

SENATE BILL 15

Introduced by Jergeson, et al.

11/30	Introduced
11/30	Referred to Finance & Claims
11/30	First Reading
11/30	Fiscal Note Requested
12/02	Fiscal Note Received
12/03	Fiscal Note Printed
12/03	Hearing
12/03	Tabled in Committee

1 *Senate* BILL NO. *15*
2 INTRODUCED BY *Jerguson Capitaniella*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
5 LAW AND PENALTIES RELATING TO THE DAYTIME FUEL CONSERVATION
6 SPEED LIMIT; PROVIDING THAT BOND FOR VIOLATION OF THE
7 DAYTIME FUEL CONSERVATION SPEED LIMIT MAY BE FORFEITED BY
8 USE OF A COUPON PURCHASED IN ADVANCE BY A MOTORIST;
9 PROVIDING FOR THE PROCUREMENT AND USE OF COUPONS; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

14 "61-8-718. Penalty for violation of fuel conservation
15 speed limit -- prepaid bond. (1) A person violating the
16 speed limit imposed pursuant to 61-8-304 is guilty of the
17 offense of unnecessary waste of a resource and upon
18 conviction shall be fined \$5, and no a jail sentence may not
19 be imposed. Bond for this offense ~~shall be~~ is \$5.

20 (2) A violation of 61-8-304 is not a misdemeanor
21 pursuant to 45-2-101, 61-8-104, or 61-8-711.

22 (3) A person stopped by a law enforcement officer for a
23 violation of 61-8-304, if the offending speed was not in
24 excess of 10 miles an hour above the fuel conservation speed
25 limit, may forfeit bond allowed under subsection (1) by use

1 of a coupon provided for under [section 2]. If a coupon is
2 used to forfeit bond under this subsection, the stopping
3 officer may not issue a citation for violation of 61-8-304.
4 The officer shall submit one copy of the coupon to the
5 justice's court to which citations are submitted and one
6 copy to the department."

7 **NEW SECTION. Section 2.** Forfeiture of bond for
8 violation of fuel conservation speed limit -- sale and use
9 of coupons authorized -- requirements. (1) The department
10 shall contract for the procurement of coupon books that may
11 be purchased in advance by motorists to be used for
12 forfeiture of bond for violations of 61-8-304. The
13 department shall provide for the sale of coupon books
14 exclusively by the justices' courts.

15 (2) Money received from the sale of coupon books must
16 be paid by a justice's court pursuant to 3-10-601.

17 (3) Coupons must be:

18 (a) transferable;

19 (b) nonrefundable;

20 (c) redeemable for violations from 1 to 10 miles an
21 hour in excess of the posted daytime fuel conservation speed
22 limit; and

23 (d) sold in multiples of 10, at a cost of \$5 per
24 coupon.

25 (4) Each coupon may be in duplicate, contain a

statement that observance of speed limit laws saves lives and fuel, and contain space for:

(a) a motorist to fill in the motorist's name and address, driver's license number, vehicle license plate number, and automobile insurance policy number; and

(b) the stopping officer to fill in the location and time of day of the violation and the identity of the officer receiving the coupon.

(5) The information required by subsection (4)(a) must be completed by the driver of the stopped vehicle before the coupon may be used.

NEW SECTION. Section 3. Codification instruction.
[Section 2] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0015, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Revising the law and penalties relating to the daytime fuel conservation speed limit; providing that bond for violation of the daytime fuel conservation speed limit may be forfeited by use of a coupon purchased in advance by a motorist.

ASSUMPTIONS:

1. The Highway Patrol program in the Department of Justice will pay for printing of a 3-year supply of coupon books in FY94. The cost is estimated to be 50 cents per book. The three year supply is estimated to be 5,280 books (1,760 x 3) for at a cost of \$2,640 state special revenue. There will be minimal impact on other operating expenses in this program.
2. 70,500 \$5 speeding fine citations were issued in FY93. The same number of violations will occur in FY94 and FY95 but 25% of those (6.25% in FY94) will be processed by coupon forfeiture.
3. Coupon books will be sold by justice courts in multiples of 10 coupons per book. The price of each coupon book will be \$50 (10 x \$5). Sales will be equivalent to 25% of annual citations (70,500 x 25% = 17,600 coupons in FY95 (1,760 books). Revenue will be recognized at the time of sale of the books rather than when processed (redeemed) as a bond forfeiture. There will be an acceleration of revenue in FY94 from the sale of the coupon books during the last few months of the fiscal year. This revenue increase is a timing difference and will reverse by the same amount in FY95. For FY94 it is assumed that 1,760 books (17,600 coupons) will be sold but only 25% of those will be forfeited. The remainder of these will be forfeited during FY95. This creates additional revenue of \$66,000 in FY94 (17,600 x \$5 x 75%) and reduced revenue of \$66,000 in FY95 when the prepaid coupons are forfeited. Coupon books sold in FY95 and later years will be completely forfeited in the years sold.
4. The distribution of revenue from these fines and coupons is 50% to the state treasurer and 50% to county governments. The 50% state share is distributed 27.88% to the general fund and 72.12% to various state special revenue accounts.

FISCAL IMPACT:**Department of Justice- Highway Patrol Program:**

	FY '94			FY '95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	270.65	270.65	0.00	263.15	263.15	0.00
Personal Services	9,413,417	9,413,417	0	9,476,688	9,476,688	0
Operating Expenses	2,388,993	2,391,633	2,640	2,421,373	2,421,373	0
Equipment	<u>1,102,183</u>	<u>1,102,183</u>	<u>0</u>	<u>1,102,204</u>	<u>1,102,204</u>	<u>0</u>
Total	12,904,593	12,907,233	2,640	13,000,265	13,000,265	0
<u>Funding:</u>						
State Special	12,300,473	12,303,113	2,640	12,388,613	12,388,613	0
Federal Special	<u>604,120</u>	<u>604,120</u>	<u>0</u>	<u>611,652</u>	<u>611,652</u>	<u>0</u>
Total	12,904,593	12,907,233	2,640	13,000,265	13,000,265	0

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David Lewis 12-2
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Greg Jergeson 12/3/93
 GREG JERGESON, PRIMARY SPONSOR DATE
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	<u>FY '94</u>			<u>FY '95</u>		
<u>Revenue:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund (01)	49,140	58,340	9,200	49,140	39,940	(9,200)
State Special (02)	127,110	150,910	23,800	127,110	103,310	(23,800)
County general fund	<u>176,250</u>	<u>209,250</u>	<u>33,000</u>	<u>176,250</u>	<u>143,250</u>	<u>(33,000)</u>
Total	352,500	418,500	66,000	352,500	286,500	(66,000)
 <u>Net Impact:</u>						
General Fund (01)			(9,200)			9,200
State Special (02)			(21,160)			23,800

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County general fund revenue will increase by approximately \$33,000 in FY94, decrease by \$33,000 in FY95, and be unaffected in subsequent years.