

SENATE BILL NO. 259

INTRODUCED BY E. BUTTREY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A VEHICLE OPERATOR WHO DOES NOT PROVIDE
5 PROOF OF MOTOR VEHICLE LIABILITY INSURANCE OR AN INDEMNITY BOND TO SURRENDER THE
6 LICENSE PLATES UNDER CERTAIN CONDITIONS; PROVIDING FOR THE RETURN OF THE LICENSE
7 PLATES; AND AMENDING SECTION 61-6-302, MCA."

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

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11 **Section 1.** Section 61-6-302, MCA, is amended to read:
12 **"61-6-302. Proof of compliance -- surrender of license plates.** (1) The registration receipt required
13 by 61-3-322 must contain a statement that unless the vehicle is eligible for an exemption under 61-6-303, it is
14 unlawful to operate the vehicle without a valid motor vehicle liability insurance policy, a certificate of
15 self-insurance, or a posted indemnity bond, as required by 61-6-301.

16 (2) Each owner or operator of a motor vehicle shall carry in the motor vehicle an insurance card
17 approved by the department but issued by the insurance carrier to the motor vehicle owner as proof of
18 compliance with 61-6-301. A motor vehicle owner who posts an indemnity bond shall carry proof that a bond has
19 been posted with the department. If the card is issued under a commercial automobile insurance policy or a
20 self-insured fleet, the card must indicate the status as "commercially insured" or "fleet". A motor vehicle owner
21 or operator shall exhibit the insurance card or proof of the bond upon demand of a justice of the peace, a city or
22 municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of the department. A
23 person commits an offense under this subsection if the person fails to carry the insurance card or proof of the
24 bond in a motor vehicle or fails to exhibit the insurance card or proof of the bond upon demand of a person
25 specified in this subsection.

26 (3) ~~Beginning July 1, 2011, a~~ A person charged with violating subsection (2) may not be convicted if:
27 (a) the arresting officer or another person authorized to access information from the online motor vehicle
28 liability insurance verification system under 61-6-309 submits to the system a request that provides proof of
29 insurance valid at the time of arrest; ~~or~~
30 ~~_____ (b) if the system under 61-6-157 is not available, the person produces in court or the office of the~~

1 ~~arresting officer proof of insurance valid at the time of arrest.~~

2 (4) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the
3 officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve the
4 complaint and notice to appear on the owner of the vehicle:

5 (a) personally; or

6 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration
7 receipt for the vehicle or, following query through available law enforcement systems, at the address maintained
8 for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

9 (5) (a) Except as provided in subsection (5)(b), an operator charged with violating 61-6-301 because of
10 failure to carry or exhibit proof of compliance required by subsection (2) shall surrender the vehicle's license
11 plates to the charging officer.

12 (b) If an officer or authorized employee of a law enforcement agency submits to the insurance verification
13 system under 61-6-309 a request that provides proof of insurance valid at the time of the violation, the charging
14 officer may not require surrender of the license plates.

15 (c) The license plates of an operator not convicted of an offense under 61-6-301 or this section must be
16 returned upon proof of insurance provided in court or the office of the charging officer.

17 (d) The license plates of an operator convicted of:

18 (i) a first offense under 61-6-301 or this section must be returned upon payment of all fines pursuant to
19 61-6-304 and proof of compliance with 61-6-301 provided in court;

20 (ii) a second or subsequent offense under 61-6-301 or this section must be returned pursuant to
21 61-6-304."

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