

SENATE BILL NO. 361INTRODUCED BY Wilson

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING PART OF THE HIGHWAY TRAFFIC SAFETY PROGRAM FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF TRANSPORTATION; EXPANDING ARREST AUTHORITY FOR CERTAIN TRAFFIC OFFENSES; AMENDING SECTIONS 2-15-2007, 61-2-102, 61-2-103, AND 61-12-206, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-2007, MCA, is amended to read:

"2-15-2007. Highway traffic safety program. ~~The~~ Except as provided in 61-2-103, the highway traffic safety program provided for in 61-2-102 is attached to must be administered by the department of justice ~~for administrative purposes only as prescribed in 2-15-121. However, the program may hire its own personnel, and 2-15-121(2)(d) does not apply~~ transportation."

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"61-2-102. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Department" means the department of ~~justice provided for in Title 2, chapter 15, part 20~~ transportation.

(2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths, injuries to persons, and damage to property. The program ~~shall~~ must be in accordance with uniform standards established by the secretary of commerce of the United States under Title 23, U.S.C., as amended. Nothing in this part restricts or prohibits the establishment of standards ~~which~~ that enlarge or implement the federal standards.

(3) "Political subdivisions" means ~~every~~ each county, incorporated city or town, and school district within the boundaries of the state."

Section 3. Section 61-2-103, MCA, is amended to read:

1 **"61-2-103. Duties.** (1) The governor is responsible for the administration of the highway traffic
 2 safety program. The governor may contract and do all other things necessary to secure the full benefits
 3 available to this state under the Federal Highway Safety Act of 1966, and, in so doing, may cooperate with
 4 federal and state agencies, private and public organizations, and individuals to effectuate the purposes of
 5 that enactment and all amendments to it. The governor may appoint an administrator of the highway traffic
 6 safety program to carry out the governor's responsibilities under this part. For purposes of participation
 7 in the Federal Highway Safety Act of 1966, the governor shall designate the superintendent of public
 8 instruction as the state agency responsible for all aspects of federally assisted driver education and safety
 9 programs in the public schools, including the approval of the programs, certification of teachers, and the
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 11 laws and regulations. Nothing in this part interferes with the provisions of Title 20, chapter 7, part 5, or
 12 20-9-603 or part 5, chapter 7, of Title 20.

13 (2) The department ~~of justice~~ shall:

14 (a) advise and assist the governor in all matters of highway safety and establish comprehensive
 15 training programs, including establishment and regulation of driver training schools, ~~and~~ certification of the
 16 schools and instructors, ~~and~~ establishment of adult training and retraining programs;

17 (b) develop and procure practice driving facilities, simulators, and other teaching aids for school
 18 and driver training use; and

19 (c) establish a continuing and adequate research program designed to determine the causes of
 20 accidents and effect a program of prevention;

21 (3) The department of justice shall:

22 ~~(a)~~ (a) establish a uniform system of driver licensing, including mental and physical standards; and

23 ~~(b)~~ (b) prescribe and establish safety regulations for motor vehicles and operators."
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25 **Section 4.** Section 61-12-206, MCA, is amended to read:

26 **"61-12-206. Offenses for which arrest authorized.** (1) Employees appointed under 61-12-201 may
 27 make arrests for violations of the following statutory provisions ~~only~~:

28 (a) chapters 3 and 5, of this title, but only if the vehicle involved is subject to 61-10-141;

29 ~~(b)~~ (b) part 1, chapter 10, of this title;

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- 1 ~~(e)(d) sections 15-24-201 through 15-24-205;~~
2 ~~(d)(e) Title 15, chapter 70, parts 2 and 3;~~
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8 (2) These employees may not arrest for violations other than specified in this section."

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NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1995.

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0361, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act transferring part of the Highway Traffic Safety program from the Department of Justice to the Department of Transportation; expanding arrest authority for certain traffic offenses.

ASSUMPTIONS:

Department of Transportation (DOT):

1. About 9.00 FTE will be transferred from Highway Traffic Safety (HTS) in the Department of Justice to the DOT.
2. All budget authority associated with the staff and functions will be transferred to DOT.
3. All office furniture, office equipment and computer equipment necessary to perform the duties associated with HTS will be transferred to DOT.
4. Approximately \$2,000 will be needed to equip, update and enhance the HTS computer system to make it compatible with the DOT computer network.
5. Approximately \$800 will be needed to physically move the HTS equipment to the DOT.
6. There may be costs associated with providing space for the staff that the department cannot determine at this time.

Highway Traffic Safety (HTS):

7. A differing perspective on HTS functions and funding options may occur.
8. If there is no change to the current HTS program, no change in local expenditures or revenue is expected.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY96</u>	<u>FY97</u>
<u>Department of Transportation:</u>	<u>Difference</u>	<u>Difference</u>
Update equipment	2,000.00	0
Physical move	800.00	0
Total	2,800.00	0
<u>Funding:</u>		
Federal special revenue (03)	2,800.00	0

David Lewis 2-16-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Jeff Weldon 2/17/95
JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0361, as introduced

SB 361

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-END-



HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 361 (third reading copy -- blue) be concurred in as amended.

Signed: *Shiell Anderson*
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Carey

1. Title, line 5.

Following: "TRANSPORTATION;"

Insert: "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART
OF THE FEDERAL GRANT MONEY FOR MOTORCYCLE SAFETY TRAINING;"

2. Page 2, line 18.

Strike: "and"

3. Page 2, line 20.

Following: "7"

Insert: "; and

(d) first allocate a portion of federal grant money for safety programs for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need"

-END-

Committee Vote:
Yes 17, No 1.

SB361
HOUSE
651530SC.Hdh

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Conference Committee
on SB 361
Report No. 1, April 6, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 361, met April 6, 1995, and considered:

House Committee on Highways and Transportation Amendments to the third reading copy, dated March 21, 1995.

We recommend that SB 361 (reference copy - salmon) be amended as follows:

1. Title, lines 6 and 7.
Strike: "REQUIRING" on line 6 through "TRAINING;" on line 7
2. Page 2, line 19.
Following: "and"
Insert: "and"
3. Page 2, line 21.
Strike: "; AND"
Insert: "."
4. Page 2, lines 22 through 25.
Strike: subsection (d) in its entirety

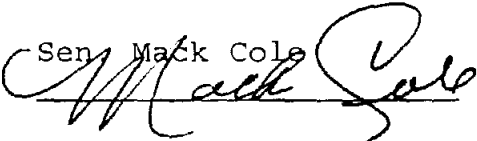
And that this Conference Committee report be adopted.

For the Senate:

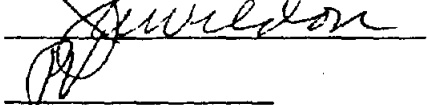
Sen. Arnie Mohl


Chair


Sen. Mack Cole



Sen. Jeff Weldon



Amd. Coord.


Sec. of Senate

ADOPT

REJECT

For the House:

Rep. Marian Hanson


Chair

Rep. Dore Schwinden



Rep. Joe Barnett



SB 361

CCR#1

791618CC.SPV

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1 "61-12-206. **Offenses for which arrest authorized.** (1) Employees appointed under 61-12-201 may
2 make arrests for violations of the following statutory provisions ~~only~~:

3 (a) chapters 3 and 5, of this title, but only if the vehicle involved is subject to 61-10-141;

4 ~~(a)(b) part 4, chapter 10, of this title;~~

5 ~~(b)(c) part 3, chapter 4, of this title;~~

6 ~~(c)(d) sections 15-24-201 through 15-24-205;~~

7 ~~(d)(e) Title 15, chapter 70, parts 2 and 3;~~

8 ~~(e)(f) sections 15-71-101 through 15-71-105;~~

9 ~~(f) section 61-3-502(1);~~

10 ~~(g) sections 61-10-201, 61-10-203, 61-10-206, 61-10-209, and 61-10-211 through 61-10-215;~~

11 ~~(h) sections 61-10-222 through 61-10-224;~~

12 ~~(i) sections 61-10-231 through 61-10-233.~~

13 (2) These employees may not arrest for violations other than specified in this section."
14

15 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1995.

16 -END-