplicate driver's licenses are collected by the department,
16 it shall remit all fees to the state treasurer, together
17 with a statement indicating what portion of each fee is to
18 be deposited into the Montana highway patrolmen's retirement
19 pension trust fund, the state special revenue fund, the
20 state traffic education account, the motorcycle safety
21 training account, and the state general fund. The state
22 treasurer, upon receipt of the fees and statement, shall
23 deposit the fees as provided in subsections {i}(a),
24 {i}(b){ii}, {i}(c){ii}, {i}(d), {i}(e), and {i}(f) and
25 {i}(g)."

Section 12. ~~Section 61-5-307, MCA, is amended to read:~~

1 effective July 1, 1991 1990.

-End-

~~"61-5-307. Penalty for misdemeanor. --- MINIMUM FINE FOR~~

~~NO MOTORCYCLE ENDORSEMENT. (1) It is a misdemeanor for any person to violate any of the provisions of parts 1 through 3 of this chapter and 61-11-101 unless such violation is by this chapter or other law of this state declared to be a felony.~~

~~(2) Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of parts 1 through 3 of this chapter and 61-11-101 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.~~

~~(3) A person convicted of operating a motorcycle without a valid motorcycle endorsement is subject to the penalties set forth in subsection (2), except that a minimum fine of \$50 must be imposed."~~

NEW SECTION. Section 8. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 9. Effective dates. (1) [Sections 1 through 3, 5 through 8, 12, 13, and this section] are effective July 1, 1989.

(2) [Sections SECTION 4 and 9 through 11 are] IS

HOUSE BILL NO. 231

INTRODUCED BY D. BROWN, IVERSON, GOULD, PAVLOVICH,
T. NELSON, J. BROWN, HAGER, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
MOTORCYCLE SAFETY TRAINING PROGRAM AND A MOTORCYCLE SAFETY
ADVISORY COMMITTEE; ~~ALLOWING THE DEPARTMENT OF JUSTICE TO~~
~~WAIVE MOTORCYCLE ENDORSEMENT EXAMINATIONS FOR PERSONS~~
~~SUCCESSFULLY COMPLETING THE MOTORCYCLE SAFETY TRAINING~~
~~COURSES; INCREASING FEES FOR MOTORCYCLE REGISTRATION;~~
~~PROVIDING A MINIMUM FINE FOR OPERATING A MOTORCYCLE WITHOUT~~
~~A DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT;~~
ESTABLISHING A MOTORCYCLE SAFETY TRAINING ACCOUNT AND
STATUTORILY APPROPRIATING THE FUNDS IN THE ACCOUNT TO THE
SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS
3-10-601, SECTION 17-7-502, 61-5-1107, 61-5-1117, 61-5-1217
AND 61-5-307, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. Motorcycle safety promotion.**

In cooperation with other state, local government, and
private agencies, the department of justice and the
superintendent of public instruction are encouraged to
promote safety and awareness in the use and operation of
motorcycles through action appropriate to the agencies'

purposes and goals, including advertising and encouraging
motorcycle safety training.

NEW SECTION. **Section 2. Motorcycle safety advisory
committee.** (1) There is a motorcycle safety advisory
committee. The committee is allocated to the office of the
superintendent of public instruction for administrative
purposes.

(2) The purpose of the motorcycle safety advisory
committee is to advise the superintendent of public
instruction and the department of justice concerning
motorcycle rider safety issues, motorcycle safety training,
motorcycle endorsement testing, and other matters relating
to motorcycle safety.

(3) The motorcycle safety advisory committee consists
of five members. Except as provided in subsection (5)(a),
each member must be appointed for a term of 4 years. The
committee consists of:

(a) one peace officer appointed by the governor;
(b) one certified motorcycle safety instructor, as
provided in [section 3], who is appointed by the
superintendent of public instruction;

(c) two motorcycle riders representing motorcycle
riding groups, such as the American motorcyclist association
or American bikers ~~aim~~ AIMING toward education (ABATE), to
be nominated by these groups for appointment by the

governor; and

(d) one representative from the department of justice who is appointed by the attorney general.

(4) A member may be removed for cause. If a vacancy occurs, a member must be appointed to fill the unexpired term by the authority that appointed the vacating member.

(5) (a) (i) To allow for staggered membership appointments, the initial terms of two committee members must be for 2 years. These members are:

(A) the peace officer provided for in subsection (3)(a); and

(B) one motorcycle rider, provided for in subsection (3)(c), to be chosen by lot at the organizational meeting.

(ii) The successors for the peace officer and motorcycle rider shall serve 4-year terms.

(b) The first motorcycle safety instructor member appointed under subsection (3)(b) need not be certified by the superintendent of public instruction, but the member shall have a motorcycle safety instructor certification awarded by a national organization concerned with motorcycle safety.

NEW SECTION. Section 3. Standards for motorcycle safety training. The superintendent of public instruction shall establish minimum motorcycle safety training standards, including instruction, courses, and instructor

certification for conducting training authorized by [section 4]. The standards must be based upon national standards promulgated by the motorcycle safety foundation or a similar organization recognized by the superintendent.

NEW SECTION. Section 4. Motorcycle safety training course -- fee. (1) The superintendent shall conduct motorcycle safety training courses throughout the state to the extent that funds are available.

(2) The superintendent may charge a fee, not to exceed \$30--a-student, for the cost of conducting motorcycle safety training courses. The fee must be deposited in the motorcycle safety training account, as provided in [section 6].

(3) The superintendent may contract with educators QUALIFIED PERSONS throughout the state to conduct motorcycle safety training outside of the formal education system at times and places that will attract the greatest number of students.

(4) (a) State agencies and subdivisions of the state may provide facilities such as classrooms and outdoor paved areas or other resources for conducting motorcycle safety courses.

(b) Subject to the availability of funds, the superintendent may pay for construction, repair, or purchases or award grants from the motorcycle safety

1 training account to provide facilities for motorcycle safety
2 training courses.

3 **NEW SECTION. Section 5. Motorcycle registration fee**
4 **-- exemptions.** (1) A motorcycle safety training fee of \$5
5 \$2.50 must be assessed on each motorcycle REQUIRED BY
6 61-3-301 TO BE registered for licensing.

7 (2) The county treasurer shall collect the fee and
8 remit the fee to the state treasurer for deposit in the
9 motorcycle safety training account, as provided in [section
10 6].

11 (3) Exempt from payment of the fee specified in
12 subsection (1) are vehicles:

13 (a) leased or owned by the state or a county or
14 municipality;

15 (b) used for transportation by a nonresident or
16 migratory worker temporarily employed in agricultural work
17 in this state; and

18 (c) displaying dealer plates, as provided in 61-4-103,
19 while owned by a dealer.

20 **NEW SECTION. Section 6. Motorcycle safety training**
21 **account -- source of funds -- statutory appropriation.** (1)
22 There is a motorcycle safety training account in the special
23 revenue fund of the state treasury. All revenue collected
24 pursuant to 3-10-601(4)(e) and [sections 4 and 5] must be
25 credited to this account.

1 (2) The money in the motorcycle safety training
2 account is statutorily appropriated, as provided in
3 17-7-502, to the superintendent of public instruction to
4 administer motorcycle safety training.

5 **Section 7. Section 3-10-601, MCA, is amended to read:**
6 **"3-10-601. Collection and disposition of fines,**
7 **penalties, forfeitures, and fees:--(1) Each justice of the**
8 **peace shall collect the fees prescribed by law for justices'**
9 **courts and shall pay them into the county treasury of the**
10 **county wherein he holds office, on or before the 10th day of**
11 **each month, to be credited to the general fund of the**
12 **county.**

13 **(2) All fines, penalties, and forfeitures that this**
14 **code requires to be imposed, collected, or paid in a**
15 **justice's court must, for each calendar month, be paid by**
16 **the justice's court on or before the 5th day of the**
17 **following month to the treasurer of the county in which the**
18 **justice's court is situated.**

19 **(3) The county treasurer shall, in the manner provided**
20 **in 15-1-504, distribute money received under subsection (2)**
21 **as follows:**

22 **(a) 50% to the state treasurer, and**

23 **(b) 50% to the county general fund.**

24 **(4) The state treasurer shall distribute money**
25 **received under subsection (3) as follows:**

1 ~~{a}--23%--to--the--state--general--fund;~~
 2 ~~{b}--10%--to--the--fish--and--game--account--in--the--state~~
 3 ~~special--revenue--fund;~~
 4 ~~{c}--12.5%--10%--to--the--state--highway--account--in--the~~
 5 ~~state--special--revenue--fund;~~
 6 ~~{d}--36%--33.5%--to--the--traffic--education--account--in--the~~
 7 ~~state--special--revenue--fund;~~
 8 ~~{e}--5%--to--the--motorcycle--safety--training--account--in~~
 9 ~~the--state--special--revenue--fund;~~
 10 ~~{f}{f}--0.6%--to--the--department--of--livestock--account--in~~
 11 ~~the--state--special--revenue--fund;~~
 12 ~~{f}{g}--16.9%--to--the--crime--victims--compensation--account~~
 13 ~~in--the--state--special--revenue--fund;--and~~
 14 ~~{g}{h}--1%--to--the--department--of--family--services--special~~
 15 ~~revenue--account--for--the--battered--spouses--and--domestic~~
 16 ~~violence--grant--program."~~

17 **Section 7.** Section 17-7-502, MCA, is amended to read:

18 "17-7-502. Statutory appropriations -- definition --
 19 requisites for validity. (1) A statutory appropriation is an
 20 appropriation made by permanent law that authorizes spending
 21 by a state agency without the need for a biennial
 22 legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be
 24 effective, a statutory appropriation must comply with both
 25 of the following provisions:

1 (a) The law containing the statutory authority must be
 2 listed in subsection (3).

3 (b) The law or portion of the law making a statutory
 4 appropriation must specifically state that a statutory
 5 appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing
 7 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 8 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
 9 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
 10 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
 11 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
 12 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
 13 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;
 14 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
 15 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;
 16 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136;
 17 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103;
 18 section 13, House Bill No. 861, Laws of 1985; and section 1,
 19 Chapter 454, Laws of 1987; and [section 6].

20 (4) There is a statutory appropriation to pay the
 21 principal, interest, premiums, and costs of issuing, paying,
 22 and securing all bonds, notes, or other obligations, as due,
 23 that have been authorized and issued pursuant to the laws of
 24 Montana. Agencies that have entered into agreements
 25 authorized by the laws of Montana to pay the state

1 treasurer, for deposit in accordance with 17-2-101 through
 2 17-2-107, as determined by the state treasurer, an amount
 3 sufficient to pay the principal and interest as due on the
 4 bonds or notes have statutory appropriation authority for
 5 such payments. (In subsection (3): pursuant to sec. 15, Ch.
 6 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
 7 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
 8 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
 9 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
 10 1987, terminates July 1, 1988.)"

11 **Section 9.** ~~Section 61-5-110, MCA, is amended to read:~~
 12 ~~"61-5-110. Examination of applicants. (1) The~~
 13 ~~department shall examine every applicant for a driver's~~
 14 ~~license, commercial vehicle operator's endorsement, or~~
 15 ~~motorcycle endorsement, except as otherwise provided in this~~
 16 ~~section. Such examination shall include a test of the~~
 17 ~~applicant's eyesight, his ability to read and understand~~
 18 ~~highway signs regulating, warning, and directing traffic,~~
 19 ~~his knowledge of the traffic laws of this state, and shall~~
 20 ~~include an actual demonstration of ability to exercise~~
 21 ~~ordinary and reasonable control in the operation of a motor~~
 22 ~~vehicle, quadricycle, or motorcycle. The examination for the~~
 23 ~~commercial vehicle operator's endorsement may include~~
 24 ~~additional items.~~

25 ~~(2) Within 90 days of receipt of an application for a~~

1 ~~commercial vehicle operator's endorsement, the department~~
 2 ~~shall give an examination for endorsement to the applicant~~
 3 ~~in the county where the applicant resides.~~

4 ~~(3) (a) The department may waive, by rule, all or part~~
 5 ~~of the examination for a motorcycle endorsement if an~~
 6 ~~applicant has successfully completed a certified motorcycle~~
 7 ~~safety training course as provided in section 4. The~~
 8 ~~department may require an applicant to complete the course~~
 9 ~~within a certain time prior to the date of application for~~
 10 ~~the motorcycle endorsement to qualify for the waiver.~~

11 ~~(b) The department may not waive the test of an~~
 12 ~~applicant's eyesight."~~

13 **Section 10.** ~~Section 61-5-111, MCA, is amended to read:~~
 14 ~~"61-5-111. Renewals, expirations, and fees for~~
 15 ~~licenses, permits, and endorsements. (1) The department~~
 16 ~~shall have authority to appoint county treasurers and other~~
 17 ~~qualified officers to act as its agents for the sale of~~
 18 ~~driver's licenses, receipts, and shall make necessary rules~~
 19 ~~governing such sales. In those areas where the department~~
 20 ~~provides driver licensing services 3 days or more a week the~~
 21 ~~department is responsible for sale of receipts and may not~~
 22 ~~appoint an agent. The department, upon receipt of payment of~~
 23 ~~the fees specified in this section, shall issue to every~~
 24 ~~applicant qualifying therefor a driver's license as applied~~
 25 ~~for. The license shall contain a full face photograph of the~~

1 licensee--in--the--size--and--form--as--prescribed--by--the
 2 department,---except---as--provided--in--subsection--(4);--a
 3 distinguishing-number-issued-to-the-licensee; the-full-name;
 4 date-of-birth; residence-address; and-a-brief-description-of
 5 the-licensee; and-either-a-facsimile-of-the-signature-of-the
 6 licensee-or-a-space-upon-which-he-shall-write-his--signature
 7 in--pen--and--ink--immediately-upon-receipt-of-the-license. No
 8 license-shall-be-valid-until-it-has-been-so--signed--by--the
 9 licensee;

10 (2)--The--department-shall, when-any-person-applies-for
 11 renewal-of-a-driver's-license, test-the-applicant's-eyesight
 12 and--may--also--in--the--department's--discretion--have--the
 13 applicant-demonstrate-his-physical-ability-to-operate-and-to
 14 exercise--ordinary-and-reasonable-care-in-the-operation-of-a
 15 motor-vehicle. A-person-shall-be-considered-to-have--applied
 16 for-renewal-of-a-Montana-driver's-license-if-the-application
 17 is-made-within-3-months-of-the-expiration-of-his-license;

18 (3)--Licenses--shall--expire--on-the-anniversary-of-the
 19 date-of-birth-of-the-licensee-4-years-or-less-after-the-date
 20 of-issue;

21 (4)--A-license-issued-to-a-person-under-the-age-of--21
 22 years--must--contain-a-photograph-of-the-licensee's-profile;

23 (5)--Whenever-the-department-issues-an-original-license
 24 to-a-person-under-the-age-of-18-years, the-license-shall-be
 25 designated--and--clearly--marked-as-a-"provisional-license";

1 Any-license-so-designated-and-marked-may-be-suspended-by-the
 2 department-for-a-period-of-not-more-than-12-months, when-its
 3 records--disclose--that--the--licensee,--subsequent--to--the
 4 issuance--of--such--license,--has-been-guilty-of-careless-or
 5 negligent-driving. Upon-renewal-the-department-may, for--any
 6 reasonable--cause--as--shown--by--its-records, designate-the
 7 renewal-of-the-license-as-provisional; otherwise, a--license
 8 in-usual-form-shall-be-issued-subject-to-other-provisions-of
 9 the-laws-of-Montana;

10 (6)--It-shall-be-unlawful-for-any-person-to-have-in-his
 11 possession--or--under--his--control--more--than--one-Montana
 12 driver's-license-at-any-one-time. A-license-is-not-valid-for
 13 the-operation-of--a--motorcycle--or--quadricycle--until--the
 14 holder--thereof--has--completed-the-requirements-of-61-5-110
 15 and-the-license-has--been--clearly--marked--with--the--words
 16 "motorcycle--endorsement"; A--license-is-not-valid-for-the
 17 operation-of-a-commercial-vehicle-until-the--holder--thereof
 18 has--completed--the-requirements-of-61-5-110-and-the-license
 19 has-been-clearly-marked-with-the-words--"commercial--vehicle
 20 operator's-endorsement";

21 (7)--Fees-for-driver's-licenses-shall-be-as-follows:

22 (a)--driver's--license-----\$3--per--year--or--fraction
 23 thereof;

24 (b)--motorcycle-endorsement;--

25 (i)--50-cents-per-year-or-fraction-thereof; and

{ii}-§30--if--the--applicant--has--been--convicted--as--defined--in--61-5-213--within--the--preceding--3--years--of--operating--a--motorcycle--without--a--motorcycle--endorsement--and--has--not--successfully--completed--a--motorcycle--safety--training--course--under--the--provisions--of--{section--4}--within--the--preceding--year;

{c}--commercial-vehicle-operator's-endorsement;

{i}--interstate---\$3-per-year-or-fraction-thereof;

{ii}--intrastate---\$1.50-per-year-or-fraction-thereof;

{8}--A-license-designated-as-a-chauffeur's-license-as-of-January-1, 1988, is valid as a commercial-vehicle operator's-endorsement-until-the-expiration-of-the-license;

{9}--On-or-after-January-1, 1988, if-the-holder-of-a-chauffeur's-license-wishes-to-convert-his-chauffeur's-license-to-a-commercial-vehicle-operator's-endorsement, he may-do-so-by-paying-the-appropriate-fee-covering-the-remainder-of-the-life-of-his-license-and-complying-with-the-requirements-established-by-the-department;

{18}-After-January-1, 1988, the-holder-of-a-valid-chauffeur's-license-who-is-renewing-and-wishes-to-obtain-a-commercial-vehicle-operator's-endorsement-may-do-so-upon-paying-the-appropriate-fees-and-complying-with-the-requirements-established-by-the-department;

{11}-After-January-1, 1988, the-holder-of-a-valid-operator's, chauffeur's, or-driver's-license-may-obtain-a

hazardous-material-endorsement-by-successfully-completing-a-written-examination."

Section 11. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition-of-fees--(1)-The-disposition-of-the-fees-from-driver's-licenses-provided-for-in-61-5-111(7)(a), motorcycle-endorsements-provided-for-in-61-5-111(7)(b){i}, commercial-vehicle-operator's-endorsements-provided-for-in-61-5-111(7)(c), and duplicate-driver's-licenses-provided-for-in-61-5-114-is-as-follows:

{a}-The-amount-of-33-1/3% of-each-driver's-license-fee-and-of-each-duplicate-driver's-license-fee-must-be-deposited-into-the-Montana-highway-patrolmen's-retirement-pension-trust-fund;

{b}-{i}-If-the-fees-are-collected-by-a-county-treasurer-or-other-agent-of-the-department, the-amount-of-33-1/3% of-each-driver's-license-fee-and-of-each-duplicate-driver's-license-fee-must-be-deposited-into-the-county-general-fund;

{ii}-If-the-fees-are-collected-by-the-department, the-amount-provided-for-in-subsection-(1)(b){i} must-be-deposited-into-the-state-special-revenue-fund-for-use-by-the-department-to-defray-the-costs-of-issuing-licenses-or-duplicate-licenses;

{c}-{i}-If-the-fee-is-collected-by-a-county-treasurer-or-other-agent-of-the-department, the-amount-of-5% of-each

1 motorcycle endorsement must be deposited into the county
2 general fund.

3 (ii) If the fee is collected by the department, the
4 amount provided for in subsection (1)(c)(i) must be
5 deposited into the state special revenue fund for use by the
6 department to defray the costs of issuing motorcycle
7 endorsements.

8 (d) The amount of 23 1/3% of each driver's license fee
9 and of each duplicate driver's license fee and the amount of
10 35% of each motorcycle endorsement fee collected pursuant to
11 61-5-111(7)(b)(i) must be deposited into the state traffic
12 education account.

13 (e) The amount of 40% of each driver's license fee and
14 of each duplicate driver's license fee and the amount of 60%
15 of each motorcycle endorsement fee must be deposited into
16 the state general fund.

17 (f) The entire amount of each commercial vehicle
18 operator's endorsement fee must be deposited into the motor
19 vehicle recording account established in 61-3-108.

20 (g) The entire amount of each motorcycle endorsement
21 fee collected pursuant to 61-5-111(7)(b)(i) must be
22 deposited into the motorcycle safety training account
23 established in section 6.

24 (2)(a) If fees from driver's licenses, commercial
25 vehicle operator's endorsements, motorcycle endorsements,

1 and duplicate driver's licenses are collected by a county
2 treasurer or other agent of the department, he shall deposit
3 the amounts provided for in subsections (1)(b)(i) and
4 (1)(c)(i) into the county general fund. He shall then remit
5 to the state treasurer all remaining fees, together with a
6 statement indicating what portion of each fee is to be
7 deposited into the Montana highway patrolmen's retirement
8 pension trust fund, the state traffic education account, the
9 motorcycle safety training account, and the state general
10 fund. The state treasurer, upon receipt of the fees and
11 statement, shall deposit the fees as provided in subsections
12 (1)(a), (1)(d), (1)(e), and (1)(f), and (1)(g).

13 (b) If fees from driver's licenses, commercial vehicle
14 operator's endorsements, motorcycle endorsements, and
15 duplicate driver's licenses are collected by the department,
16 it shall remit all fees to the state treasurer, together
17 with a statement indicating what portion of each fee is to
18 be deposited into the Montana highway patrolmen's retirement
19 pension trust fund, the state special revenue fund, the
20 state traffic education account, the motorcycle safety
21 training account, and the state general fund. The state
22 treasurer, upon receipt of the fees and statement, shall
23 deposit the fees as provided in subsections (1)(a),
24 (1)(b)(i), (1)(c)(i), (1)(d), (1)(e), and (1)(f), and
25 (1)(g).²

Section 12. ~~Section 61-5-307, MCA, is amended to read:~~

~~"61-5-307. Penalty for misdemeanor. --- MINIMUM FINE FOR~~

~~NO MOTORCYCLE ENDORSEMENT. (1) It is a misdemeanor for any person to violate any of the provisions of parts 1 through 3 of this chapter and 61-11-101 unless such violation is by this chapter or other law of this state declared to be a felony.~~

~~(2) Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of parts 1 through 3 of this chapter and 61-11-101 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.~~

~~(3) A person convicted of operating a motorcycle without a valid motorcycle endorsement is subject to the penalties set forth in subsection (2), except that a minimum fine of \$50 must be imposed."~~

NEW SECTION. Section 8. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 9. Effective dates. (1) [Sections 1 through 3, 5 through 8, 127--137 and this section] are effective July 1, 1989.

(2) [Sections SECTION 4 and 9 through 11] are] IS

1 effective July 1, 1991 1990.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 9, 1989 2:43 pm

Mr. Chairman: I move to amend HB 231 (third reading copy -- blue)
as follows:

1. Title, line 17.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

2. Page 18.

Following: line 1

Insert: "NEW SECTION. Section 10. Termination. [This act]
terminates June 30, 1993."

ADOPT

REJECT

Signed: _____


Senator Hager

SENATE
HB 231

HOUSE BILL NO. 231

INTRODUCED BY D. BROWN, IVERSON, GOULD, PAVLOVICH,

T. NELSON, J. BROWN, HAGER, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MOTORCYCLE SAFETY TRAINING PROGRAM AND A MOTORCYCLE SAFETY ADVISORY COMMITTEE; ~~ALLOWING THE DEPARTMENT OF JUSTICE TO WAIVE MOTORCYCLE ENDORSEMENT EXAMINATIONS FOR PERSONS SUCCESSFULLY COMPLETING THE MOTORCYCLE SAFETY TRAINING COURSE, INCREASING FEES FOR MOTORCYCLE REGISTRATION, PROVIDING A MINIMUM FINE FOR OPERATING A MOTORCYCLE WITHOUT A DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT,~~ ESTABLISHING A MOTORCYCLE SAFETY TRAINING ACCOUNT AND STATUTORILY APPROPRIATING THE FUNDS IN THE ACCOUNT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS ~~3-10-601, 17-7-502, 61-5-1107, 61-5-1117, 61-5-1217, AND 61-5-3077~~ MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Motorcycle safety promotion.

In cooperation with other state, local government, and private agencies, the department of justice and the superintendent of public instruction are encouraged to promote safety and awareness in the use and operation of

motorcycles through action appropriate to the agencies' purposes and goals, including advertising and encouraging motorcycle safety training.

NEW SECTION. Section 2. Motorcycle safety advisory

committee. (1) There is a motorcycle safety advisory committee. The committee is allocated to the office of the superintendent of public instruction for administrative purposes.

(2) The purpose of the motorcycle safety advisory committee is to advise the superintendent of public instruction and the department of justice concerning motorcycle rider safety issues, motorcycle safety training, motorcycle endorsement testing, and other matters relating to motorcycle safety.

(3) The motorcycle safety advisory committee consists of five members. Except as provided in subsection (5)(a), each member must be appointed for a term of 4 years. The committee consists of:

(a) one peace officer appointed by the governor;

(b) one certified motorcycle safety instructor, as provided in [section 3], who is appointed by the superintendent of public instruction;

(c) two motorcycle riders representing motorcycle riding groups, such as the American motorcyclist association or American bikers ~~aim~~ AIMING toward education (ABATE), to

1 be nominated by these groups for appointment by the
2 governor; and

3 (d) one representative from the department of justice
4 who is appointed by the attorney general.

5 (4) A member may be removed for cause. If a vacancy
6 occurs, a member must be appointed to fill the unexpired
7 term by the authority that appointed the vacating member.

8 (5) (a) (i) To allow for staggered membership
9 appointments, the initial terms of two committee members
10 must be for 2 years. These members are:

11 (A) the peace officer provided for in subsection
12 (3)(a); and

13 (B) one motorcycle rider, provided for in subsection
14 (3)(c), to be chosen by lot at the organizational meeting.

15 (ii) The successors for the peace officer and
16 motorcycle rider shall serve 4-year terms.

17 (b) The first motorcycle safety instructor member
18 appointed under subsection (3)(b) need not be certified by
19 the superintendent of public instruction, but the member
20 shall have a motorcycle safety instructor certification
21 awarded by a national organization concerned with motorcycle
22 safety.

23 NEW SECTION. Section 3. Standards for motorcycle
24 safety training. The superintendent of public instruction
25 shall establish minimum motorcycle safety training

1 standards, including instruction, courses, and instructor
2 certification for conducting training authorized by [section
3 4]. The standards must be based upon national standards
4 promulgated by the motorcycle safety foundation or a similar
5 organization recognized by the superintendent.

6 NEW SECTION. Section 4. Motorcycle safety training
7 course -- fee. (1) The superintendent shall conduct
8 motorcycle safety training courses throughout the state to
9 the extent that funds are available.

10 (2) The superintendent may charge a ~~fee~~-not-to-exceed
11 \$30-a-student for the cost of conducting motorcycle safety
12 training courses. The fee must be deposited in the
13 motorcycle safety training account, as provided in [section
14 6].

15 (3) The superintendent may contract with ~~educators~~
16 QUALIFIED PERSONS throughout the state to conduct motorcycle
17 safety training outside of the formal education system at
18 times and places that will attract the greatest number of
19 students.

20 (4) (a) State agencies and subdivisions of the state
21 may provide facilities such as classrooms and outdoor paved
22 areas or other resources for conducting motorcycle safety
23 courses.

24 (b) Subject to the availability of funds, the
25 superintendent may pay for construction, repair, or

1 purchases or award grants from the motorcycle safety
2 training account to provide facilities for motorcycle safety
3 training courses.

4 NEW SECTION. Section 5. Motorcycle registration fee
5 -- exemptions. (1) A motorcycle safety training fee of \$5
6 \$2.50 must be assessed on each motorcycle REQUIRED BY
7 61-3-301 TO BE registered for licensing.

8 (2) The county treasurer shall collect the fee and
9 remit the fee to the state treasurer for deposit in the
10 motorcycle safety training account, as provided in [section
11 6].

12 (3) Exempt from payment of the fee specified in
13 subsection (1) are vehicles:

14 (a) leased or owned by the state or a county or
15 municipality;

16 (b) used for transportation by a nonresident or
17 migratory worker temporarily employed in agricultural work
18 in this state; and

19 (c) displaying dealer plates, as provided in 61-4-103,
20 while owned by a dealer.

21 NEW SECTION. Section 6. Motorcycle safety training
22 account -- source of funds -- statutory appropriation. (1)
23 There is a motorcycle safety training account in the special
24 revenue fund of the state treasury. All revenue collected
25 pursuant to 3-10-601(4)(e) and [sections 4 and 5] must be

1 credited to this account.

2 (2) The money in the motorcycle safety training
3 account is statutorily appropriated, as provided in
4 17-7-502, to the superintendent of public instruction to
5 administer motorcycle safety training.

6 ~~Section 7. Section 3-10-601, MCA, is amended to read:~~
7 ~~"3-10-601. Collection and disposition of fines,~~
8 ~~penalties, forfeitures, and fees: (1) Each justice of the~~
9 ~~peace shall collect the fees prescribed by law for justices'~~
10 ~~courts and shall pay them into the county treasury of the~~
11 ~~county wherein he holds office, on or before the 10th day of~~
12 ~~each month, to be credited to the general fund of the~~
13 ~~county.~~

14 ~~(2) All fines, penalties, and forfeitures that this~~
15 ~~code requires to be imposed, collected, or paid in a~~
16 ~~justice's court must, for each calendar month, be paid by~~
17 ~~the justice's court on or before the 5th day of the~~
18 ~~following month to the treasurer of the county in which the~~
19 ~~justice's court is situated.~~

20 ~~(3) The county treasurer shall, in the manner provided~~
21 ~~in 15-1-504, distribute money received under subsection (2)~~
22 ~~as follows:~~

23 ~~(a) 50% to the state treasurer; and~~

24 ~~(b) 50% to the county general fund.~~

25 ~~(4) The state treasurer shall distribute money~~

received-under-subsection-(3)-as-follows:

(a)--23%-to-the-state-general-fund;

(b)--10%-to-the-fish-and-game-account-in-the-state special-revenue-fund;

(c)--12.5%-to-the-state-highway-account-in-the state-special-revenue-fund;

(d)--36%-to-the-traffic-education-account-in-the state-special-revenue-fund;

(e)--5%-to-the-motorcycle-safety-training-account-in the-state-special-revenue-fund;

(f)--0.6%-to-the-department-of-livestock-account-in the-state-special-revenue-fund;

(g)--16.9%-to-the-crime-victims-compensation-account in-the-state-special-revenue-fund; and

(h)--1%-to-the-department-of-family-services-special revenue-account-for-the-battered-spouses-and-domestic violence-grant-program."

Section 7. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both

of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103; section 13, House Bill No. 861, Laws of 1985; and section 1, Chapter 454, Laws of 1987; and [section 6].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements

1 authorized by the laws of Montana to pay the state
 2 treasurer, for deposit in accordance with 17-2-101 through
 3 17-2-107, as determined by the state treasurer, an amount
 4 sufficient to pay the principal and interest as due on the
 5 bonds or notes have statutory appropriation authority for
 6 such payments. (In subsection (3): pursuant to sec. 15, Ch.
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 9 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
 10 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
 11 1987, terminates July 1, 1988.)"

12 **Section 9.** ~~Section 61-5-110, MCA, is amended to read:~~
 13 ~~"61-5-110. Examination of applicants. (1) The~~
 14 ~~department shall examine every applicant for a driver's~~
 15 ~~license, commercial vehicle operator's endorsement, or~~
 16 ~~motorcycle endorsement, except as otherwise provided in this~~
 17 ~~section. Such examination shall include a test of the~~
 18 ~~applicant's eyesight, his ability to read and understand~~
 19 ~~highway signs regulating, warning, and directing traffic,~~
 20 ~~his knowledge of the traffic laws of this state, and shall~~
 21 ~~include an actual demonstration of ability to exercise~~
 22 ~~ordinary and reasonable control in the operation of a motor~~
 23 ~~vehicle, quadricycle, or motorcycle. The examination for the~~
 24 ~~commercial vehicle operator's endorsement may include~~
 25 ~~additional items.~~

1 ~~(2) Within 90 days of receipt of an application for a~~
 2 ~~commercial vehicle operator's endorsement, the department~~
 3 ~~shall give an examination for endorsement to the applicant~~
 4 ~~in the county where the applicant resides.~~
 5 ~~(3) (a) The department may waive, by rule, all or part~~
 6 ~~of the examination for a motorcycle endorsement if an~~
 7 ~~applicant has successfully completed a certified motorcycle~~
 8 ~~safety training course as provided in {section 4}. The~~
 9 ~~department may require an applicant to complete the course~~
 10 ~~within a certain time prior to the date of application for~~
 11 ~~the motorcycle endorsement to qualify for the waiver.~~
 12 ~~(b) The department may not waive the test of an~~
 13 ~~applicant's eyesight."~~

14 **Section 10.** ~~Section 61-5-111, MCA, is amended to read:~~
 15 ~~"61-5-111. Renewals, expirations, and fees for~~
 16 ~~licenses, permits, and endorsements. (1) The department~~
 17 ~~shall have authority to appoint county treasurers and other~~
 18 ~~qualified officers to act as its agents for the sale of~~
 19 ~~driver's licenses, receipts, and shall make necessary rules~~
 20 ~~governing such sales. In those areas where the department~~
 21 ~~provides driver licensing services 3 days or more a week the~~
 22 ~~department is responsible for sale of receipts and may not~~
 23 ~~appoint an agent. The department, upon receipt of payment of~~
 24 ~~the fees specified in this section, shall issue to every~~
 25 ~~applicant qualifying therefor a driver's license as applied~~

1 for. The license shall contain a full face photograph of the
 2 licensee in the size and form as prescribed by the
 3 department, except as provided in subsection (4); a
 4 distinguishing number issued to the licensee; the full name;
 5 date of birth; residence address; and a brief description of
 6 the licensee; and either a facsimile of the signature of the
 7 licensee or a space upon which he shall write his signature
 8 in pen and ink immediately upon receipt of the license. No
 9 license shall be valid until it has been so signed by the
 10 licensee.

11 (2) The department shall, when any person applies for
 12 renewal of a driver's license, test the applicant's eyesight
 13 and may also in the department's discretion have the
 14 applicant demonstrate his physical ability to operate and to
 15 exercise ordinary and reasonable care in the operation of a
 16 motor vehicle. A person shall be considered to have applied
 17 for renewal of a Montana driver's license if the application
 18 is made within 3 months of the expiration of his license.

19 (3) Licenses shall expire on the anniversary of the
 20 date of birth of the licensee 4 years or less after the date
 21 of issue.

22 (4) A license issued to a person under the age of 21
 23 years must contain a photograph of the licensee's profile.

24 (5) Whenever the department issues an original license
 25 to a person under the age of 18 years, the license shall be

1 designated and clearly marked as a "provisional license".
 2 Any license so designated and marked may be suspended by the
 3 department for a period of not more than 12 months, when its
 4 records disclose that the licensee subsequent to the
 5 issuance of such license has been guilty of careless or
 6 negligent driving. Upon renewal the department may, for any
 7 reasonable cause as shown by its records, designate the
 8 renewal of the license as provisional; otherwise, a license
 9 in usual form shall be issued subject to other provisions of
 10 the laws of Montana.

11 (6) It shall be unlawful for any person to have in his
 12 possession or under his control more than one Montana
 13 driver's license at any one time. A license is not valid for
 14 the operation of a motorcycle or quadricycle until the
 15 holder thereof has completed the requirements of 61-5-110
 16 and the license has been clearly marked with the words
 17 "motorcycle endorsement". A license is not valid for the
 18 operation of a commercial vehicle until the holder thereof
 19 has completed the requirements of 61-5-110 and the license
 20 has been clearly marked with the words "commercial vehicle
 21 operator's endorsement".

22 (7) Fees for driver's licenses shall be as follows:

23 (a) driver's license ----- \$3 per year or fraction
 24 thereof;

25 (b) motorcycle endorsement;

1 *(i)*--50-cents-per-year-or-fraction-thereof; and
 2 *(ii)*--§30--if--the--applicant--has--been--convicted;--as
 3 defined--in--61-5-213;--within--the--preceding--3--years--of
 4 operating--a-motorcycle-without-a-motorcycle-endorsement-and
 5 has-not-successfully-completed-a-motorcycle-safety--training
 6 course--under--the--provisions--of--(section--4)--within--the
 7 preceding-year;
 8 (c)--commercial-vehicle-operator's-endorsement:
 9 *(i)*--interstate---\$3-per-year-or-fraction-thereof;
 10 *(ii)*--intrastate---\$1.50-per-year-or-fraction--thereof;
 11 (f)--A--license--designated-as-a-chauffeur's-license-as
 12 of-January--17--1988;--is--valid--as--a--commercial--vehicle
 13 operator's--endorsement-until-the-expiration-of-the-license;
 14 (g)--On-or-after-January-17-1988;--if--the--holder--of--a
 15 chauffeur's---license--wishes--to--convert--his--chauffeur's
 16 license-to-a-commercial-vehicle-operator's--endorsement;--he
 17 may--do--so--by--paying--the--appropriate--fee--covering--the
 18 remainder-of-the-life-of-his-license-and-complying-with--the
 19 requirements-established-by-the-department;
 20 (h)--After--January--17--1988;--the--holder--of--a-valid
 21 chauffeur's-license-who-is-renewing-and-wishes-to--obtain--a
 22 commercial-vehicle--operator's--endorsement--may-do-so-upon
 23 paying--the--appropriate--fees--and--complying--with--the
 24 requirements-established-by-the-department;
 25 (i)--After--January--17--1988;--the--holder--of--a-valid

1 operator's; chauffeur's; or driver's license may obtain a
 2 hazardous--material endorsement by successfully completing a
 3 written examination."

4 **Section 11.**--Section 61-5-121, MCA, is amended to read:

5 "61-5-121.--Disposition-of-fees;--(i)--The--disposition
 6 of---the---fees--from--driver's--licenses--provided--for--in
 7 61-5-111(7)(a);--motorcycle--endorsements--provided--for--in
 8 61-5-111(7)(b)(i);--commercial---vehicle---operator's
 9 endorsements-provided-for-in-61-5-111(7)(c);--and--duplicate
 10 driver's--licenses--provided-for-in-61-5-114-is-as-follows:

11 (a)--The-amount-of-33-1/3%--of--each-driver's--license-fee
 12 and-of-each-duplicate-driver's--license-fee-must-be-deposited
 13 into--the--Montana--highway--patrolmen's--retirement-pension
 14 trust-fund;

15 (b)--(i)--If--the--fees--are--collected--by---a---county
 16 treasurer--or--other--agent-of-the-department;--the-amount-of
 17 3-1/3%--of--each-driver's--license-fee--and--of--each--duplicate
 18 driver's--license--fee--must--be--deposited--into--the-county
 19 general-fund;

20 (ii)--If--the--fees--are--collected--by--the--department;--the
 21 amount---provided---for--in--subsection--(i)(b)(i)--must--be
 22 deposited--into--the-state-special-revenue-fund--for--use--by--the
 23 department--to--defray--the--costs--of--issuing--licenses--or
 24 duplicate-licenses;

25 (c)--(i)--If--the-fee-is-collected-by-a-county-treasurer

or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(i) If the fee is collected by the department, the amount provided for in subsection (i)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 23 1/3% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee collected pursuant to 61-5-111(7)(b)(i) must be deposited into the state traffic education account.

(e) The amount of 40% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) The entire amount of each commercial vehicle operator's endorsement fee must be deposited into the motor vehicle recording account established in 61-3-108.

(g) The entire amount of each motorcycle endorsement fee collected pursuant to 61-5-111(7)(b)(ii) must be deposited into the motorcycle safety training account established in section 6.

(2)(a) If fees from driver's licenses, commercial

vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (i)(b)(i) and (i)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state traffic education account, the motorcycle safety training account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (i)(a), (i)(d), (i)(e), and (i)(f), and (i)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state special revenue fund, the state traffic education account, the motorcycle safety training account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (i)(a), (i)(b)(i), (i)(c)(i), (i)(d), (i)(e), and (i)(f), and

~~{1}{9}-"~~

Section 12. ~~Section 61-5-307, MCA, is amended to read:~~

~~"61-5-307. Penalty for misdemeanor. --- MINIMUM FINE FOR
NO--MOTORCYCLE ENDORSEMENT.---{1} it is a misdemeanor for any
person to violate any of the provisions of parts 1 through 3
of this chapter and 61-11-101 unless such violation is by
this chapter or other law of this state declared to be a
felony.~~

~~{2} Unless another penalty is in this chapter or by
the laws of this state provided, every person convicted of a
misdemeanor for the violation of any provision of parts 1
through 3 of this chapter and 61-11-101 shall be punished by
a fine of not more than \$500 or by imprisonment for not more
than 6 months or by both such fine and imprisonment.~~

~~{3} A person convicted of operating a motorcycle
without a valid motorcycle endorsement is subject to the
penalties set forth in subsection {2}, except that a minimum
fine of \$500 must be imposed."~~

NEW SECTION. Section 8. Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

NEW SECTION. Section 9. Effective dates. (1)
[Sections 1 through 3, 5 through 8, 127--137 and this
section] are effective July 1, 1989.

(2) [Sections **SECTION 4** and --9--through--11--are] **IS**
effective July 1, 1991 1990.

NEW SECTION. SECTION 10. TERMINATION. [THIS ACT]
TERMINATES JUNE 30, 1993.

-End-