

SENATE BILL 24

Introduced by Stang, et al.

12/02 Introduced  
12/02 Referred to Judiciary  
12/02 First Reading  
12/02 Fiscal Note Requested  
12/06 Fiscal Note Received  
12/06 Fiscal Note Printed  
12/09 Hearing  
12/10 Committee Report--Bill Passed as Amended  
12/11 2nd Reading Passed  
12/11 3rd Reading Passed

Transmitted to House  
12/13 First Reading  
12/13 Referred to Highways & Transportation  
12/14 Hearing  
12/15 Committee Report-Bill Concurred as Amended  
12/16 Motion Carried to Pass Consideration on 2nd Reading until 12/20/93  
12/16 Segregated from Committee of the Whole Report  
12/16 Motion Failed to Pass Consideration on 2nd Reading until 12/20/93  
12/16 2nd Reading Indefinitely Postponed

*Senate* BILL NO. *24*

INTRODUCED BY *[Signature]*

BY REQUEST OF THE DEPARTMENT OF JUSTICE *[Signature]*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY  
FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT; AMENDING  
SECTION 61-8-718, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

"61-8-718. Penalty for violation of fuel conservation  
speed limit. (1) A person violating the speed limit imposed  
pursuant to 61-8-304 is guilty of the offense of unnecessary  
waste of a resource and upon conviction shall be fined \$5  
\$10 if the speed limit was exceeded by no more than 10 miles  
per hour and an additional \$3 for each mile per hour in  
excess of 10 miles per hour over the speed limit; and no A  
jail sentence may not be imposed. Bond for this offense  
shall be \$5 equal to the amount of the fine that would be  
imposed upon conviction.

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

NEW SECTION. **Section 2.** Effective date. [This act] is  
effective January 1, 1994.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0024, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the penalty for violation of the fuel conservation speed limit from \$5 to \$10 if the speed limit was exceeded by no more than 10 miles per hour and an additional \$3 for each mile per hour in excess of 10 miles per hour over the limit.

ASSUMPTIONS:

1. There were 70,500 fuel conservation \$5 tickets issued in 1993. The same number will be issued in FY94 and FY95, and they will be ratably issued over the 12 months.
2. It is assumed that 50% of the drivers issued fuel conservation tickets will be within 10 MPH over the speed limit and will pay \$10. The other 50% will average 15 MPH over the speed limit and will pay an average of \$25 per ticket.
3. The fines from these tickets are distributed in accordance with 3-10-601, MCA: 50% to the state treasurer and 50% to the county general fund. The fines distributed to the state treasurer are distributed 27.88% to the general fund and 72.12% to various state special revenue accounts.

FISCAL IMPACT:


	FY '94			FY '95		
<u>Revenues:</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)-fuel con. fines	49,140	110,560	61,420	49,140	171,985	122,845
State Special (02)-fuel con. fines	127,110	286,005	158,895	127,110	444,890	317,780
County general fund-fuel con. fines	<u>176,250</u>	<u>396,560</u>	<u>220,310</u>	<u>176,250</u>	<u>616,875</u>	<u>440,625</u>
Total	352,500	793,125	440,625	352,500	1,233,750	881,250

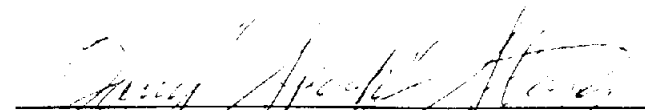
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill will increase county general fund revenue by \$220,310 in FY94 and \$440,625 in FY95.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The estimated revenue increases will continue unless the number of violations are reduced.

 12-4  
 DAVE LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

 12/8/95  
 BARRY "SPOOK" STANG, PRIMARY SPONSOR DATE  
 Fiscal Note for SB0024, as introduced SB 24

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 24

INTRODUCED BY STANG, STRIZICH, CRIPPEN, J. RICE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY  
FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT;  
PROVIDING THAT THE STATE'S SHARE OF THE INCREASE IN THE FINE  
BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTION  
SECTIONS 3-10-601 AND 61-8-718, MCA; AND PROVIDING AN  
EFFECTIVE DATE."

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

**SECTION 1.** 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 in which the justice of the peace 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, except that they may be  
distributed as provided in 44-12-206 if imposed, collected,  
or paid for a violation of Title 45, chapter 9 or 10.

(3) The Except as provided in subsection (5), 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 subsections (3) and (5) as follows:

(a) 27.88% to the state general fund;

(b) 9.09% to the fish and game account in the state  
special revenue fund;

(c) 11.76% to the state highway account in the state  
special revenue fund;

(d) 33.86% to the traffic education account in the  
state special revenue fund;

(e) 0.57% to the department of livestock account in the  
state special revenue fund;

(f) 15.9% to the crime victims compensation account in  
the state special revenue fund; and

(g) 0.94% to the department of family services special  
revenue account for the battered spouses and domestic  
violence grant program.

(5) The county treasurer shall distribute the fines for

1 violations of 61-8-718 as follows:

2 (a) 50% to the county general fund; and

3 (b) 50% to the state treasurer, who shall distribute  
4 \$2.50 of each fine in accordance with subsection (4) and  
5 shall deposit the remainder in the state general fund."

6 **Section 2.** Section 61-8-718, MCA, is amended to read:

7 **"61-8-718. Penalty for violation of fuel conservation**  
8 **speed limit. (1) A person violating the speed limit imposed**  
9 **pursuant to 61-8-304 is guilty of the offense of unnecessary**  
10 **waste of a resource and upon conviction shall be fined \$5**  
11 **\$10 if the speed limit was exceeded by no more than 10 miles**  
12 **per hour and an additional \$3 for each mile per hour in**  
13 **excess of 10 miles per hour over the speed limit~~,-and-no.~~ A**  
14 **jail sentence may not be imposed. Bond for this offense**  
15 **shall be \$5 equal to the amount of the fine that would be**  
16 **imposed upon conviction.**

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

19 (3) THE FINE IMPOSED UNDER SUBSECTION (1) MUST BE  
20 DEPOSITED AS PROVIDED IN 3-10-601(5)."

21 **NEW SECTION. Section 3. Effective date. (This act) is**  
22 **effective January 1, 1994.**

-End-

SENATE BILL NO. 24

INTRODUCED BY STANG, STRIZICH, CRIPPEN, J. RICE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT; PROVIDING THAT THE STATE'S SHARE OF THE INCREASE IN THE FINE BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTION SECTIONS 3-10-601 AND 61-8-718, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. 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 in which the justice of the peace 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, except that they may be distributed as provided in 44-12-206 if imposed, collected, or paid for a violation of Title 45, chapter 9 or 10.

(3) The Except as provided in subsection (5), 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 subsections (3) and (5) as follows:

(a) 27.88% to the state general fund;

(b) 9.09% to the fish and game account in the state special revenue fund;

(c) 11.76% to the state highway account in the state special revenue fund;

(d) 33.86% to the traffic education account in the state special revenue fund;

(e) 0.57% to the department of livestock account in the state special revenue fund;

(f) 15.9% to the crime victims compensation account in the state special revenue fund; and

(g) 0.94% to the department of family services special revenue account for the battered spouses and domestic violence grant program.

(5) The county treasurer shall distribute the fines for

violations of 61-8-718 as follows:

(a) 50% to the county general fund; and

(b) 50% to the state treasurer, who shall distribute \$2.50 of each fine in accordance with subsection (4) and shall deposit the remainder in the state general fund."

**Section 2.** Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource and upon conviction shall be fined \$5 \$10 if the speed limit was exceeded by no more than 10 miles per hour and an additional \$3 for each mile per hour in excess of 10 miles per hour over the speed limit, and no. A jail sentence may not be imposed. Bond for this offense shall be \$5 equal to the amount of the fine that would be imposed upon conviction.

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

(3) THE FINE IMPOSED UNDER SUBSECTION (1) MUST BE DEPOSITED AS PROVIDED IN 3-10-601(5)."

**NEW SECTION. Section 3.** Effective date. [This act] is effective January 1, 1994.

-End-



## HOUSE STANDING COMMITTEE REPORT

December 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 24 (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark  
Robert C. Clark, Chair

And, that such amendments read:

Carried by: Rep. Rice

1. Page 2, line 10.

Strike: "subsections"

Insert: "subsection"

Strike: "and (5)"

2. Page 2, line 25 through page 3, line 5.

Following: "(5)"

Strike: the remainder of subsection (5) in its entirety

Insert: "In each fiscal year, when the amount deposited in the funds in subsections (4)(b) through (4)(g) equals the amount deposited in fiscal year 1993 or when a fund reaches a balance required by law, the state treasurer shall distribute money that would have been deposited in those funds into the state general fund."

-END-

Committee Vote:  
Yes \_\_, No \_\_.

SB 24

HOUSE

pl.  
12-15-93  
12:55