

1 SENATE BILL NO. 220

2 INTRODUCED BY G. BARKUS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PROOF OF VEHICLE INSURANCE WINDOW STICKER;
5 MAKING IT A CRIME TO DRIVE A VEHICLE WITHOUT THE STICKER; PROVIDING A DEFENSE; AND
6 AMENDING SECTION 61-6-304, MCA."

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

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10 NEW SECTION. **Section 1. Proof of insurance window sticker.** (1) At the time that a policy for the
11 insurance required by 61-6-301 is issued or renewed, the insurer shall provide the insured with a window sticker for
12 each insured vehicle. The insured shall attach each sticker to the rear window near the upper or lower corner on the
13 driver's side of the vehicle. If the vehicle does not have a rear window or is used to tow other vehicles, the insured
14 shall attach the sticker to the upper part of the rearmost side window on the driver's side of the vehicle.

15 (2) The window sticker must:

16 (a) be approximately 1 1/2 inches x 1 1/2 inches in size;

17 (b) be printed on a background color that is the same as the color currently used for light vehicle registration
18 expiration stickers that are attached to license plates; and19 (c) contain the words "Insured by", followed by the names of the insurance company and the insurance
20 producer through which the insurance was obtained, the insurance producer's telephone number, and the word
21 "Issued" or "Renewed", followed by the expiration date of the policy.22 (3) Operation of a vehicle without the current window sticker properly attached is a criminal offense
23 punishable as provided in 61-6-304, and absolute liability is imposed within the meaning of 45-2-104. However, the
24 person may not be convicted if the person produces in court or the office of the arresting officer proof of insurance
25 valid at the time of the arrest.

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27 **Section 2.** Section 61-6-304, MCA, is amended to read:28 **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301, ~~or 61-6-302,~~ or [section 1] is
29 punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than
30 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not

1 more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment
2 in the county jail for not more than 6 months, or both.

3 (2) Upon a second or subsequent conviction under 61-6-301, ~~or~~ 61-6-302, or [section 1], the sentencing
4 court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the
5 time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's
6 immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court
7 shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department,
8 which shall immediately suspend the receipt and plates for a period of 90 days from the date of a second conviction
9 or 180 days from the date of a third or subsequent conviction. The receipt and plates may not be reinstated until
10 the expiration of that period and until proof of compliance with 61-6-301 and [section 1] is furnished to the
11 department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

12 (3) Upon a fourth and subsequent conviction under 61-6-301, ~~or~~ 61-6-302, or [section 1], the court shall
13 order the surrender of the driver's license of the offender; if the vehicle operated at the time of the offense was
14 registered to the offender or a member of the offender's immediate family. The court shall send the driver's license,
15 along with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend
16 the driver's license. The department may not reinstate a driver's license suspended under this subsection until the
17 registered owner provides the department proof of compliance with 61-6-301 and [section 1] and the department
18 determines that the registered owner is otherwise eligible for licensure.

19 (4) The court may suspend a required fine only upon a determination that the offender is or will be unable
20 to pay the fine.

21 (5) A court may not defer imposition of penalties provided by this section.

22 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less than
23 5 years have elapsed between the commission of the present offense and a previous conviction."
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25 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral
26 part of Title 61, chapter 6, part 3, and the provisions of Title 61, chapter 6, part 3, apply to [Section 1].

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