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House BILL NO. 242
Rep. Sam Katzberg

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A \$5 PENALTY FOR THE FIRST OFFENSE OF A VIOLATION OF 61-8-303, THE BASIC RULE SPEED LIMIT; REQUIRING THAT OFFICERS ARE INSTRUCTED TO WELCOME OUT-OF-STATE VISITORS, INFORM MOTORISTS OF MONTANA'S SPEED LIMIT LAWS, AND ADVISE MOTORISTS THAT FUTURE VIOLATIONS WILL RESULT IN GREATER PENALTIES; AND AMENDING SECTION 61-8-711, MCA."

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

Section 1. Section 61-8-711, MCA, is amended to read:

"61-8-711. Violation of chapter -- penalty. (1) ~~Except for a first violation of 61-8-303 as provided in subsection (6),~~ it is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is declared to be a felony.

(2) ~~Each~~ A person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

(3) Except as provided in subsection (4), failure to pay a fine imposed under this chapter is a civil contempt of the court. On failure of payment of a fine, the court may:

(a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or

(b) if the court finds that the person is unable to pay, order the person to perform community service.

(4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be the

1 number of days that the fine is divisible by the dollar amount of the incarceration credit contained in
2 46-18-403.

3 (5) Upon conviction, the court costs or any part of the court costs may be assessed against the
4 defendant in the discretion of the court.

5 (6) (a) A person violating the basic rule speed limit imposed pursuant to 61-8-303 shall be fined
6 \$5 for the first offense, and a jail sentence may not be imposed.

7 (b) A first violation of 61-8-303 is not a misdemeanor pursuant to 61-8-104.

8 (c) A first violation of 61-8-303 may not be charged against the driver's record, an insurance
9 company may not hold a first violation of 61-8-303 against the insured, and there may not be an increase
10 in premiums due to a first violation of 61-8-303.

11 (d) After the first violation, a person violating the provisions of 61-8-303 is subject to the penalties
12 governing second, third, and subsequent convictions as provided in subsection (2) of this section."

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14 NEW SECTION. Section 2. First offense of basic rule -- notice to offender. (1) The department
15 of justice shall instruct officers to inform motorists of Montana's speed limit laws in a professional and
16 courteous manner, welcome out-of-state visitors, and inform motorists that future violations will result in
17 increased penalties.

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

22

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0242, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a \$5 penalty for the first offense of a violation of the basic rule speed limit; requiring that officers are instructed to welcome out-of-state visitors, inform motorists of Montana's speed limit laws, and advise motorists that future violations will result in greater penalties.

ASSUMPTIONS:

1. First offense basic rule fines would be reduced to \$5.
2. All basic rule violations would be considered first time offenses for both Montana residents and non-residents.
3. Non-certified driving records of Montana residents can be obtained by the officer at the time of the basic rule violation, but are not used to determine whether the stop is a first, second, third, or fourth offense.
4. There is no statewide database system that allows the officer to input basic rule violations at the time of the stop. A non-resident crossing the state if stopped several times for basic rule violations, would have each stop considered a first time offense.
5. All fines are assessed by the court.
6. The Montana Highway Patrol issued 6,824 basic rule citations in fiscal 1996 with an average fine of \$70 per violation. Fiscal 1996 total fines collected equaled \$477,680. Under this proposal the revenue collections on 6,824 citations would be \$34,120 for fiscal 1998 and fiscal 1999, resulting in a revenue loss of \$443,560 annually.
7. Revenues are split 50 percent to the state general fund and 50 percent to local governments.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Revenues:</u>	<u>Difference</u>	<u>Difference</u>
General Fund (01)	(221,780)	(221,780)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Fine revenues to local governments would be reduced by \$221,780 per year.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Reduction in fine revenues deposited to the general fund.

David Lewis 1-17-97

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

SAM KITZENBERG, PRIMARY SPONSOR DATE

Fiscal Note for HB0242 as introduced

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