

HOUSE BILL NO. 466

INTRODUCED BY BLOTKAMP, WALLIN, ELLIOTT, STANG, O'KEEFE,
LYNCH, HALLIGAN, RASMUSSEN, HARP

IN THE HOUSE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 4, 1989	PRINTING REPORT.
FEBRUARY 6, 1989	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
FEBRUARY 8, 1989	THIRD READING, PASSED. AYES, 96; NOES, 2. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1989	SECOND READING, CONCURRED IN.
MARCH 20, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0. RETURNED TO HOUSE.

MARCH 21, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *466*
 2 INTRODUCED BY *Barbara Wickham, Brett Long*
 3 *Steve Lund, Ralph Rasmussen, Harry*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM
 5 VALUE OF GUARANTEED ARREST BOND CERTIFICATES THAT MAY BE
 6 ISSUED BY AN AUTOMOBILE CLUB OR ASSOCIATION OR AN INSURANCE
 7 COMPANY FROM \$100 TO \$5,000; AND AMENDING SECTIONS 46-9-411,
 8 46-9-412, AND 46-9-414, MCA."

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

11 **Section 1.** Section 46-9-411, MCA, is amended to read:

12 "46-9-411. Definition of guaranteed arrest bond
 13 certificate. The term "guaranteed arrest bond certificate"
 14 means any printed card or other certificate which:

15 (1) is issued by an automobile club or association or
 16 insurance company to any of its members or insureds; and

17 (2) is signed by the member or insured and contains a
 18 printed statement that the automobile club, automobile
 19 association, or insurance company and a surety company or an
 20 insurance company authorized to transact both automobile
 21 liability insurance and surety business in the state of
 22 Montana:

23 (a) guarantee the appearance of the person whose
 24 signature appears on the card or certificate; and

25 (b) will, in the event of the failure of the person to

1 appear in court at the time of trial, pay any fine or
 2 forfeiture imposed on the person in an amount not exceeding
 3 ~~\$100~~ \$5,000."

4 **Section 2.** Section 46-9-412, MCA, is amended to read:

5 "46-9-412. Sureties for guaranteed arrest bond
 6 certificates. (1) A domestic or foreign surety company which
 7 has qualified to transact surety business in this state may
 8 in any year become surety in an amount not exceeding ~~\$100~~
 9 \$5,000 with respect to any guaranteed arrest bond
 10 certificates issued in such year by an automobile club or
 11 association or by an insurance company authorized to write
 12 automobile liability insurance within this state by filing
 13 with the commissioner of insurance an undertaking ~~thus~~ to
 14 become surety.

15 (2) The undertaking shall be in a form to be
 16 prescribed by the commissioner and shall state the
 17 following:

18 (a) the name and address of the automobile clubs,
 19 automobile associations, or insurance companies which issued
 20 the guaranteed arrest bond certificates with respect to
 21 which the surety company undertakes to be surety; and

22 (b) the unqualified obligation of the surety company
 23 to pay the fine or forfeiture in an amount not exceeding
 24 ~~\$100~~ \$5,000 of any person who, after posting a guaranteed
 25 arrest bond certificate with respect to which the surety

1 company has undertaken to be surety, fails to make the
2 appearance to guarantee which the guaranteed arrest bond
3 certificate was posted."

4 **Section 3.** Section 46-9-414, MCA, is amended to read:

5 "46-9-414. Motor vehicle violations -- certificates
6 accepted in lieu of cash. A guaranteed arrest bond
7 certificate with respect to which a surety company has
8 become surety or a guaranteed arrest bond certificate issued
9 by an insurance company authorized to transact both
10 automobile liability insurance and surety business within
11 this state as provided in 46-9-411 and 46-9-412 shall, when
12 posted by the person whose signature appears thereon on the
13 certificate, be accepted in lieu of cash bail in an amount
14 not exceeding ~~\$100~~ \$5,000 as a bail bond to guarantee the
15 appearance of the person in any court, including municipal
16 courts, in this state at such a time as may be required by
17 the court when the person was arrested for violation of a
18 motor vehicle law of this state or ordinance of a
19 municipality in this state (except for the offense of
20 driving while intoxicated or for any felony) committed prior
21 to the date of expiration shown on the guaranteed arrest
22 bond certificate. A guaranteed arrest bond certificate
23 posted as a bail bond in a court in this state is subject to
24 the same forfeiture and enforcement provisions as bail bonds
25 posted in criminal cases, and a guaranteed arrest bond

1 certificate posted as a bail bond in a municipal court in
2 this state is subject to the forfeiture and enforcement
3 provisions of the chapter or ordinance of the particular
4 municipality pertaining to bail bonds posted."

5 NEW SECTION. **Section 4. Extension of authority.** Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

1 *HOUSE* BILL NO. *466*
 2 INTRODUCED BY *Billings, Winters, Blunt, Harg*
 3 *Griff, Lynn, Nallan - Robinson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM
 5 VALUE OF GUARANTEED ARREST BOND CERTIFICATES THAT MAY BE
 6 ISSUED BY AN AUTOMOBILE CLUB OR ASSOCIATION OR AN INSURANCE
 7 COMPANY FROM \$100 TO \$5,000; AND AMENDING SECTIONS 46-9-411,
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17 (2) is signed by the member or insured and contains a
 18 printed statement that the automobile club, automobile
 19 association, or insurance company and a surety company or an
 20 insurance company authorized to transact both automobile
 21 liability insurance and surety business in the state of
 22 Montana:

23 (a) guarantee the appearance of the person whose
 24 signature appears on the card or certificate; and

25 (b) will, in the event of the failure of the person to

1 appear in court at the time of trial, pay any fine or
 2 forfeiture imposed on the person in an amount not exceeding
 3 ~~\$100~~ \$5,000."

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 6 certificates. (1) A domestic or foreign surety company which
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 9 \$5,000 with respect to any guaranteed arrest bond
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 11 association or by an insurance company authorized to write
 12 automobile liability insurance within this state by filing
 13 with the commissioner of insurance an undertaking ~~thus~~ to
 14 become surety.

15 (2) The undertaking shall be in a form to be
 16 prescribed by the commissioner and shall state the
 17 following:

18 (a) the name and address of the automobile clubs,
 19 automobile associations, or insurance companies which issued
 20 the guaranteed arrest bond certificates with respect to
 21 which the surety company undertakes to be surety; and

22 (b) the unqualified obligation of the surety company
 23 to pay the fine or forfeiture in an amount not exceeding
 24 ~~\$100~~ \$5,000 of any person who, after posting a guaranteed
 25 arrest bond certificate with respect to which the surety

1 company has undertaken to be surety, fails to make the
2 appearance to guarantee which the guaranteed arrest bond
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6 accepted in lieu of cash. A guaranteed arrest bond
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9 by an insurance company authorized to transact both
10 automobile liability insurance and surety business within
11 this state as provided in 46-9-411 and 46-9-412 shall, when
12 posted by the person whose signature appears thereon on the
13 certificate, be accepted in lieu of cash bail in an amount
14 not exceeding ~~\$100~~ \$5,000 as a bail bond to guarantee the
15 appearance of the person in any court, including municipal
16 courts, in this state at such a time as may be required by
17 the court when the person was arrested for violation of a
18 motor vehicle law of this state or ordinance of a
19 municipality in this state (except for the offense of
20 driving while intoxicated or for any felony) committed prior
21 to the date of expiration shown on the guaranteed arrest
22 bond certificate. A guaranteed arrest bond certificate
23 posted as a bail bond in a court in this state is subject to
24 the same forfeiture and enforcement provisions as bail bonds
25 posted in criminal cases, and a guaranteed arrest bond

1 certificate posted as a bail bond in a municipal court in
2 this state is subject to the forfeiture and enforcement
3 provisions of the chapter or ordinance of the particular
4 municipality pertaining to bail bonds posted."

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6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
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2 INTRODUCED BY Bethany Wiggins Allett Hong
3 Kyle Lynn Nallan - Rasmussen HARP
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19 association, or insurance company and a surety company or an
20 insurance company authorized to transact both automobile
21 liability insurance and surety business in the state of
22 Montana:

23 (a) guarantee the appearance of the person whose
24 signature appears on the card or certificate; and

25 (b) will, in the event of the failure of the person to

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10 certificates issued in such year by an automobile club or
11 association or by an insurance company authorized to write
12 automobile liability insurance within this state by filing
13 with the commissioner of insurance an undertaking thus to
14 become surety.

15 (2) The undertaking shall be in a form to be
16 prescribed by the commissioner and shall state the
17 following:

18 (a) the name and address of the automobile clubs,
19 automobile associations, or insurance companies which issued
20 the guaranteed arrest bond certificates with respect to
21 which the surety company undertakes to be surety; and

(b) the unqualified obligation of the surety company to pay the fine or forfeiture in an amount not exceeding ~~\$100~~ \$5,000 of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety

1 company has undertaken to be surety, fails to make the
2 appearance to guarantee which the guaranteed arrest bond
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10 automobile liability insurance and surety business within
11 this state as provided in 46-9-411 and 46-9-412 shall, when
12 posted by the person whose signature appears thereon on the
13 certificate, be accepted in lieu of cash bail in an amount
14 not exceeding ~~\$100~~ \$5,000 as a bail bond to guarantee the
15 appearance of the person in any court, including municipal
16 courts, in this state at such a time as may be required by
17 the court when the person was arrested for violation of a
18 motor vehicle law of this state or ordinance of a
19 municipality in this state (except for the offense of
20 driving while intoxicated or for any felony) committed prior
21 to the date of expiration shown on the guaranteed arrest
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LYNCH, HALLIGAN, RASMUSSEN, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM
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